

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Proposing rule making related to air quality and providing an opportunity for public comment

The Environmental Protection Commission (Commission) hereby proposes to amend Chapter 20, “Scope of Title—Definitions,” Chapter 22, “Controlling Pollution,” Chapter 23, “Emission Standards for Contaminants,” Chapter 25, “Measurement of Emissions,” Chapter 30, “Fees,” and Chapter 33, “Special Regulations and Construction Permit Requirements for Major Stationary Sources—Prevention of Significant Deterioration (PSD) of Air Quality,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 455B.133 and 455B.134.

State or Federal Law Implemented

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

Purpose and Summary

The purposes of this proposed rule making are to:

1. Reduce the cost of government while providing streamlined services to the public and the regulated community.
2. Update rules to provide regulatory certainty and flexibility. The amendments implement a portion of the five-year review of rules plan of the Department of Natural Resources (Department) pursuant to Iowa Code section 17A.7(2).
3. Offer uniform rules by making changes that match federal regulations and eliminate inconsistencies between federal regulations and state administrative rules. By adopting federal updates into state administrative rules, the Commission is ensuring that Iowa’s air quality rules are no more stringent than the federal regulations. Additionally, the updates allow the Department, rather than the U.S. Environmental Protection Agency (EPA), to be the primary agency to implement the air quality requirements in Iowa, thereby allowing the Department to provide compliance assistance and outreach to affected facilities.

Item 1 amends rule 567—20.2(455B), the definition of “anaerobic lagoon,” to further clarify that this definition is applicable to only the air quality requirements as specified in 567—Chapters 20 through 35. The Commission is clarifying the definition because other Department regulations, such as those for wastewater, may contain different meanings for the term “anaerobic lagoon” that are specific to permitting or other requirements for that particular environmental program area.

Item 1 also amends the definition of “EPA reference method” to adopt the most current EPA methods for measuring air pollutant emissions, performance testing (sometimes called “stack testing”), and continuous monitoring. On November 14, 2018, EPA revised the reference methods in 40 Code of Federal Regulations (CFR) Parts 51, 60, and 63 to eliminate outdated procedures, add alternative testing methods, make technical corrections, and correct typographical and grammatical errors. EPA states that its revisions will improve the quality of data and provide flexibility in the use of approved alternative procedures, while not imposing any new substantive requirements on source owners or operators.

The amendments in **Items 4, 8, 9,** and **11** will be adopted concurrently with the amendment in Item 1 to similarly reflect updates to EPA testing and monitoring methods as the methods apply to specific air quality requirements. Item 4 updates the definition of “EPA reference method” for the Title V operating permit rules in 567—Chapter 22 in the same manner as the definition is amended in Item 1. Items 8 and 9 adopt by reference the federal updates into the regulations for New Source Performance Standards

(NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAP) in 567—Chapter 23, as explained below. Item 11 adopts the federal updates by reference into the performance testing and continuous monitoring requirements in 567—Chapter 25. Adopting EPA’s updates ensures that state reference testing methods match current federal reference methods and are no more stringent than the federal methods.

Additionally, Item 1 updates the definition of “volatile organic compounds” (VOC) to reflect changes that EPA made to the federal definition of VOC. On November 28, 2018, a final regulation was published in the Federal Register to exclude the compound cis-1,1,1,4,4,4-hexafluorobut-2-ene (also known as HFO–1336mzz–Z) from the federal definition because this compound makes a negligible contribution to tropospheric ozone formation. In Item 13, an amendment to subrule 33.3(1) will be adopted concurrently with the amendment in Item 1 to similarly update the definition of “volatile organic compounds” for the Prevention of Significant Deterioration (PSD) rules in 567—Chapter 33.

Items 2, 4, 5, 6, and 12 add new definitions for “electronic format,” “electronic submittal,” and “electronic submittal format” to facilitate the Department’s launch of the Iowa Environmental Application System—EASY Air (EASY Air), a new online electronic method for submitting air quality permit applications. EASY Air is expected to make application preparation easier, improve customer service, and expedite the Department’s ability to issue permits while increasing data accuracy and cutting costs. Additionally, EASY Air allows online submittal of streamlined alternatives to traditional applications, such as registrations, notifications, and template applications. EASY Air launched for permit application submittal on December 5, 2019.

