

**Iowa Department of Natural Resources  
Title V Operating Permit**

**Name of Permitted Facility: Ram Development**

**Facility Location: Portable**

**Air Quality Operating Permit Number: 18-TV-005-M001**

**Expiration Date: June 10, 2023**

**Permit Renewal Application Deadline: December 10, 2022**

**EIQ Number: 92-6984**

**Facility File Number: PP-183-000**

**Responsible Official**

**Name: Mr. Andy Holt**

**Title: President**

**Mailing Address: 2507 East 21st Street, Des Moines, IA 50317**

**Phone #: (515) 371-3239**

**Permit Contact Person for the Facility**

**Name: Mr. Andy Holt**

**Title: President**

**Mailing Address: 2507 East 21st Street, Des Moines, IA 50317**

**Phone #: (515) 371-3239**

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This permit is issued in accordance with 567 Iowa Administrative Code Chapter 22, and is issued subject to the terms and conditions contained in this permit.

**For the Director of the Department of Natural Resources**

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Lori Hanson

Supervisor of Air Operating Permits Section

Date

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## Abbreviations

acfm.....	actual cubic feet per minute
CFR.....	Code of Federal Regulation
CE .....	control equipment
CEM.....	continuous emission monitor
°F.....	degrees Fahrenheit
EIQ.....	emissions inventory questionnaire
EP .....	emission point
EU .....	emission unit
gr./dscf .....	grains per dry standard cubic foot
IAC.....	Iowa Administrative Code
DNR .....	Iowa Department of Natural Resources
MVAC.....	motor vehicle air conditioner
NAICS.....	North American Industry Classification System
NSPS .....	new source performance standard
NESHAP.....	National Emission Standards for Hazardous Air Pollutants
ppmv .....	parts per million by volume
lb./hr .....	pounds per hour
lb./MMBtu .....	pounds per million British thermal units
SCC.....	Source Classification Codes
scfm.....	standard cubic feet per minute
SIC .....	Standard Industrial Classification
TPY.....	tons per year
USEPA.....	United States Environmental Protection Agency

### Pollutants

PM.....	particulate matter
PM <sub>10</sub> .....	particulate matter 10 microns or less in diameter
PM <sub>2.5</sub> .....	particulate matter 2.5 microns or less in diameter
SO <sub>2</sub> .....	sulfur dioxide
NO <sub>x</sub> .....	nitrogen oxides
VOC .....	volatile organic compound
CO.....	carbon monoxide
HAP.....	hazardous air pollutant

# I. Facility Description and Equipment List

Facility Name: Ram Development

Permit Number: 18-TV-005-M001

Facility Description: Refuse Systems - Incinerator Operation (SIC 4953)

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## Equipment List<sup>(1)</sup>

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<b>Emission Point Number</b>	<b>Emission Unit Number</b>	<b>Emission Unit Description</b>	<b>DNR Construction Permit Number</b>
EP 1	EU 1	Air Curtain Incinerator	14-A-464

<sup>(1)</sup> Pursuant to 567 IAC 22.101(1)"c" and 101(2) any source that is required to obtain a Title V operating permit solely because of an NSPS requirement, and which is not a major source, is required to obtain a Title V permit only for the emission unit(s) and related equipment causing the source to be subject to the Title V program. There may be other emission units at this facility that are not included in the Title V operating permit.

## II. Plant-Wide Conditions

Facility Name: Ram Development  
Permit Number: 18-TV-005-M001

Permit conditions are established in accord with 567 Iowa Administrative Code rule 22.108

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### Permit Duration

The term of this permit is: Five (5) years.  
Commencing on: June 11, 2018  
Ending on: June 10, 2023

Amendments, modifications and reopenings of the permit shall be obtained in accordance with 567 Iowa Administrative Code rules 22.110 - 22.114. Permits may be suspended, terminated, or revoked as specified in 567 Iowa Administrative Code Rules 22.115.

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### Emission Limits

*Unless specified otherwise in the Source Specific Conditions, the following limitations and supporting regulations apply to all emission points at this plant:*

Opacity (visible emissions): 40% opacity  
Authority for Requirement: 567 IAC 23.3(2)"d"

Sulfur Dioxide (SO<sub>2</sub>): 500 parts per million by volume  
Authority for Requirement: 567 IAC 23.3(3)"e"

#### Particulate Matter:

No person shall cause or allow the emission of particulate matter from any source in excess of the emission standards specified in this chapter, except as provided in 567 – Chapter 24. For sources constructed, modified or reconstructed on or after July 21, 1999, the emission of particulate matter from any process shall not exceed an emission standard of 0.1 grain per dry standard cubic foot of exhaust gas, except as provided in 567 – 21.2(455B), 23.1(455B), 23.4(455B) and 567 – Chapter 24.

For sources constructed, modified or reconstructed prior to July 21, 1999, the emission of particulate matter from any process shall not exceed the amount determined from Table I, or amount specified in a permit if based on an emission standard of 0.1 grain per standard cubic foot of exhaust gas or established from standards provided in 23.1(455B) and 23.4(455B).

Authority for Requirement: 567 IAC 23.3(2)"a"

Fugitive Dust: Attainment and Unclassified Areas - A person shall take reasonable precautions to prevent particulate matter from becoming airborne in quantities sufficient to cause a nuisance as defined in Iowa Code section 657.1 when the person allows, causes or permits any materials to be handled, transported or stored or a building, its appurtenances or a construction haul road to

be used, constructed, altered, repaired or demolished, with the exception of farming operations or dust generated by ordinary travel on unpaved roads. Ordinary travel includes routine traffic and road maintenance activities such as scarifying, compacting, transporting road maintenance surfacing material, and scraping of the unpaved public road surface. (the preceding sentence is State Only) All persons, with the above exceptions, shall take reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property on which the emissions originate. The public highway authority shall be responsible for taking corrective action in those cases where said authority has received complaints of or has actual knowledge of dust conditions which require abatement pursuant to this subrule. Reasonable precautions may include, but not be limited to, the following procedures.

1. Use, where practical, of water or chemicals for control of dusts in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land.
2. Application of suitable materials, such as but not limited to asphalt, oil, water or chemicals on unpaved roads, material stockpiles, race tracks and other surfaces which can give rise to airborne dusts.
3. Installation and use of containment or control equipment, to enclose or otherwise limit the emissions resulting from the handling and transfer of dusty materials, such as but not limited to grain, fertilizer or limestone.
4. Covering, at all times when in motion, open-bodied vehicles transporting materials likely to give rise to airborne dusts.
5. Prompt removal of earth or other material from paved streets or to which earth or other material has been transported by trucking or earth-moving equipment, erosion by water or other means.
6. Reducing the speed of vehicles traveling over on-property surfaces as necessary to minimize the generation of airborne dusts.

Authority for Requirement: 567 IAC 23.3(2)"c"

#### Notification of Equipment Relocation:

When portable equipment is to be transferred from one location to another, the Department shall be notified by writing:

1. At least fourteen (14) days before equipment relocation if the equipment will be located in a nonattainment area for the National Ambient Air Quality Standards (NAAQS) or a maintenance area for the NAAQS;
2. At least seven (7) days before equipment relocation.

Authority for Requirement: DNR Construction Permit 14-A-464  
567 IAC 22.3(3)"f"

#### Prohibited Locations:

This portable air curtain incinerator cannot be relocated to or operated in Polk County or Linn County unless the following conditions are met.

1. Polk County: Apply for and obtain a Polk County Operating Permit prior to relocating to or operating in Polk County.

It shall be unlawful for any person, as defined in this chapter, to sell within the county, or to install within the county, any device intended for use as a refuse burner or incinerator, except when the owner or operator of such device has met the provisions herein and those specified in article X of this chapter.

