

ENVIRONMENTAL PROTECTION COMMISSION [567]

DRAFT 2

Notice of Intended Action

Rule making related to air quality

Note: This draft proposal (Draft 2) includes the additional changes suggested at the August 19 Advisory Group meeting, and the additional changes are highlighted in the draft rule changes below. (Strike through text is existing rule text proposed for deletion, and underlined text is new rule text proposed to be added.)

The Department is specifically seeking input on the following:

1) **Implementation dates for requiring electronic submittal.** (Implementation dates are indicated as “Date TBD” placeholders in the draft rule changes shown below.) Note that a typical rulemaking takes at least six months from informal public input to final and effective rules, if a rulemaking were to proceed.

2) Draft rule changes, including the additional highlighted changes, as shown below.

The DNR will draft the preamble for the potential rulemaking, including background, summary of the specific amendments, estimated fiscal and jobs impacts, and other required preamble information, after considering stakeholder input on the potential draft rulemaking received at the August 19, 2021, Advisory Group meeting and during an informal public input period (July 22, 2021 – Sept. 10, 2021).

The Environmental Protection Commission (Commission) hereby proposes to amend Chapter 21, “Compliance,” and “Chapter 22, “Controlling Pollution,” Iowa Administrative Code.

The following rule-making actions are proposed:

ITEM 1. Amend **567—20.2(455B)**, definition of “Electronic format,” as follows:

“Electronic format,” “electronic submittal,” and “electronic submittal format,” for purposes of the rules in 567—Chapters 20 through 35, mean a software, Internet-based, or other electronic means specified by the department for submitting air quality information or fees to the department related to, but not limited to, applications, certifications, determination requests, emissions inventories, forms, notifications, payments, permit applications and registrations. References to these information submittal methods in 567—Chapters 20 through 35 may, as specified by the department, include electronic submittal as stated in the applicable administrative rules.

ITEM 2. Amend subrule **21.1(3)** as follows:

21.1(3) Emissions inventory. The person responsible for equipment as defined herein shall provide information on fuel use, materials processed, air contaminants emitted (including greenhouse gases as “greenhouse gas” is defined in rule 567—20.2(455B)), estimated rate of emissions, periods of emissions or other air pollution information to the director upon the director’s written request for use in compiling and maintaining an emissions inventory for evaluation of the air pollution situation in the state and its various parts. The-Until [DATE TBD], the information requested shall be submitted on forms or by electronic format specified by the department. On and after [DATE TBD], the

information requested shall be submitted in the electronic format specified by the department, if electronic submittal is provided. All information in regard to both actual and allowable emissions shall be public records, and any publication of such data shall be limited to actual and allowable air contaminant emissions.

ITEM 3. Amend subrule **22.1(3)**, introductory paragraphs, as follows:

22.1(3) Construction permits. The owner or operator of a new or modified stationary source shall apply for a construction permit. One Until [DATE TBD], one copy of a construction permit application for a new or modified stationary source shall be presented or mailed to the air quality bureau of the department of natural resources. 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. References to “application(s),” “certification(s),” “determination request(s),” “emissions inventory(ies),” “fees,” “form(s),” “notification(s),” “payment(s),” “permit application(s),” and “registration(s)” in rules 567—22.1(455B) through 567—22.10(455B) may, as specified by the department, include electronic submittal.

An Until [DATE TBD], an owner or operator applying for a permit as required pursuant to rule 567—31.3(455B) (nonattainment new source review) or rule 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.

Application submission methods may include, but are not limited to, U.S. Postal

Service, private parcel delivery services, and hand delivery. Applications are not required to be submitted by certified mail.

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. 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.

On and after [DATE TBD], construction permit applications, including the information referenced above and in rules 567—22.1(455B) through 567—22.10(455B), shall be submitted in the electronic format specified by the department, if electronic submittal is provided.

ITEM 4. 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 operating permit, the owner or operator or designated representative, where applicable, shall, until [DATE TBD], 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, 502 East 9th Street, Des Moines, Iowa 50319 (one copy); and U.S. EPA Region VII, 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). Application submission methods may include, but are not limited to, U.S.

Postal Service, private parcel delivery services, or hand delivery. Applications are not required to be submitted by certified mail.

Alternatively, an owner or operator may submit a complete and timely application through the electronic submittal format specified by the department.

On and after [DATE TBD], Title V operating permit applications, including the information referenced above and in rules 567—22.100(455B) through 567—22.116(455B), shall be submitted in the electronic format specified by the department, if electronic submittal is provided. 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. to b. No change

22.105(2) *Standard application form and required information.* To apply for a Title V permit, applicants shall until [DATE TBD], complete the standard permit application form available only from the department and supply all information required by the filing instructions found on that form. Alternatively, an owner or operator may submit a complete and timely application through the electronic submittal format specified by the department.

On and after [DATE TBD], the standard application form shall be submitted in the electronic format specified by the department, if electronic submittal is provided. 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~~ Unless otherwise specified in subrule 22.128(4), 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. to j. No change.

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

ITEM 5. Amend subrule **22.128(4)** as follows:

22.128(4) *Submission of copies.* One copy of all permit applications shall, until [DATE TBD], be presented or mailed to the air quality bureau of the department of natural resources. ~~Alternatively~~ On and after [DATE TBD], the designated representative may shall submit the application in the electronic format specified by the department, if electronic submittal is provided.