Items 3 and 7 amend rules to enable electronic submittal. Item 3 updates the construction permit application provisions to specify the types of submittals that may include an electronic submittal option. Item 7 revises the requirements for acid rain permit applications to specify that only one copy of an application is required to be submitted if paper forms are used or, alternatively, the application may be submitted through the electronic submittal method specified by the Department.

Items 8 and 9 adopt changes to the NSPS and NESHAP, respectively. The U.S. Clean Air Act (CAA) obligates the EPA to issue standards to control air pollution. The NSPS and NESHAP set federal standards and deadlines for industrial, commercial or institutional facilities to meet uniform standards for equipment operation and air pollutant emissions.

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

Because the NSPS and NESHAP adopted by reference are federal regulations, affected sources are subject to the federal requirements regardless of whether the Commission adopts the standards into the state rules. However, the CAA allows a state or local agency to implement NSPS and NESHAP as a delegated authority. Upon state adoption of the standards, the Department becomes the delegated authority for the specific NSPS or NESHAP and is the primary implementation agency in Iowa. Two local agencies, those in Polk County and Linn County, implement these standards within their counties. The Department’s rules, including all compliance deadlines, are identical to the federal NSPS and NESHAP as of a specific federal publication date. With delegation authority and adoption of the federal standards into the Department’s rules and the rules of Polk County and Linn County, the state and local agencies have the ability to make applicability determinations for facilities, rather than referring these decisions to EPA.

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

Item 8 amends the introductory paragraph of subrule 23.1(2) to adopt by reference revised NSPS published in 40 CFR Part 60. The amendment adopts the changes that EPA made to the NSPS test methods, as explained above for Item 1, through revision of the adoption date specified in the introductory paragraph of subrule 23.1(2).

Item 9 amends subrule 23.1(4) to adopt federal amendments to the NESHAP for source categories published in 40 CFR Part 63, as described below. The federal amendments are adopted by reference through revision of the adoption date specified in the introductory paragraph of subrule 23.1(4). The text in parentheses in each section heading below indicates the applicable subpart in 40 CFR Part 63 and the corresponding paragraph in subrule 23.1(4).

Surface Coating of Large Appliances (Subpart NNNN; paragraph “cn”); Printing, Coating, and Dyeing of Fabrics and Other Textiles (Subpart OOOO; paragraph “co”); and Surface Coating of Metal Furniture (Subpart RRRR; paragraph “cr”)

On March 15, 2019, EPA’s amendments to Part 63 for three NESHAP source categories (Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; and Surface Coating of Metal Furniture) were published in the Federal Register. The regulations include provisions related to emissions during start-up, shutdown, and malfunction (SSM); electronic reporting for performance test results and compliance reports; the addition of EPA Method 18 and updates to several measurement methods; and the addition of requirements for periodic performance testing.

All three of these NESHAP source categories apply only to major sources of HAP. Currently, one facility is affected by the amendments to Subpart OOOO and two facilities are potentially affected by the amendments to Subpart RRRR. At this time, no facilities in Iowa are affected by Subpart NNNN. However, existing facilities that are area sources for HAP that increase their production and become major sources could be subject to Subpart NNNN. Additionally, new facilities that locate to Iowa, or existing facilities that change their operations to include processes covered by Subpart NNNN, would also be affected.

Surface Coating of Wood Building Products (Subpart QQQQ; paragraph “cq”)

Amendments to the NESHAP for Surface Coating of Wood Building Products were published in the Federal Register on March 4, 2019. These amendments are intended to enhance the effectiveness of the existing standards and requirements for periods of SSM to be consistent with recent court decisions. The amendments to Subpart QQQQ apply only to major sources of HAP. At this time, four facilities are potentially affected by these NESHAP amendments.