Authority for Requirements: Polk County Board of Health Rules and Regulations - Chapter V, Air Pollution, Article III. Incineration and Open Burning, Section 5-5 Incinerators Prohibited.

2. Linn County: Apply for and obtain a Linn County construction (authorization to install) permit and a final operating (permit to operate) permit prior to relocating to or operating in Linn County.

Authority for Requirements: Linn County Code of Ordinances, Chapter 10 - Environment, Article III - Air Quality, Section 10-58 - Locally Required Permits, subsections (b) and (e).

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### III. Emission Point-Specific Conditions

Facility Name: Ram Development  
Permit Number: 18-TV-005-M001

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#### **Emission Point ID Number: EP 1**

##### Associated Equipment

Associated Emission Unit ID Numbers: EU 1

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Emission Unit vented through this Emission Point: EU 1  
Emission Unit Description: Air Curtain Incinerator  
Raw Material/Fuel: Wood Waste, Untreated Wood and Wood Product  
Rated Capacity: 8 ton/hr

#### **Applicable Requirements**

##### **Emission Limits (lb./hr, gr./dscf, lb./MMBtu, % opacity, etc.)**

*The emissions from this emission point shall not exceed the levels specified below.*

Pollutant: Opacity

Emission Limit(s): 10%<sup>(1)</sup>

Authority for Requirement: DNR Construction Permit 14-A-464  
40 CFR 60 Subpart CCCC  
567 IAC 23.1(2)"vvv"

<sup>(1)</sup>Except during startup, the opacity shall not exceed 10% on a six-minute average. The opacity limit is 35% (on a 6-minute average) during the startup period that is within the first 30 minutes of operation. The opacity limits apply at all times except during malfunctions.

Pollutant: Particulate Matter (PM<sub>2.5</sub>)

Emission Limit(s): 3.8 lb/hr

Authority for Requirement: DNR Construction Permit 14-A-464

Pollutant: Particulate Matter (PM<sub>10</sub>)

Emission Limit(s): 4.2 lb/hr

Authority for Requirement: DNR Construction Permit 14-A-464

Pollutant: Particulate Matter (PM)

Emission Limit(s): 0.2 gr/dscf adjusted to 12% carbon dioxide

Authority for Requirement: DNR Construction Permit 14-A-464  
567 IAC 23.4(12)

Pollutant: Sulfur Dioxide (SO<sub>2</sub>)  
Emission Limit(s): 500 ppmv  
Authority for Requirement: DNR Construction Permit 14-A-464  
567 IAC 23.3(3)"e"

Pollutant: Nitrogen Oxides (NO<sub>x</sub>)  
Emission Limit(s): 32 lb/hr  
Authority for Requirement: DNR Construction Permit 14-A-464

Pollutant: Carbon Monoxide (CO)  
Emission Limit(s): 56 lb/hr  
Authority for Requirement: DNR Construction Permit 14-A-464

### **Operational Limits & Requirements**

*The owner/operator of this equipment shall comply with the operational limits and requirements listed below.*

#### **Operating Limits**

- A. The emissions unit shall operate only between the hours of 6:00 am to 8:00 pm.
- B. This unit shall not operate more than 500 hours within 1300 feet of any location where this unit has operated within the last 12 months.
- C. This number of hours this unit is operated shall not exceed 2000 hours per 12-month rolling period.
- D. The emissions unit shall be used to burn only 100% wood waste, 100% clean lumber or 100% mixture of wood waste, clean lumber and/or yard waste. Wood waste is untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings and shavings. Clean lumber means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Yard waste means grass, grass clippings, bushes, shrubs and clippings from bushes and shrubs. Only yard waste incidental to land clearing is allowed.
- E. The emissions unit shall not burn the following materials:
  - a. Construction, renovation or demolition wastes.
  - b. Treated wood and treated wood products, including wood products that have been painted, pigment-stained, or pressure treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote or manufactured wood products that contain adhesives or resins (e.g. plywood, particle board, flake board, and orientated strand board.)
- F. The unit shall be installed, operated, and maintained in accordance with the recommendations and directions of the manufacturer.
- G. The unit shall be operated only by operators who have been properly trained.

#### **Reporting and Recordkeeping**

*All records as required by this permit shall be kept on-site for a minimum of five (5) years and shall be available for inspection by the DNR. Records shall be legible and maintained in an orderly manner.*

- A. The owner or operator shall maintain a daily record of the hours of operation (i.e. waste burning).
- B. The owner or operator shall maintain a record of the location and hours of operation (i.e. waste burning).
- C. The owner or operator shall maintain a record of the hours of operation. Calculate and record monthly and 12-month rolling totals.
- D. The owner or operator shall maintain a daily record on the types of materials burned in the unit.
- E. The owner or operator shall maintain a record of the initial and annual opacity tests for at least 5 years. These records must be maintained on site for at least 2 years and may be maintained off site for the remaining 3 years.
- F. The owner or operator must submit the results of initial opacity test to the Iowa DNR Air Quality Bureau no later than 60 days following the initial test. The owner or operator must submit annual opacity test reports within 12 months following the previous report.

Authority for Requirement: DNR Construction Permit 14-A-464

### **NSPS Subpart CCCC Applicability**

This emissions unit is subject to the requirements of 40 CFR Part 60, Subpart CCCC, Standards of Performance for Commercial and Industrial Solid Waste Incineration Units. In accordance with §60.2245(b), because the unit will burn only wood waste, clean lumber, and a combination of wood waste, clean lumber and yard waste, the unit is required to meet only the requirements in §60.2245 through §60.2260 and is exempt from all other requirements of subpart CCCC. In accordance with §60.2242, the owner/operator of this air curtain incinerator is subject to the requirements of obtaining a Title V operating permit.

Authority for Requirement: DNR Construction Permit 14-A-464  
 40 CFR 60 Subpart CCCC  
 567 IAC 23.1(2)"vuv"

### **Administrative Consent Order**

Ram Development has entered into an Administrative Consent Order (ACO) with the Iowa Department of Natural Resources for the purpose of resolving alleged illegal open burning of combustible materials and non-compliance with Iowa Air Quality Construction Permit 14-A-464 and Title V Permit 18-TV-005. See attached ACO for complete and detailed requirements.

- A. Ram Development shall comply with the prohibition of open burning requirements of section V.2 of Administrative Consent Order No. 2018-AQ-24 Amendment 1.
- B. Ram Development shall comply with the prohibition of burning landscape waste requirements of section V.3 of Administrative Consent Order No. 2018-AQ-24 Amendment 1.
- C. Ram Development shall comply with the opacity stack testing compliance requirements of section V.5 of Administrative Consent Order No. 2018-AQ-24 Amendment 1.
- D. Ram Development shall comply with the Operations and Maintenance (O&M) Plan in Exhibit A of Administrative Consent Order No. 2018-AQ-24 Amendment 1.

Authority for Requirement: Administrative Consent Order No. 2018-AQ-24 Amendment 1  
567 IAC 22.108(1)

**Emission Point Characteristics**

*The emission point shall conform to the specifications listed below.*

Stack Height, (ft, from the ground): 6  
Stack Opening, (inches, dia.): 144×48  
Exhaust Flow Rate (scfm): 9,400  
Exhaust Temperature (°F): 900  
Discharge Style: Vertical, Unobstructed  
Authority for Requirement: DNR Construction Permit 14-A-464

The temperature and flowrate are intended to be representative and characteristic of the design of the permitted emission point. The Department recognizes that the temperature and flow rate may vary with changes in the process and ambient conditions. If it is determined that either the temperature or flowrate above are different than the values stated, the owner or operator shall submit a request to the Department within thirty (30) days of the discovery to determine if a permit amendment is required or submit a permit application requesting to amend the permit.

