

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 22, “Controlling Pollution,” 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 adopt regulations from 40 CFR 51.165 to incorporate federal review and permitting procedures that allow facilities to construct or modify existing sources in areas that are not in attainment with the National Ambient Air Quality Standards (NAAQS). The construction of new major sources of air pollution (or major modifications of existing sources of air pollution) in areas that are not in attainment with the NAAQS is governed by federal Clean Air Act Nonattainment New Source Review (NSR) regulations. By adopting these regulations, the Department of Natural Resources (Department) will be able to issue permits in the nonattainment areas.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 18, 2013, as **ARC 1016C**, and a public hearing was held on October 21, 2013. The Department received no comments at the public hearing or during the public comment period. However, the Department has updated the reference dates in Items 9, 11, and 13 (paragraph 31.3(2)“a”) to reflect the most recent date for the list of attainment or unclassifiable areas in the state.

Item 1 amends rule 567—20.1(455B,17A) to update information about the content of Chapters 22 and 31. Dates are added to the descriptions of Chapters 22 and 31. Rules for areas designated nonattainment are in Chapter 31.

Item 2 amends rule 567—20.2(455B) to revise the definition of “excess emissions” to update the references to the nonattainment major NSR and prevention of significant deterioration (PSD) rules.

Item 3 amends the introductory paragraph of subrule 22.1(1) to update the references to the nonattainment major NSR and PSD rules.

Item 4 amends subrule 22.1(2) to update the reference to the nonattainment major NSR rules.

Item 5 amends subparagraph 22.1(3)“b”(7) to update the references to the nonattainment major NSR and PSD rules.

Item 6 amends subrule 22.1(4) to update the references to the nonattainment major NSR and PSD rules.

Item 7 rescinds rule 567—22.5(455B) and replaces it with a new rule that requires applicable owners or operators of a stationary source to comply with the nonattainment major NSR program rules in 567—31.20 (455B). The content of existing rule 567—22.5(455B) is moved to rule 567—31.20(455B).

Item 8 rescinds and reserves rule 567—22.6(455B), including a reference to an outdated EPA guidance document that is no longer used by the Department or the Commission.

Item 9 amends subrule 22.7(1) to update the list of attainment or unclassifiable areas in the state.

Item 10 amends subparagraph 22.105(1)“a”(3) to update the references to the nonattainment major NSR and PSD rules.

Item 11 amends rule 567—31.1(455B) to revise the introductory paragraph.

Item 12 amends rule 567—31.2(455B) to update the federal regulations relating to conformity of general federal actions to Iowa’s SIP. The adoption-by-reference date is updated, and redundant language is removed.

Item 13 adopts new rules 567—31.3(455B) to 567—31.20(455B) as the nonattainment major NSR rules. The federal regulations include many instructions to the states that could be confusing for businesses if the federal regulations were adopted by directly referencing the federal regulations. The Department is adopting the bulk of EPA’s nonattainment rules in 40 CFR 51.165 into Chapter 31 and referring to actual plantwide applicability limits (40 CFR 51.165(f)) by reference. The content of

existing rule 567—22.5(455B) is transferred to 567—31.20(455B) to streamline administrative rules and make them more user-friendly.

Item 14 amends rule 567—33.1(455B) to include a reference to Chapter 31 in the introductory paragraph.

Jobs Impact Statement

The following is a summary of the jobs impact statement. The complete jobs impact statement is available from the Department upon request. After analysis and review of this rule making, the Department has determined that jobs could be impacted. However, these amendments are implementing federally mandated regulations. This rule making does not impose on Iowa businesses any regulations not required by federal law.

The Department is minimizing the impact of the federal regulations to the greatest extent possible by directly referencing federal regulations where possible. Further, nonattainment major NSR rules that apply to nonattainment areas designated before May 18, 1998, are being combined in the same rule chapter as the nonattainment NSR rule provisions for new nonattainment areas. This action streamlines the nonattainment NSR rules and makes them more user-friendly.

These amendments are intended to implement Iowa Code section 455B.133.

These amendments shall become effective on January 15, 2014.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 20, 22, 31, 33] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 1016C**, IAB 9/18/13.

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[For replacement pages for IAC, see IAC Supplement 12/11/13.]