Wet-Formed Fiberglass Mat Production (Subpart HHHH; paragraph “ch”)

Amendments to the NESHAP for Wet-Formed Fiberglass Mat Production were published in the Federal Register on February 28, 2019. These amendments address emissions during periods of SSM; add electronic reporting; revise certain monitoring, record-keeping, and reporting requirements; and include other miscellaneous technical and editorial changes.

The amendments to NESHAP Subpart HHHH affect only major sources of HAP, and at this time no facilities in Iowa are affected by them. However, existing facilities that are area sources for HAP that increase their production and become major sources could be subject to Subpart HHHH. Additionally, new facilities that locate to Iowa, or existing facilities that change their operations to include processes covered by Subpart HHHH, would also be affected.

Leather Finishing Operations (Subpart TTTT; paragraph “ct”)

Amendments to the NESHAP for Leather Finishing Operations were published in the Federal Register on February 12, 2019. These amendments address emissions during periods of SSM and provide clarifications to monitoring, record-keeping, and reporting requirements for control equipment.

The amendments to NESHAP Subpart TTTT affect only major sources of HAP, and at this time no facilities in Iowa are affected by them. However, existing facilities that are area sources for HAP that increase their production and become major sources could be subject to Subpart TTTT. Additionally, new facilities that locate to Iowa, or existing facilities that change their operations to include processes covered by Subpart TTTT, would also be affected.

Friction Materials Manufacturing (Subpart QQQQ; paragraph “dq”)

Amendments to the NESHAP for Friction Materials Manufacturing were published in the Federal Register on February 8, 2019. EPA finalized minor amendments to the existing regulation and also clarified that the standards are applicable during periods of SSM. EPA also revised the deviation reporting requirements.

The amendments to NESHAP Subpart QQQQ affect only major sources of HAP, and at this time no facilities in Iowa are affected by them. However, existing facilities that are area sources for HAP that increase their production and become major sources could be subject to Subpart QQQQ. Additionally, new facilities that locate to Iowa, or existing facilities that change their operations to include processes covered by Subpart QQQQ, would also be affected.

Manufacture of Amino/Phenolic Resins (Subpart OOO; paragraph “bo”)

Amendments to the NESHAP for Amino/Phenolic Resins were published in the Federal Register on October 15, 2018. In this action, EPA revised the maximum achievable control technology (MACT) standard for continuous process vents (CPVs) at existing affected sources. In addition, EPA extended the compliance date for CPVs at existing sources. EPA also revised the requirements for storage vessels at new and existing sources during periods when an emission control system used to control vents on fixed roof storage vessels is undergoing planned routine maintenance. To improve the clarity of the NESHAP, EPA also finalized five minor technical rule corrections.

The amendments to NESHAP Subpart OOO affect only major sources of HAP, and at this time no facilities in Iowa are affected by them. However, existing facilities that are area sources for HAP that increase their production and become major sources could be subject to Subpart OOO. Additionally, new facilities that locate to Iowa, or existing facilities that change their operations to include processes covered by Subpart OOO, would also be affected.

The amendment in Item 9 also adopts the changes EPA made to the NESHAP test methods, as explained above for Item 1. The amendments to the NESHAP are adopted by reference through revision of the adoption date specified in the introductory paragraph of subrule 23.1(4).

Item 10 amends rule 567—23.5(455B), provisions for anaerobic lagoons, to update the requirements for industrial anaerobic lagoons.

Industrial anaerobic lagoons are used to treat wastewater that can contain significant organic loading. These lagoons are usually found at industries such as food processing plants or animal slaughter facilities and act as wastewater pretreatment systems. During the 1970s, the Department established the sulfate content limit and the design biochemical oxygen demand (BOD) loading rate limit. These limits were based on the information available at that time about the operating conditions that would ensure that an industrial anaerobic lagoon operated properly and minimized the release of air contaminants. The sulfate content standard applies to industrial lagoons constructed after February 22, 1979. The BOD standard applies to all industrial lagoons.