**Monitoring Requirements**

*The owner/operator of this equipment shall comply with the monitoring requirements listed below.*

**Stack Testing:**

Pollutant – Opacity

The facility shall conduct annual testing on opacity. This test shall be conducted no more than 12 months following the date of the previous test. If the unit has been out of operation more than 12 months following the date of the previous test, a test for opacity must be conducted upon startup.

Test Method - 40 CFR 60, Appendix A, Method 9

Averaging Time - The average of three 1-hour blocks consisting of ten 6-minute average opacity values

Authority for Requirement: DNR Construction Permit 14-A-464  
40 CFR 60 Subpart CCCC  
567 IAC 23.1(2)"vvv"

*The owner of this equipment or the owner's authorized agent shall provide written notice to the Director, not less than 30 days before a required stack test or performance evaluation of a continuous emission monitor. Results of the test shall be submitted in writing to the Director in the form of a comprehensive report within 6 weeks of the completion of the testing. 567 IAC 25.1(7)*

**Agency Approved Operation & Maintenance Plan Required?**

Yes  No

**Facility Maintained Operation & Maintenance Plan Required?**

Yes  No

**Compliance Assurance Monitoring (CAM) Plan Required?**

Yes  No

Authority for Requirement: 567 IAC 22.108(3)

## IV. General Conditions

This permit is issued under the authority of the Iowa Code subsection 455B.133(8) and in accordance with 567 Iowa Administrative Code chapter 22.

### G1. Duty to Comply

1. The permittee must comply with all conditions of the Title V permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for a permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. *567 IAC 22.108(9)"a"*
2. Any compliance schedule shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based. *567 IAC 22.105 (2)"h"(3)*
3. Where an applicable requirement of the Act is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act, both provisions shall be enforceable by the administrator and are incorporated into this permit. *567 IAC 22.108 (1)"b"*
4. Unless specified as either "state enforceable only" or "local program enforceable only", all terms and conditions in the permit, including provisions to limit a source's potential to emit, are enforceable by the administrator and citizens under the Act. *567 IAC 22.108 (14)*
5. It shall not be a defense for a permittee, in an enforcement action, that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit. *567 IAC 22.108 (9)"b"*
6. For applicable requirements with which the permittee is in compliance, the permittee shall continue to comply with such requirements. For applicable requirements that will become effective during the permit term, the permittee shall meet such requirements on a timely basis. *567 IAC 22.108(15)"c"*

### G2. Permit Expiration

1. Except as provided in rule 567—22.104(455B), permit expiration terminates a source's right to operate unless a timely and complete application for renewal has been submitted in accordance with rule 567—22.105(455B). *567 IAC 22.116(2)*
2. To be considered timely, the owner, operator, or designated representative (where applicable) of each source required to obtain a Title V permit shall submit on forms or electronic format specified by the Department to the Air Quality Bureau, Iowa Department of Natural Resources, Air Quality Bureau, Wallace State Office Building, 502 E 9th St., Des Moines, IA 50319-0034, two copies (three if your facility is located in Linn or Polk county) of a complete permit application, at least 6 months but not more than 18 months prior to the date of permit expiration. An additional copy must also be sent to U.S. EPA Region VII, Attention: Chief of Air Permitting & Standards Branch, 11201 Renner Blvd., Lenexa, KS 66219. Additional copies to local programs or EPA are not required for application materials submitted through the electronic format specified by the Department. The application must include all emission points, emission units, air pollution control equipment, and monitoring devices at the facility. All emissions generating activities, including fugitive emissions, must be included. The definition of a complete application is as indicated in 567 IAC 22.105(2). *567 IAC 22.105*

### G3. Certification Requirement for Title V Related Documents

Any application, report, compliance certification or other document submitted pursuant to this permit shall contain certification by a responsible official of truth, accuracy, and completeness. All certifications shall state that, based on information and belief formed after reasonable

inquiry, the statements and information in the document are true, accurate, and complete. 567 IAC 22.107 (4)

#### **G4. Annual Compliance Certification**

By March 31 of each year, the permittee shall submit compliance certifications for the previous calendar year. The certifications shall include descriptions of means to monitor the compliance status of all emissions sources including emissions limitations, standards, and work practices in accordance with applicable requirements. The certification for a source shall include the identification of each term or condition of the permit that is the basis of the certification; the compliance status; whether compliance was continuous or intermittent; the method(s) used for determining the compliance status of the source, currently and over the reporting period consistent with all applicable department rules. For sources determined not to be in compliance at the time of compliance certification, a compliance schedule shall be submitted which provides for periodic progress reports, dates for achieving activities, milestones, and an explanation of why any dates were missed and preventive or corrective measures. The compliance certification shall be submitted to the administrator, director, and the appropriate DNR Field office. 567 IAC 22.108 (15)"e"

#### **G5. Semi-Annual Monitoring Report**

By March 31 and September 30 of each year, the permittee shall submit a report of any monitoring required under this permit for the 6 month periods of July 1 to December 31 and January 1 to June 30, respectively. All instances of deviations from permit requirements must be clearly identified in these reports, and the report must be signed by a responsible official, consistent with 567 IAC 22.107(4). The semi-annual monitoring report shall be submitted to the director and the appropriate DNR Field office. 567 IAC 22.108 (5)

#### **G6. Annual Fee**

1. The permittee is required under subrule 567 IAC 22.106 to pay an annual fee based on the total tons of actual emissions of each regulated air pollutant. Beginning July 1, 1996, Title V operating permit fees will be paid on July 1 of each year. The fee shall be based on emissions for the previous calendar year.
2. The fee amount shall be calculated based on the first 4,000 tons of each regulated air pollutant emitted each year. The fee to be charged per ton of pollutant will be available from the department by June 1 of each year. The Responsible Official will be advised of any change in the annual fee per ton of pollutant.
3. The emissions inventory shall be submitted annually by March 31 with forms specified by the department documenting actual emissions for the previous calendar year.
4. The fee shall be submitted annually by July 1 with forms specified by the department.
5. If there are any changes to the emission calculation form, the department shall make revised forms available to the public by January 1. If revised forms are not available by January 1, forms from the previous year may be used and the year of emissions documented changed. The department shall calculate the total statewide Title V emissions for the prior calendar year and make this information available to the public no later than April 30 of each year.
6. Phase I acid rain affected units under section 404 of the Act shall not be required to pay a fee for emissions which occur during the years 1993 through 1999 inclusive.
7. The fee for a portable emissions unit or stationary source which operates both in Iowa and out of state shall be calculated only for emissions from the source while operating in Iowa.
8. Failure to pay the appropriate Title V fee represents cause for revocation of the Title V permit as indicated in 567 IAC 22.115(1)"d".

### **G7. Inspection of Premises, Records, Equipment, Methods and Discharges**

Upon presentation of proper credentials and any other documents as may be required by law, the permittee shall allow the director or the director's authorized representative to:

1. Enter upon the permittee's premises where a Title V source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
3. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
4. Sample or monitor, at reasonable times, substances or parameters for the purpose of ensuring compliance with the permit or other applicable requirements. *567 IAC 22.108 (15)"b"*

### **G8. Duty to Provide Information**

The permittee shall furnish to the director, within a reasonable time, any information that the director may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee also shall furnish to the director copies of records required to be kept by the permit, or for information claimed to be confidential, the permittee shall furnish such records directly to the administrator of EPA along with a claim of confidentiality. *567 IAC 22.108 (9)"e"*

### **G9. General Maintenance and Repair Duties**

The owner or operator of any air emission source or control equipment shall:

1. Maintain and operate the equipment or control equipment at all times in a manner consistent with good practice for minimizing emissions.
2. Remedy any cause of excess emissions in an expeditious manner.
3. Minimize the amount and duration of any excess emission to the maximum extent possible during periods of such emissions. These measures may include but not be limited to the use of clean fuels, production cutbacks, or the use of alternate process units or, in the case of utilities, purchase of electrical power until repairs are completed.
4. Schedule, at a minimum, routine maintenance of equipment or control equipment during periods of process shutdowns to the maximum extent possible. *567 IAC 24.2(1)*

### **G10. Recordkeeping Requirements for Compliance Monitoring**

1. In addition to any source specific recordkeeping requirements contained in this permit, the permittee shall maintain the following compliance monitoring records, where applicable:

- a. The date, place and time of sampling or measurements
- b. The date the analyses were performed.
- c. The company or entity that performed the analyses.
- d. The analytical techniques or methods used.
- e. The results of such analyses; and
- f. The operating conditions as existing at the time of sampling or measurement.
- g. The records of quality assurance for continuous compliance monitoring systems (including but not limited to quality control activities, audits and calibration drifts.)

2. The permittee shall retain records of all required compliance monitoring data and support information for a period of at least 5 years from the date of compliance monitoring sample, measurement report or application. Support information includes all calibration and maintenance records and all original strip chart recordings for continuous compliance monitoring, and copies of all reports required by the permit.

3. For any source which in its application identified reasonably anticipated alternative operating scenarios, the permittee shall:

- a. Comply with all terms and conditions of this permit specific to each alternative scenario.
- b. Maintain a log at the permitted facility of the scenario under which it is operating.
- c. Consider the permit shield, if provided in this permit, to extend to all terms and conditions under each operating scenario. *567 IAC 22.108(4), 567 IAC 22.108(12)*

**G11. Evidence used in establishing that a violation has or is occurring.**

Notwithstanding any other provisions of these rules, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any provisions herein.

1. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at a source:
  - a. A monitoring method approved for the source and incorporated in an operating permit pursuant to 567 Chapter 22;
  - b. Compliance test methods specified in 567 Chapter 25; or
  - c. Testing or monitoring methods approved for the source in a construction permit issued pursuant to 567 Chapter 22.
2. The following testing, monitoring or information gathering methods are presumptively credible testing, monitoring, or information gathering methods:
  - a. Any monitoring or testing methods provided in these rules; or
  - b. Other testing, monitoring, or information gathering methods that produce information comparable to that produced by any method in subrule 21.5(1) or this subrule. *567 IAC 21.5(1)-567 IAC 21.5(2)*

**G12. Prevention of Accidental Release: Risk Management Plan Notification and Compliance Certification**

If the permittee is required to develop and register a risk management plan pursuant to section 112(r) of the Act, the permittee shall notify the department of this requirement. The plan shall be filed with all appropriate authorities by the deadline specified by EPA. A certification that this risk management plan is being properly implemented shall be included in the annual compliance certification of this permit. *567 IAC 22.108(6)*

**G13. Hazardous Release**

The permittee must report any situation involving the actual, imminent, or probable release of a hazardous substance into the atmosphere which, because of the quantity, strength and toxicity of the substance, creates an immediate or potential danger to the public health, safety or to the environment. A verbal report shall be made to the department at (515) 725-8694 and to the local police department or the office of the sheriff of the affected county as soon as possible but not later than six hours after the discovery or onset of the condition. This verbal report must be followed up with a written report as indicated in 567 IAC 131.2(2). *567 IAC Chapter 131-State Only*

**G14. Excess Emissions and Excess Emissions Reporting Requirements**

1. Excess Emissions. Excess emission during a period of startup, shutdown, or cleaning of control equipment is not a violation of the emission standard if the startup, shutdown or cleaning is accomplished expeditiously and in a manner consistent with good practice for minimizing emissions. Cleaning of control equipment which does not require the shutdown of the process equipment shall be limited to one six-minute period per one-hour period. An incident of excess emission (other than an incident during startup, shutdown or cleaning of control equipment) is a violation. If the owner or operator of a source maintains that the incident of excess emission was due to a malfunction, the owner or operator must show that the conditions which caused the incident of excess emission were not preventable by reasonable maintenance and control

measures. Determination of any subsequent enforcement action will be made following review of this report. If excess emissions are occurring, either the control equipment causing the excess emission shall be repaired in an expeditious manner or the process generating the emissions shall be shutdown within a reasonable period of time. An expeditious manner is the time necessary to determine the cause of the excess emissions and to correct it within a reasonable period of time. A reasonable period of time is eight hours plus the period of time required to shut down the process without damaging the process equipment or control equipment. A variance from this subrule may be available as provided for in Iowa Code section 455B.143. In the case of an electric utility, a reasonable period of time is eight hours plus the period of time until comparable generating capacity is available to meet consumer demand with the affected unit out of service, unless, the director shall, upon investigation, reasonably determine that continued operation constitutes an unjustifiable environmental hazard and issue an order that such operation is not in the public interest and require a process shutdown to commence immediately.

## 2. Excess Emissions Reporting

a. Initial Reporting of Excess Emissions. An incident of excess emission (other than an incident of excess emission during a period of startup, shutdown, or cleaning) shall be reported to the appropriate field office of the department within eight hours of, or at the start of the first working day following the onset of the incident. The reporting exemption for an incident of excess emission during startup, shutdown or cleaning does not relieve the owner or operator of a source with continuous monitoring equipment of the obligation of submitting reports required in 567-subrule 25.1(6). An initial report of excess emission is not required for a source with operational continuous monitoring equipment (as specified in 567-subrule 25.1(1) ) if the incident of excess emission continues for less than 30 minutes and does not exceed the applicable emission standard by more than 10 percent or the applicable visible emission standard by more than 10 percent opacity. The initial report may be made by electronic mail (E-mail), in person, or by telephone and shall include as a minimum the following:

- i. The identity of the equipment or source operation from which the excess emission originated and the associated stack or emission point.
- ii. The estimated quantity of the excess emission.
- iii. The time and expected duration of the excess emission.
- iv. The cause of the excess emission.
- v. The steps being taken to remedy the excess emission.
- vi. The steps being taken to limit the excess emission in the interim period.

b. Written Reporting of Excess Emissions. A written report of an incident of excess emission shall be submitted as a follow-up to all required initial reports to the department within seven days of the onset of the upset condition, and shall include as a minimum the following:

- i. The identity of the equipment or source operation point from which the excess emission originated and the associated stack or emission point.
- ii. The estimated quantity of the excess emission.
- iii. The time and duration of the excess emission.
- iv. The cause of the excess emission.
- v. The steps that were taken to remedy and to prevent the recurrence of the incident of excess emission.
- vi. The steps that were taken to limit the excess emission.

vii. If the owner claims that the excess emission was due to malfunction, documentation to support this claim. *567 IAC 24.1(1)-567 IAC 24.1(4)*

3. Emergency Defense for Excess Emissions. For the purposes of this permit, an “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include non-compliance, to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation or operator error. An emergency constitutes an affirmative defense to an action brought for non-compliance with technology based limitations if it can be demonstrated through properly signed contemporaneous operating logs or other relevant evidence that:

- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- b. The facility at the time was being properly operated;
- c. During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements of the permit; and
- d. The permittee submitted notice of the emergency to the director by certified mail within two working days of the time when the emissions limitations were exceeded due to the emergency. This notice fulfills the requirement of paragraph 22.108(5)"b." – See G15. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof. This provision is in addition to any emergency or upset provision contained in any applicable requirement. *567 IAC 22.108(16)*

#### **G15. Permit Deviation Reporting Requirements**

A deviation is any failure to meet a term, condition or applicable requirement in the permit. Reporting requirements for deviations that result in a hazardous release or excess emissions have been indicated above (see G13 and G14). Unless more frequent deviation reporting is specified in the permit, any other deviation shall be documented in the semi-annual monitoring report and the annual compliance certification (see G4 and G5). *567 IAC 22.108(5)"b"*