Because of advances in the design of anaerobic lagoons, higher BOD loading rates are now achievable and are allowed under wastewater construction permitting. The design of an industrial anaerobic lagoon will vary depending on the industry that is the source of the wastewater. There are other parameters besides sulfate content and BOD that can affect the proper operation of the lagoon, including water temperature, water pH, and retention time. It is thus more appropriate that the operating limits for a lagoon be established by the Department’s Water Quality Bureau during its review for a wastewater construction permit rather than have the operating limits established by subrule 23.5(2) apply in all situations. Therefore, the Commission is proposing to remove the sulfate content limits and the design BOD loading limits that apply to industrial anaerobic lagoons. The Commission is also proposing to clarify that industrial anaerobic lagoons are subject to the applicable wastewater requirements specified in 567—Chapter 64.

Additionally, the Commission is proposing to add the siting requirements that apply to industrial anaerobic lagoons and are currently set forth in Iowa Code section 455B.134(3)“e”(1)(b). This siting requirement was added to the Iowa Code in 1982, and applies to industrial anaerobic lagoons that were built or expanded on or after July 1, 1982. The statutory requirements established in the Iowa Code in 1982 have applied since that time and have been implemented by the Department. However, for ease of air construction permit review and to provide clarity and transparency for owners and operators

of industrial anaerobic lagoons and the public, the Commission is recommending that these statutory provisions also be adopted into the administrative rules. The Commission is proposing to adopt the siting requirements from the Iowa Code into subrule 23.5(2).

Item 11 amends subrule 25.1(9) to adopt the changes EPA made to the federal test methods for measuring emissions, as explained above for Item 1.

Item 12 amends subrule 30.1(1) to add new definitions for “electronic format,” “electronic submittal,” and “electronic submittal format,” as explained above.

Items 13 and 14 amend provisions in 567—Chapter 33 applicable to prevention of significant deterioration (PSD).

The goals of the PSD program as set forth under the federal CAA are to protect human health and welfare while ensuring that economic growth can continue. Before construction, new major stationary sources and major modifications to existing major stationary sources are required to obtain a construction permit under the federal New Source Review (NSR) provisions of the CAA. In attainment areas and unclassifiable areas of the state, the relevant federal NSR program is the PSD program. The DNR operates the PSD program in Iowa through an EPA-approved state implementation plan, which includes the administrative rules in 567—Chapter 33.

Item 13 amends subrule 33.3(1) to update the definition of “volatile organic compounds” for the PSD rules, as described above for Item 1.

Item 14 proposes to adopt in subrule 33.3(2) the federal amendments to 40 CFR Part 51, Appendix W, Guideline on Air Quality Models, applicable to the PSD program set forth in 567—Chapter 33. On January 17, 2017, EPA’s amendments to the guideline were published in the Federal Register. These amendments are expected to increase the efficiency and accuracy of regulatory air quality modeling demonstrations, while also providing regulatory flexibility for affected entities. The changes eliminate the need for PSD permit applicants to request approval to use certain features of EPA’s regulatory air quality model, AERMOD. The revisions also increase the accuracy of model estimates in certain situations where the estimates have been shown to overpredict pollutant concentrations. Additionally, the revisions allow for a screening approach for evaluating the impact of secondary formation of ozone and PM_{2.5}, fine inhalable particles that are 2.5 micrometers or smaller in diameter. Historically, this approach has been possible only by using highly sophisticated and expensive photochemical modeling.

The Commission did not adopt the federal amendments to Appendix W earlier because of potential legal challenges to the federal regulation. At this time, however, there is no active litigation, and EPA has addressed or is addressing several issues identified by stakeholders. The Commission is therefore now proposing adoption of the federal amendments.

Fiscal Impact

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

Jobs Impact

After analysis and review of this rule making, most of the proposed amendments will have a neutral impact on private sector jobs. Some of the proposed amendments may benefit the private sector because they streamline current air quality programs. For the amendments specified in Items 8 and 9, it has been determined that there may be jobs impacts to Iowa businesses. However, the amendments are only implementing federally mandated regulations. The amendments are identical to the federal regulations and would not impose any regulations on Iowa businesses not already required by federal law. In some cases, the revised federal standards being adopted provide more flexibility and potential cost savings for

affected businesses and would thus have a positive impact on private sector jobs. A copy of the jobs impact statement is available from the Department upon request.