#### **G16. Notification Requirements for Sources That Become Subject to NSPS and NESHAP Regulations**

During the term of this permit, the permittee must notify the department of any source that becomes subject to a standard or other requirement under 567-subrule 23.1(2) (standards of performance of new stationary sources) or section 111 of the Act; or 567-subrule 23.1(3) (emissions standards for hazardous air pollutants), 567-subrule 23.1(4) (emission standards for hazardous air pollutants for source categories) or section 112 of the Act. This notification shall be submitted in writing to the department pursuant to the notification requirements in 40 CFR Section 60.7, 40 CFR Section 61.07, and/or 40 CFR Section 63.9. *567 IAC 23.1(2), 567 IAC 23.1(3), 567 IAC 23.1(4)*

#### **G17. Requirements for Making Changes to Emission Sources That Do Not Require Title V Permit Modification**

1. Off Permit Changes to a Source. Pursuant to section 502(b)(10) of the CAAA, the permittee may make changes to this installation/facility without revising this permit if:

- a. The changes are not major modifications under any provision of any program required by section 110 of the Act, modifications under section 111 of the act, modifications under section 112 of the act, or major modifications as defined in 567 IAC Chapter 22.
- b. The changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions);
- c. The changes are not modifications under any provisions of Title I of the Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or as total emissions);
- d. The changes are not subject to any requirement under Title IV of the Act (revisions affecting Title IV permitting are addressed in rules 567—22.140(455B) through 567 - 22.144(455B));
- e. The changes comply with all applicable requirements.
- f. For each such change, the permitted source provides to the department and the administrator by certified mail, at least 30 days in advance of the proposed change, a written notification, including the following, which must be attached to the permit by the source, the department and the administrator:
  - i. A brief description of the change within the permitted facility,
  - ii. The date on which the change will occur,
  - iii. Any change in emission as a result of that change,
  - iv. The pollutants emitted subject to the emissions trade
  - v. If the emissions trading provisions of the state implementation plan are invoked, then Title V permit requirements with which the source shall comply; a description of how the emissions increases and decreases will comply with the terms and conditions of the Title V permit.
  - vi. A description of the trading of emissions increases and decreases for the purpose of complying with a federally enforceable emissions cap as specified in and in compliance with the Title V permit; and
  - vii. Any permit term or condition no longer applicable as a result of the change.

*567 IAC 22.110(1)*

- 2. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), record keeping, reporting, or compliance certification requirements. *567 IAC 22.110(2)*
- 3. Notwithstanding any other part of this rule, the director may, upon review of a notice, require a stationary source to apply for a Title V permit if the change does not meet the requirements of subrule 22.110(1). *567 IAC 22.110(3)*
- 4. The permit shield provided in subrule 22.108(18) shall not apply to any change made pursuant to this rule. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the state implementation plan authorizing the emissions trade. *567 IAC 22.110(4)*
- 5. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes, for changes that are provided for in this permit. *567 IAC 22.108(11)*

### **G18. Duty to Modify a Title V Permit**

#### **1. Administrative Amendment.**

- a. An administrative permit amendment is a permit revision that does any of the following:

- i. Correct typographical errors
    - ii. Identify a change in the name, address, or telephone number of any person identified in the permit, or provides a similar minor administrative change at the source;
    - iii. Require more frequent monitoring or reporting by the permittee; or
    - iv. Allow for a change in ownership or operational control of a source where the director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittee has been submitted to the director.
  - b. The permittee may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request. The request shall be submitted to the director.
  - c. Administrative amendments to portions of permits containing provisions pursuant to Title IV of the Act shall be governed by regulations promulgated by the administrator under Title IV of the Act.
2. Minor Title V Permit Modification.
- a. Minor Title V permit modification procedures may be used only for those permit modifications that satisfy all of the following:
    - i. Do not violate any applicable requirement;
    - ii. Do not involve significant changes to existing monitoring, reporting or recordkeeping requirements in the Title V permit;
    - iii. Do not require or change a case by case determination of an emission limitation or other standard, or an increment analysis;
    - iv. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed in order to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include any federally enforceable emissions caps which the source would assume to avoid classification as a modification under any provision under Title I of the Act; and an alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Act;
    - v. Are not modifications under any provision of Title I of the Act; and
    - vi. Are not required to be processed as significant modification under rule 567 - 22.113(455B).
  - b. An application for minor permit revision shall be on the minor Title V modification application form and shall include at least the following:
    - i. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
    - ii. The permittee's suggested draft permit;
    - iii. Certification by a responsible official, pursuant to 567 IAC 22.107(4), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
    - iv. Completed forms to enable the department to notify the administrator and the affected states as required by 567 IAC 22.107(7).
  - c. The permittee may make the change proposed in its minor permit modification application immediately after it files the application. After the permittee makes this

change and until the director takes any of the actions specified in 567 IAC 22.112(4) "a" to "c", the permittee must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time, the permittee need not comply with the existing permit terms and conditions it seeks to modify. However, if the permittee fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against the facility.

### 3. Significant Title V Permit Modification.

Significant Title V modification procedures shall be used for applications requesting Title V permit modifications that do not qualify as minor Title V modifications or as administrative amendments. These include but are not limited to all significant changes in monitoring permit terms, every relaxation of reporting or recordkeeping permit terms, and any change in the method of measuring compliance with existing requirements. Significant Title V modifications shall meet all requirements of 567 IAC Chapter 22, including those for applications, public participation, review by affected states, and review by the administrator, as those requirements that apply to Title V issuance and renewal.

The permittee shall submit an application for a significant permit modification not later than three months after commencing operation of the changed source unless the existing Title V permit would prohibit such construction or change in operation, in which event the operation of the changed source may not commence until the department revises the permit. *567 IAC 22.111-567 IAC 22.113*

#### **G19. Duty to Obtain Construction Permits**

Unless exempted in 567 IAC 22.1(2) or to meet the parameters established in 567 IAC 22.1(1)"c", the permittee shall not construct, install, reconstruct or alter any equipment, control equipment or anaerobic lagoon without first obtaining a construction permit, or conditional permit, or permit pursuant to rule 567 IAC 22.8, or permits required pursuant to rules 567 IAC 22.4, 567 IAC 22.5, 567 IAC 31.3, and 567 IAC 33.3 as required in 567 IAC 22.1(1). A permit shall be obtained prior to the initiation of construction, installation or alteration of any portion of the stationary source or anaerobic lagoon. *567 IAC 22.1(1)*

#### **G20. Asbestos**

The permittee shall comply with 567 IAC 23.1(3)"a", and 567 IAC 23.2(3)"g" when activities involve asbestos mills, surfacing of roadways, manufacturing operations, fabricating, insulating, waste disposal, spraying applications, demolition and renovation operations (*567 IAC 23.1(3)"a"*); training fires and controlled burning of a demolished building (*567 IAC 23.2*).