Waivers

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

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 13, 2020. Comments should be directed to:

Christine Paulson
Iowa Department of Natural Resources
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319
Email: christine.paulson@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows. Upon arrival, attendees should proceed to the fourth floor to check in at the Department reception desk and be directed to the appropriate hearing location.

April 13, 2020
1 to 2 p.m.

DNR Conference Room 2W
Wallace State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend rule **567—20.2(455B)**, definitions of “Anaerobic lagoon,” “EPA reference method” and “Volatile organic compounds,” as follows:

“*Anaerobic lagoon*,” for purposes of air quality rules contained in 567—Chapters 20 through 35, means an impoundment, the primary function of which is to store and stabilize organic wastes. The impoundment is designed to receive wastes on a regular basis and the design waste loading rates are such that the predominant biological activity in the impoundment will be anaerobic. An anaerobic lagoon does not include:

a. A runoff control basin which collects and stores only precipitation induced runoff from an open feedlot feeding operation; or

b. A waste slurry storage basin which receives waste discharges from confinement feeding operations and which is designed for complete removal of accumulated wastes from the basin at least semiannually; or

c. Any anaerobic treatment system which includes collection and treatment facilities for all off-gases off-gases.

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

1. Performance test (stack test). A stack test shall be conducted according to EPA reference methods specified in 40 CFR 51, Appendix M (as amended through ~~August 30, 2016~~ November 14, 2018); 40 CFR 60, Appendix A (as amended through ~~August 30, 2016~~ November 14, 2018); 40 CFR 61, Appendix B (as amended through August 30, 2016); and 40 CFR 63, Appendix A (as amended through ~~August 30, 2016~~ November 14, 2018).

2. Continuous monitoring systems. Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, Appendix B (as amended through ~~August 7, 2017~~ November 14, 2018); 40 CFR 60, Appendix F (as amended through ~~August 30, 2016~~ November 14, 2018); 40 CFR 75, Appendix A (as amended through August 30, 2016); 40 CFR 75, Appendix B (as amended through August 30, 2016); and 40 CFR 75, Appendix F (as amended through August 30, 2016).

“Volatile organic compounds” or “VOC” means any compound included in the definition of “volatile organic compounds” found at 40 CFR Section 51.100(s) as amended through ~~August 1, 2016~~ November 28, 2018.

ITEM 2. Adopt the following **new** definition of “Electronic format” in rule **567—20.2(455B)**:

“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 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.

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

22.1(3) Construction permits. The owner or operator of a new or modified stationary source shall apply for a construction permit. One copy of a construction permit application for a new or modified stationary source shall be presented or mailed to ~~Department of Natural Resources, Air Quality Bureau, 502 East 9th Street, Des Moines, Iowa 50319~~ 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—22.10(455B) through 567—22.10(455B) may, as specified by the department, include electronic submittal. 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.

ITEM 4. Amend rule **567—22.100(455B)**, definition of “EPA reference method,” as follows:
“EPA reference method” means the following methods used for performance tests and continuous monitoring systems:

1. Performance test (stack test). A stack test shall be conducted according to EPA reference methods specified in 40 CFR 51, Appendix M (as amended through ~~August 30, 2016~~ November 14, 2018); 40 CFR 60, Appendix A (as amended through ~~August 30, 2016~~ November 14, 2018); 40 CFR 61, Appendix B (as amended through August 30, 2016); and 40 CFR 63, Appendix A (as amended through ~~August 30, 2016~~ November 14, 2018).

2. Continuous monitoring systems. Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, Appendix B (as amended through ~~August 7, 2017~~ November 14, 2018); 40 CFR 60, Appendix F (as amended through ~~August 30, 2016~~ November 14, 2018); 40 CFR 75, Appendix A (as amended through August 30, 2016); 40 CFR 75, Appendix B (as amended through August 30, 2016); and 40 CFR 75, Appendix F (as amended through August 30, 2016).