#### **G21. Open Burning**

The permittee is prohibited from conducting open burning, except as provided in 567 IAC 23.2. *567 IAC 23.2 except 23.2(3)"j"; 567 IAC 23.2(3)"j" - State Only*

#### **G22. Acid Rain (Title IV) Emissions Allowances**

The permittee shall not exceed any allowances that it holds under Title IV of the Act or the regulations promulgated there under. Annual emissions of sulfur dioxide in excess of the number of allowances to emit sulfur dioxide held by the owners and operators of the unit or the designated representative of the owners and operators is prohibited. Exceedences of applicable emission rates are prohibited. "Held" in this context refers to both those allowances assigned to the owners and operators by USEPA, and those allowances supplementally acquired by the owners and operators. The use of any allowance prior to the year for which it was allocated is prohibited. Contravention of any other provision of the permit is prohibited. *567 IAC 22.108(7)*

### **G23. Stratospheric Ozone and Climate Protection (Title VI) Requirements**

1. The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
  - a. All containers in which a class I or class II substance is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to § 82.106.
  - b. The placement of the required warning statement must comply with the requirements pursuant to § 82.108.
  - c. The form of the label bearing the required warning statement must comply with the requirements pursuant to § 82.110.
  - d. No person may modify, remove, or interfere with the required warning statement except as described in § 82.112.
2. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for MVACs in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to § 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to § 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to § 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with reporting and recordkeeping requirements pursuant to § 82.166. ("MVAC-like appliance" as defined at § 82.152)
  - e. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to § 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to § 82.166.
3. If the permittee manufactures, transforms, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR part 82, Subpart A, Production and Consumption Controls.
4. If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners. The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant,
5. The permittee shall be allowed to switch from any ozone-depleting or greenhouse gas generating substances to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR part 82, Subpart G, Significant New Alternatives Policy Program. *40 CFR part 82*

### **G24. Permit Reopenings**

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or

termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. *567 IAC 22.108(9)"c"*

2. Additional applicable requirements under the Act become applicable to a major part 70 source with a remaining permit term of 3 or more years. Revisions shall be made as expeditiously as practicable, but not later than 18 months after the promulgation of such standards and regulations.

a. Reopening and revision on this ground is not required if the permit has a remaining term of less than three years;

b. 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.

c. Reopening and revision on this ground is not required if the additional applicable requirements are implemented in a general permit that is applicable to the source and the source receives approval for coverage under that general permit. *567 IAC 22.108(17)"a"*, *567 IAC 22.108(17)"b"*

3. A permit shall be reopened and revised under any of the following circumstances:

a. The department receives notice that the administrator has granted a petition for disapproval of a permit pursuant to 40 CFR 70.8(d) as amended to July 21, 1992, provided that the reopening may be stayed pending judicial review of that determination;

b. The department or the administrator determines that the Title V permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the Title V permit;

c. Additional applicable requirements under the Act become applicable to a Title V source, provided that the reopening on this ground is not required if the permit has a remaining term of less than three years, the effective date of the requirement is later than the date on which the permit is due to expire, or the additional applicable requirements are implemented in a general permit that is applicable to the source and the source receives approval for coverage under that general permit. Such a reopening shall be complete not later than 18 months after promulgation of the applicable requirement.

d. Additional requirements, including excess emissions requirements, become applicable to a Title IV affected source under the acid rain program. Upon approval by the administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

e. The department or the administrator determines that the permit must be revised or revoked to ensure compliance by the source with the applicable requirements. *567 IAC 22.114(1)*

4. Proceedings to reopen and reissue a Title V permit shall follow the procedures applicable to initial permit issuance and shall effect only those parts of the permit for which cause to reopen exists. *567 IAC 22.114(2)*

5. A notice of intent shall be provided to the Title V source at least 30 days in advance of the date the permit is to be reopened, except that the director may provide a shorter time period in the case of an emergency. *567 IAC 22.114(3)*

#### **G25. Permit Shield**

1. The director may expressly include in a Title V permit a provision stating that compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:

- a. Such applicable requirements are included and are specifically identified in the permit;  
or
  - b. The director, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.
2. A Title V permit that does not expressly state that a permit shield exists shall be presumed not to provide such a shield.
  3. A permit shield shall not alter or affect the following:
    - a. The provisions of Section 303 of the Act (emergency orders), including the authority of the administrator under that section;
    - b. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
    - c. The applicable requirements of the acid rain program, consistent with Section 408(a) of the Act;
    - d. The ability of the department or the administrator to obtain information from the facility pursuant to Section 114 of the Act. *567 IAC 22.108 (18)*

#### **G26. Severability**

The provisions of this permit are severable and if any provision or application of any provision is found to be invalid by this department or a court of law, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected by such finding. *567 IAC 22.108 (8)*

#### **G27. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege. *567 IAC 22.108 (9)"d"*

#### **G28. Transferability**

This permit is not transferable from one source to another. If title to the facility or any part of it is transferred, an administrative amendment to the permit must be sought consistent with the requirements of *567 IAC 22.111(1)*. *567 IAC 22.111 (1)"d"*

#### **G29. Disclaimer**

No review has been undertaken on the engineering aspects of the equipment or control equipment other than the potential of that equipment for reducing air contaminant emissions. *567 IAC 22.3(3)"c"*

#### **G30. Notification and Reporting Requirements for Stack Tests or Monitor Certification**

The permittee shall notify the department's stack test contact in writing not less than 30 days before a required test or performance evaluation of a continuous emission monitor is performed to determine compliance with applicable requirements of 567 – Chapter 23 or a permit condition. Such notice shall include the time, the place, the name of the person who will conduct the test and other information as required by the department. If the owner or operator does not provide timely notice to the department, the department shall not consider the test results or performance evaluation results to be a valid demonstration of compliance with applicable rules or permit conditions. Upon written request, the department may allow a notification period of less than 30 days. At the department's request, a pretest meeting shall be held not later than 15 days prior to conducting the compliance demonstration. A testing protocol shall be submitted to the department no later than 15 days before the owner or operator conducts the compliance demonstration. A representative of the department shall be permitted to witness the tests. Results of the tests shall be submitted in writing to the department's stack test contact in the form of a comprehensive report within six weeks of the completion of the testing. Compliance tests

conducted pursuant to this permit shall be conducted with the source operating in a normal manner at its maximum continuous output as rated by the equipment manufacturer, or the rate specified by the owner as the maximum production rate at which the source shall be operated. In cases where compliance is to be demonstrated at less than the maximum continuous output as rated by the equipment manufacturer, and it is the owner's intent to limit the capacity to that rating, the owner may submit evidence to the department that the source has been physically altered so that capacity cannot be exceeded, or the department may require additional testing, continuous monitoring, reports of operating levels, or any other information deemed necessary by the department to determine whether such source is in compliance.

Stack test notifications, reports and correspondence shall be sent to:

Stack Test Review Coordinator  
Iowa DNR, Air Quality Bureau  
Wallace State Office Building  
502 E 9<sup>th</sup> St.  
Des Moines, IA 50319-0034  
(515) 725-9526

Within Polk and Linn Counties, stack test notifications, reports and correspondence shall also be directed to the supervisor of the respective county air pollution program.

*567 IAC 25.1(7)"a", 567 IAC 25.1(9)*

### **G31. Prevention of Air Pollution Emergency Episodes**

The permittee shall comply with the provisions of 567 IAC Chapter 26 in the prevention of excessive build-up of air contaminants during air pollution episodes, thereby preventing the occurrence of an emergency due to the effects of these contaminants on the health of persons.