ITEM 5. Adopt the following **new** definition of “Electronic format” in rule **567—22.100(455B)**:
“Electronic format,” “electronic submittal,” and “electronic submittal format” mean a software, Internet-based, or other electronic means specified by the department for submitting 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 rules 567—22.100(455B) through 567—22.116(455B) may, as specified by the department, include electronic submittal.

ITEM 6. Adopt the following **new** definition of “Electronic format” in rule **567—22.120(455B)**:
“Electronic format,” “electronic submittal,” and “electronic submittal format” mean a software, Internet-based, or other electronic means specified by the department for submitting 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 rules 567—22.120(455B) through 567—22.146(455B) may, as specified by the department, include electronic submittal.

ITEM 7. Amend subrule 22.128(4) as follows:
22.128(4) Submission of copies. ~~Two copies~~ One copy of all permit applications shall be presented or mailed to the ~~Air Quality Bureau, Iowa Department of Natural Resources, 502 East 9th Street, Des Moines, Iowa 50319~~ air quality bureau of the department of natural resources. Alternatively, the designated representative may, as specified by the department, submit the application through electronic submittal.

ITEM 8. Amend subrule 23.1(2), introductory paragraph, as follows:
23.1(2) New source performance standards. The federal standards of performance for new stationary sources, as defined in 40 Code of Federal Regulations Part 60 as amended or corrected through ~~August 7, 2017, November 14, 2018,~~ are adopted by reference, except § 60.530 through § 60.539b (Part 60, Subpart AAA), and shall apply to the following affected facilities. The corresponding 40 CFR Part 60 subpart designation is in parentheses. An earlier date for adoption by reference may be included with the subpart designation in parentheses. Reference test methods (Appendix A), performance specifications (Appendix B), determination of emission rate change (Appendix C), quality assurance procedures (Appendix F) and the general provisions (Subpart A) of 40 CFR Part 60 also apply to the affected facilities.

ITEM 9. Amend subrule 23.1(4), introductory paragraph, as follows:
23.1(4) Emission standards for hazardous air pollutants for source categories. The federal standards for emissions of hazardous air pollutants for source categories, 40 Code of Federal Regulations Part 63 as amended or corrected through ~~August 3, 2018, March 15, 2019,~~ are adopted by reference, except those provisions which cannot be delegated to the states. The corresponding 40 CFR Part 63 subpart designation is in parentheses. An earlier date for adoption by reference may be included with the

subpart designation in parentheses. 40 CFR Part 63, Subpart B, incorporates the requirements of Clean Air Act Sections 112(g) and 112(j) and does not adopt standards for a specific affected facility. Test methods (Appendix A), sources defined for early reduction provisions (Appendix B), and determination of the fraction biodegraded (F_{bio}) in the biological treatment unit (Appendix C) of Part 63 also apply to the affected activities or facilities. For the purposes of this subrule, “hazardous air pollutant” has the same meaning found in rule 567—22.100(455B). For the purposes of this subrule, a “major source” means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless a lesser quantity is established, or in the case of radionuclides, where different criteria are employed. For the purposes of this subrule, an “area source” means any stationary source of hazardous air pollutants that is not a “major source” as defined in this subrule. Paragraph 23.1(4) “a,” general provisions (Subpart A) of Part 63, shall apply to owners or operators who are subject to subsequent subparts of 40 CFR Part 63 (except when otherwise specified in a particular subpart or in a relevant standard) as adopted by reference below.

ITEM 10. Amend rule 567—23.5(455B) as follows:

567—23.5(455B) Anaerobic lagoons.

23.5(1) No change.

23.5(2) Criteria for approval of industrial anaerobic lagoons constructed or expanded on or after July 1, 1982.

a. Lagoons designed to treat 100,000 ~~gpd~~ gallons per day (gpd) or less shall be located at least 1,250 feet from a residence not owned by the owner of the lagoon or from a public use area other than a public road.