*567 IAC 26.1(1)*

**G32. Contacts List**

The current address and phone number for reports and notifications to the EPA administrator is:

Iowa Compliance Officer  
Air Branch  
Enforcement and Compliance Assurance Division  
U.S. EPA Region 7  
11201 Renner Blvd.  
Lenexa, KS 66219  
(913) 551-7020

The current address and phone number for reports and notifications to the department or the Director is:

Chief, Air Quality Bureau  
Iowa Department of Natural Resources  
Wallace State Office Building  
502 E 9<sup>th</sup> St.  
Des Moines, IA 50319-0034  
(515) 725-8200

Reports or notifications to the DNR Field Offices or local programs shall be directed to the supervisor at the appropriate field office or local program. Current addresses and phone numbers are:

**Field Office 1**

909 West Main – Suite 4  
Manchester, IA 52057  
(563) 927-2640

**Field Office 2**

2300-15th St., SW  
Mason City, IA 50401  
(641) 424-4073

**Field Office 3**

1900 N. Grand Ave.  
Spencer, IA 51301  
(712) 262-4177

**Field Office 4**

1401 Sunnyside Lane  
Atlantic, IA 50022  
(712) 243-1934

**Field Office 5**

Wallace State Office Building  
502 E 9<sup>th</sup> St.  
Des Moines, IA 50319-0034  
(515) 725-0268

**Field Office 6**

1023 West Madison Street  
Washington, IA 52353-1623  
(319) 653-2135

**Polk County Public Works Dept.**

Air Quality Division  
5885 NE 14th St.  
Des Moines, IA 50313  
(515) 286-3351

**Linn County Public Health**

Air Quality Branch  
501 13th St., NW  
Cedar Rapids, IA 52405  
(319) 892-6000

## **V. Appendix A – Links to NSPS Regulations**

A. 40 CFR Part 60 Subpart A – *General Provisions*

<https://www.ecfr.gov/cgi-bin/text-idx?node=sp40.7.60.a>

B. 40 CFR Part 60 Subpart CCCC – *Standards of Performance for Commercial and Industrial Solid Waste Incineration Units*

<https://www.ecfr.gov/cgi-bin/text-idx?node=sp40.7.60.cccc>

**VI. Appendix B – Administrative Consent Order No. 2018-  
AQ-24 Amendment 1**

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE ORDER AMENDMENT**

<b>IN THE MATTER OF:</b>  <b>RAM DEVELOPMENT, LLC</b>	<b>CONSENT AMENDMENT TO ADMINISTRATIVE ORDER</b>  <b>NO. 2018-AQ-24 Amendment 1</b>
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To: Mr. Andy Holt, Owner and Registered Agent  
Ram Development, LLC  
2659 Boyd Street  
Des Moines, Iowa 50317

CC: 2507 E. 21<sup>st</sup> St.  
Des Moines, Iowa 50317

**I. SUMMARY**

This administrative order consent amendment (Amendment) amends administrative order No. 2018-AQ-24 (Order) which addressed alleged illegal open burning of combustible materials on property located at 32501 Wendover Road in Waukee, Iowa, and non-compliance with Iowa Air Quality Construction Permit #14-A-464 and Title V Permit #18-TV-005 (collectively, the air permits) by the permit holder, Ram Development, LLC (Ram). These permits authorize Ram to operate an air curtain incinerator (the unit) on the property.

The parties met to discuss operation of the unit and permit compliance on multiple occasions since the issuance of the Order and have agreed to the terms incorporated in this Amendment. In addition to meeting the requirements of the air permits referenced above, Ram has agreed to comply with the requirements of the Operation and Maintenance (O&M) Plan attached to this Amendment as Exhibit A. Due to Ram's efforts to move toward compliance, the administrative penalty in the Order has been reduced to \$5,000.00 which will be paid in 10 consecutive monthly installments commencing on June 1, 2019.

The DNR notes that all future operation of the unit must comply with the O&M plan and the air permits. Non-compliance may result in permit revocation and additional enforcement action including additional administrative penalties or referral to the Iowa Attorney General.

Any questions regarding this Amendment should be directed to:

IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE ORDER AMENDMENT  
ISSUED TO: RAM DEVELOPMENT, LLC

**Relating to technical requirements:**

Bryan Bunton, Env. Specialist  
Iowa Department of Natural Resources  
Field Office No. 5  
502 East Ninth Street  
Des Moines, Iowa 50319  
Ph: (515) 725-0268

**Relating to legal requirements and  
payment plan:**

David Scott, Attorney  
Iowa Department of Natural Resources  
Legal Services Division  
1023 W. Madison St.  
Washington, Iowa 52353  
Ph: (319) 653-2135

**Payments addressed to:**

Director of the Iowa DNR  
Wallace State Office Building  
502 East Ninth Street  
Des Moines, Iowa 50319-0034  
[Note Order # on Payment]

**II. JURISDICTION**

This Amendment is issued pursuant to Iowa Code §§ 455B.134(9) and 455B.138(1), which authorize the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division II (air quality), and the rules promulgated or permits issued pursuant to that division; and, Iowa Code § 455B.109 and 567 Iowa Administrative Code (IAC) 10, which authorize the Director to assess administrative penalties.

**III. STATEMENT OF FACTS**

All facts referenced in the Order are incorporated herein. In addition:

20. On November 1, 2018, DNR FO5 staff investigated a complaint of open burning in Prairie City, Iowa. Staff observed the unit at the site burning material not authorized by the applicable permits.

21. On November 5, 2018, Ram was issued a Letter of Non-Compliance for violating a requirement of Construction Permit 14-A-464 for failing to notify the DNR prior to transferring the unit to another location for use.

22. On December 17, 2018, Ram filed an appeal of the Order.

23. On December 27, 2018, DNR notified Ram that the opacity test report received on November 5, 2018, was insufficient and not acceptable for demonstrating compliance with permitted opacity levels based on applicable federal regulations. As such, Ram was notified that it would need to conduct two compliance tests in 2019 in order to come back into compliance with its air permits.

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24. On January 28, 2019, DNR staff inspected the operation site following an additional complaint about open burning and found material smoldering in a burn pit without the unit operating and without Ram staff on the site.

25. On February 6, 2019 DNR's Acting Director and staff from DNR Field Office (FO) 5, the Air Quality Bureau, and the Legal Services Bureau met with Mr. Andy Holt of Ram to discuss the Order and compliance obligations. During this meeting, Ram asserted that it had not caused the open burning that was addressed in the Order. Ram agreed that an O&M plan would be helpful, and DNR agreed to develop such a plan for consideration.

26. On March 13, 2019, DNR staff again met with Mr. Holt to review the draft O&M plan, as well as to review all requirements applicable to operation of the unit included in Section 14 (operating limits) and Section 15 (operating condition monitoring and recordkeeping) of the applicable permits. Staff noted that even with the O&M plan in place, Ram is required to comply with all the air permit terms, as well. Staff further explained that the company had not satisfied the annual testing obligation in the air permits, so additional testing was required. Finally, DNR FO staff agreed to assist the company with the development of a reporting spreadsheet for use when the unit is operating.

#### IV. CONCLUSION OF LAW

The conclusions of law referenced in the Order are incorporated herein.

#### V. ORDER

**THEREFORE**, the Director of the DNR orders and Ram agrees to the following:

1. Section V of the Order is rescinded and replaced with the Section V of this Amendment.
2. Ram shall immediately cease, and prevent any future, illegal open burning of combustible material in the state of Iowa. This includes preventing open burning of material stored on property where it operates the unit.
3. Ram shall comply with all terms of the existing and future air permits issued by the DNR and shall cease the burning of any landscape waste unless it does so in compliance with Iowa law and the terms of the applicable permits.
4. Within 15 days of this Amendment being signed by the Director, Ram shall file with the DNR Air Quality Bureau an application to modify its existing Title V permit to add the O&M Plan that is attached to this Amendment as Exhibit A. Once

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the Title V permit is amended to include the O&M plan, Ram must comply with the terms of the applicable permits. Until the Title V permit is amended, Ram must comply with the O&M Plan and failure to comply with the O&M Plan will be considered a violation of this Amendment.

5. As discussed during meetings with Ram, in order to come into compliance with the applicable permits, opacity compliance testing is required to be completed twice in 2019. The first test shall be conducted by July 15, 2019, and the second test shall be conducted in November or December of 2019. Ram should coordinate its testing with the Air Quality Bureau staff.

6. Ram shall pay an administrative penalty of \$5,000.00, payable in ten monthly installments. The first payment is due on June 1, 2019, and the remaining payments are due on the first of each successive month until the debt is satisfied. Failure to make a timely payment is a violation of this Amendment.