~~(1) The sulfate content of the water supply shall not exceed 250 mg/l. However, this paragraph does not apply to an expansion of an industrial anaerobic lagoon facility which was constructed prior to February 22, 1979.~~

~~(2) The design loading rate for the total lagoon volume shall not be less than 10 pounds nor more than 20 pounds of biochemical oxygen demand (five day) per thousand cubic feet per day.~~

b. Lagoons designed to treat more than 100,000 ~~gpd~~ gallons per day (gpd) shall be located at least 1,875 feet from a residence not owned by the owner of the lagoon or from a public use area other than a public road.

~~(1) The sulfate content of the water supply shall not exceed 100 mg/l. However, this paragraph does not apply to an expansion of an industrial anaerobic lagoon facility which was constructed prior to February 22, 1979.~~

~~(2) The design loading rate for the total lagoon volume shall not be less than 10 pounds nor more than 20 pounds of biochemical oxygen demand (five day) per thousand cubic feet per day.~~

c. The criteria in subrule 23.5(2) shall apply except in situations in which Iowa Code section 455B.134(3) “e”(2) is successfully invoked.

d. Compliance with the requirements of subrule 23.5(2) shall not constitute an exemption from compliance with any other applicable environmental regulations. In particular, compliance with these requirements shall not absolve any person from compliance with the requirements set forth in 567—Chapter 64 that are applicable to industrial anaerobic lagoons.

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

ITEM 11. Amend subrule 25.1(9) as follows:

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

a. Performance test (stack test). A stack test shall be conducted according to EPA reference methods as specified in 40 CFR 51, Appendix M (as amended through ~~August 30, 2016~~ November 14, 2018); 40 CFR 60, Appendix A (as amended through ~~August 30, 2016~~ November 14, 2018); 40 CFR 61, Appendix B (as amended through August 30, 2016); and 40 CFR 63, Appendix A (as amended

through ~~August 30, 2016~~ November 14, 2018). The owner of the equipment or the owner's authorized agent may use an alternative methodology if the methodology is approved by the department in writing before testing. Each test shall consist of at least three separate test runs. Unless otherwise specified by the department, compliance shall be assessed on the basis of the arithmetic mean of the emissions measured in the three test runs.

b. Continuous monitoring systems. Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, Appendix B (as amended through ~~August 7, 2017~~ November 14, 2018); 40 CFR 60, Appendix F (as amended through ~~August 30, 2016~~ November 14, 2018); 40 CFR 75, Appendix A (as amended through August 30, 2016); 40 CFR 75, Appendix B (as amended through August 30, 2016); and 40 CFR 75, Appendix F (as amended through August 30, 2016). The owner of the equipment or the owner's authorized agent may use an alternative methodology for continuous monitoring systems if the methodology is approved by the department in writing before the minimum performance ~~specification~~ specifications and quality assurance ~~procedure~~ procedures are conducted.

c. No change.

ITEM 12. Adopt the following **new** definition of "Electronic format" in subrule **30.1(1)**:

"*Electronic format,*" "*electronic submittal,*" and "*electronic submittal format*" mean a software, Internet-based, or other electronic means specified by the department for submitting fees or associated information to the department for the activities specified in this chapter related to, but not limited to, applications, certifications, determination requests, emissions inventories, forms, notifications, payments, permit applications, and registrations. References to these fee or information submittal methods in this chapter may, as specified by the department, include electronic submittal.

ITEM 13. Amend subrule **33.3(1)**, definition of "Volatile organic compounds," as follows:

"*Volatile organic compounds*" or "*VOC*" means any compound included in the definition of "volatile organic compounds" found at 40 CFR Section 51.100(s) as amended through ~~August 1, 2016~~ November 28, 2018.

ITEM 14. Amend subrule 33.3(2), introductory paragraph, as follows:

33.3(2) Applicability. The requirements of this rule (PSD program requirements) apply to the construction of any new "major stationary source" as defined in subrule 33.3(1) or any project at an existing major stationary source in an area designated as attainment or unclassifiable under Section 107(d)(1)(A)(ii) or (iii) of the Act. In addition to the provisions set forth in rules 567—33.3(455B) through 567—33.9(455B), the provisions of 40 CFR Part 51, Appendix W (Guideline on Air Quality Models) as amended through ~~November 9, 2005~~ January 17, 2017, are adopted by reference.