**VI. PENALTY**

1. Section VI of the Order is rescinded and replaced with Section VI of this Amendment.

2. Iowa Code § 455B.109 authorizes the Environmental Protection Commission to establish by rule a schedule of civil penalties up to \$10,000.00 that may be assessed administratively. The Commission has adopted this schedule with procedures authorizing the Director to assess administrative penalties at 567 IAC 10.

3. Additionally, Iowa Code § 455B.146 authorizes the assessment of civil penalties of up to \$10,000.00 per day of violation for the air quality violations involved in this matter. More serious criminal sanctions are also available pursuant to Iowa Code § 455B.146A. The DNR reserves its right to pursue additional penalties pursuant to these sections if Ram fails to comply with the terms of this Amendment and to refer the matter to the Iowa Attorney General for civil judicial enforcement.

4. 567 IAC 10 establishes the criteria that the DNR must consider in determining whether an administrative penalty is warranted, and if so how much the penalty should be. The general categories of consideration are the economic benefit of the alleged non-compliance by the violator, the gravity of the alleged violation, and the culpability of the violator. These categories are addressed below and the administrative penalty is determined as follows:

a) Economic Benefit: Regardless of whether open burning was caused by Ram, it occurred on Ram's operational site and resulted in an economic benefit for Ram. Based on information provided by Ram, the DNR has amended its Economic Benefit analysis in the Order, and has agreed to assess \$1,500.00

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for this factor in the interest of settlement.

b) Gravity of the Violations: Elements to consider when determining the gravity of a violation include the actual or threatened harm to the environment or the public health and safety, and whether the violation threatens the integrity of the regulatory program. Ram was issued a construction and Title V permit to incinerate certain material using an air curtain incinerator. The company has not complied with the requirements of the permits. This non-compliance threatens the integrity of the regulatory program and DNR efforts to protect human health and natural resources in the state of Iowa. Therefore, \$1,750.00 is assessed for the gravity of the violations.

c) Culpability: The factors to be considered in determining the culpability of the violator include the degree of intent or negligence, and whether the violator has taken remedial measures to address the harm caused by the violations. The company has not complied with the terms of the applicable permits. This non-compliance has been on-going for an extended period. As such, \$1,750.00 is assessed for this factor.

5. Failure to assess an administrative penalty for the violations listed above would threaten the integrity of DNR regulatory programs by not providing a financial incentive for citizens to comply. In this case, an administrative penalty of \$5,000.00 is warranted.

#### VII. APPEAL RIGHTS

As this Amendment is entered by the consent of both parties, there is no right to appeal.

By signing this Amendment, Ram agrees that it is withdrawing its prior appeal of the Order.

#### VIII. NONCOMPLIANCE WITH THIS AMENDMENT

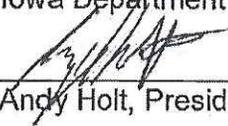
Failure to comply with any requirement of this Amendment, including failure to timely pay any penalty, may result in the imposition of further administrative penalties or referral to the Iowa Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code § 455B.146. Compliance with Section V of this Amendment constitutes full satisfaction of all requirements pertaining to the

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violations described in the Order and this Amendment.

  
\_\_\_\_\_  
Bruce Trautman, Acting Director  
Iowa Department of Natural Resources

Dated this 9 day of  
May, 2019

  
\_\_\_\_\_  
Andy Holt, President, Ram Development, LLC

Dated this 8 day of  
May, 2019

CC: DNR Field Office 5; DNR Air Quality Bureau, David Scott; VII.B.2(c), (d).

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EXHIBIT A  
OPERATION AND MAINTENANCE PLAN



**Air Curtain Incinerator Operations and Maintenance Plan  
Ram Development, LLC**

**Construction Permit #14-A-464  
Title V Permit #18-TV-005**

1. No burning of materials shall take place at a Ram Development, LLC work site subject to the above-referenced permits unless the burning is being controlled by the air curtain incinerator. If equipment malfunction or operational hour limits require the incinerator to be shutdown, Ram Development, LLC shall extinguish all burning materials immediately. If a planned shutdown is to take place, all loading should stop one or two hours before the operators intend to put the fire out. [Note of clarification: If burning is occurring, the unit must be operating. Shutdown is not authorized even if the temperature of the burn pit would result in complete combustion of material and opacity compliance if the unit were shut down.]
2. Requirement to fully extinguish – Sufficient dirt or other material shall be used to fully extinguish any burning material when the air curtain incinerator is not operating. This includes preventing any and all smoldering of material. Any smoke resulting from smoldering material while the air curtain incinerator is not operating is a permit violation.
3. Personnel – Ram Development, LLC personnel shall be present at the site at all times the air curtain incinerator is in operation, and whenever smoke is being emitted on the property from a burn site or a storage pile.
4. Trench size/stack size – A standard specific trench size (length, width and depth) shall be established and followed for each burn. Trench size must be equivalent to the trench size utilized during the most recent compliance test that successfully demonstrated compliance with the applicable permit. The trench size must be noted in the test documentation submitted to DNR. [Note of clarification: there is no physical “stack” for this unit. The “stack” size referenced in the permit is referring to the size of the trench.]
5. Loading Rate – The trench may be loaded with material once every 15 minutes or longer. At no time should the material be loaded above the air curtain level. The production level should be consistent with the production level of the most recent compliance test that successfully demonstrated compliance. If the opacity level observed exceeds the permit level, the operator shall take action to address the underlying issue as soon as possible. This may include shifting material in the trench, extinguishing the material in the trench, or taking other appropriate action to prevent opacity non-compliance.
6. Ash removal – If ash build-up in the bottom of the pit is greater than 1/3 of the total depth of the pit, a clean-out shall be completed to restore the depth to the value specified in #4. All ash must be properly disposed of under Iowa regulations.

7. Weather conditions – the incinerator shall not operate during times of precipitation (rain, snow, etc). [Note of clarification: It is not the intention of the DNR that this paragraph applies to sudden or unexpected minor weather events that do not affect the efficiency of the unit. It is expected that the operators will be mindful of forecasted weather and will shut down the unit if weather is anticipated or occurs that will result or does result in the unit's non-compliance with opacity limits.]
8. Wind -- Wind speed and direction should be taken into account when setting up a burn. The incinerator shall not be operated when wind speeds exceed 20 mph. With respect to the prevailing wind direction, the unit should be positioned such that the wind comes over the back of the manifold. This is the preferred position. It is also acceptable to have the wind blow into the manifold. It is discouraged, however, to have the wind come from either end of the machine, as this will tend to disrupt the air curtain. A table of the manufacturer's recommended separation distances vs wind speed has been included (See Table below).
9. Records -- Records of all maintenance activities for the air curtain incinerator shall be kept and made available to DNR staff upon request.
10. Training -- All personnel responsible for operation of the air curtain incinerator shall be properly trained to follow this operations and maintenance plan regardless of where the unit is operated.
11. Permit applicable to unit -- The permittee is required to achieve compliance with all State and Federal regulations including the conditions of IDNR construction permit #14-A-464 regardless of where the unit is operated in the state of Iowa.

WIND SPEED VS. SAFE DISTANCE			
Wind Speed (MPH)	Approximate Safe Distance for:		
	Structures (Houses, etc.)	Woods/Trees	Stored Brush Piles
10	300'	150'	100'
12	300'	150'	100'
14	300'	200'	150'
16	400'	250'	150'
18	400'	250'	200'
20	500'	250'	200'

**DANGER:** The above distances serve as a **GUIDELINE ONLY!** You **MUST ALWAYS** observe the down range area regardless of the wind speed. You must always observe local fire ordinances and directives from the local fire department or other authorities.