

ENVIRONMENTAL PROTECTION COMMISSION[567]

Regulatory Analysis

Notice of Intended Action to be published: 567—Chapters 21, 22, 23, 24, 27, and 33
“Air Emissions”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 455B.133, 455B.134, and 455B.145
State or federal law(s) implemented by the rulemaking: federal Clean Air Act (42 U.S.C. §7401 et seq.) and Iowa Code sections 455B.133, 455B.134, and 455B.145

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

April 8, 2026
1 p.m.

Via Zoom
Register to attend the public hearing at:
us02web.zoom.us/j/86328423188?jst=3

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Christine Paulson
Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Email: christine.paulson@dnr.iowa.gov

Purpose and Summary

The Environmental Protection Commission (Commission) proposes to amend Chapters 21, 22, 23, 24, 27, and 33 as follows:

Item 1 amends rule 567—21.1(455B) to add a definition of “variance” that is currently present in Chapter 22. The definition is proposed to be moved from Chapter 22 to Chapter 21 because the variance requirements are set forth in Chapter 21.

Item 2 amends subrule 21.10(9) to adopt by reference a voluntary alternative option to the Method 9 test method, which is the federal test method for measuring visible emissions (also known as opacity). The amendment also adopts by reference other voluntary alternative test methods and modifications published in 40 Code of Federal Regulations (CFR) Parts 60 and 63 on January 25, 2024.

Item 3 amends rule 567—21.13(455B) to adopt by reference the alternative testing provisions for Method 9 as proposed in Item 2.

Item 4 amends rule 567—22.1(455B) to update the definition of “standard metropolitan statistical area” (SMSA) to adopt by reference the changes in 40 CFR Section 58.1, which include changing the defined term to “metropolitan statistical area” (MSA).

Item 5 rescinds the definition of “variance” in rule 567—22.1(455B). As proposed in Item 1, this definition will be moved to rule 567—21.1(455B).

Item 6 amends paragraph 22.1(2)“s” to include a definition of “educational institution” regarding the construction permitting exemption for equipment used for academic purposes located at

educational institutions. The amendment does not change the definition but instead proposes to remove a reference to a repealed Iowa Code section that previously defined the term.

Item 7 amends subparagraph 22.10(3)“d”(5) to correct an outdated cross-reference.

Item 8 amends paragraph 22.10(4)“c” to correct an outdated cross-reference.

Item 9 amends the introductory paragraph of subrule 23.1(2), New Source Performance Standards (NSPS), to adopt by reference the alternative test methods in 40 CFR Part 60 as proposed in Items 2 and 3.

Item 10 removes the word “Federal” from the title of the NSPS table in subrule 23.1(2).

Item 11 amends paragraph “hh” of the NSPS table to propose adoption by reference of changes that the Environmental Protection Agency (EPA) made to the NSPS (Subpart KK) for lead acid battery manufacturing plants, as published in the CFR on February 23, 2023.

Item 12 amends paragraph “rrr” of the NSPS table to adopt by reference changes that EPA made to the NSPS (Subpart WWW) for municipal solid waste landfills (MSW landfills). The changes include amendments published after April 10, 2000, and through March 26, 2020. Those amendments were not adopted previously due to litigation. The litigation has since been resolved, and the Commission is now proposing to adopt those amendments by reference.

Item 13 proposes new paragraph “xxx” in the NSPS table to adopt by reference NSPS (Subpart XXX) for MSW landfills, which applies to MSW landfills constructed or expanded after July 17, 2014. The adoption includes the original Subpart XXX, which was published in the CFR on August 29, 2016, and subsequent amendments published through February 14, 2022. As with the amendments to Subpart WWW, Subpart XXX was not adopted previously due to litigation. The litigation has since been resolved, and the Commission is now proposing to adopt Subpart XXX by reference.

Item 14 proposes new paragraph “ddd” in the NSPS table to adopt by reference the NSPS (Subpart KKa) for new, modified, or reconstructed lead acid battery manufacturing plants. Subpart KKa applies to affected facilities for which construction, modification, or reconstruction occurred after February 23, 2022.

Item 15 amends subrule 23.1(3) to reformat adoption of the Asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP), as adopted by reference from 40 CFR Part 61, Subpart M, so that it is removed from and precedes the Federal Emissions Standards for Hazardous Air Pollutants table. The proposed amendment also restores explanatory text that was inadvertently removed from the subrule in a previous rulemaking. Additionally, the Commission is proposing to require electronic submittal for the required Asbestos NESHAP notification of building renovation and demolition. Item 15 also amends the title of the table to replace the word “Federal” with “National.”

Item 16 amends the introductory paragraph of subrule 23.1(4) to adopt by reference the alternative test methods in 40 CFR Part 63 as proposed in Items 2 and 3. Adopting the January 25, 2024, amendment date includes adoption of amendments to NESHAP Subpart QQQQ for surface coating of wood building products, as amended through March 8, 2023. No changes to paragraph 23.1(4)“cq” are necessary to adopt these amendments.

Item 17 amends the title of the table in subrule 23.1(4) to replace the word “Federal” with “National.”

Item 18 amends paragraph “ca” of the NESHAP table to adopt by reference amendments to Subpart AAAA for MSW landfills that were published through February 14, 2022. Due to the affiliation of Subpart AAAA with the requirements in NSPS Subparts WWW and XXX and the aforementioned litigation, the Commission did not previously adopt the amendments but is now proposing to do so.

Item 19 amends paragraph “ep” of the NESHAP table to adopt federal amendments to Subpart PTTTTT for lead acid battery manufacturing. The proposed adoption includes federal amendments published after November 19, 2020, and through February 23, 2023. The Commission did not adopt previous amendments due to litigation. The litigation has been resolved, and the Commission is now proposing to adopt those amendments by reference.

Item 20 amends paragraph “ev” of the NESHAP table to correct the name of the affected source category because part of its name is currently not included.

Item 21 adopts new paragraph “fa” in the NESHAP table to adopt by reference the NESHAP (Subpart AAAAAAA) for asphalt processing and asphalt roof manufacturing as originally promulgated on December 2, 2009, and as amended through March 20, 2023. The Commission did not previously adopt Subpart AAAAAAA because there were no affected facilities in Iowa. However, an affected facility was recently identified when applying for an air construction permit.

Item 22 amends the introductory paragraph of subrule 23.1(5) to update adoption of federal emission guidelines for existing sources.

Item 23 updates adoption of the federal emission guidelines for existing MSW landfills by proposing to rescind and replace paragraph 23.1(5)“a.” New paragraph 23.1(5)“a” adopts by reference 40 CFR Part 62, Subpart OOO, the federal standards for MSW landfills that commenced construction on or before July 17, 2014, and have not been modified or reconstructed since that date.

Item 24 amends subrule 23.2(3) to propose updates to the exemptions for open burning. The proposed amendment corrects outdated cross-references and updates the asbestos requirements for training fires and controlled burning of a demolished building to require that notifications be submitted electronically through the Department’s specified system.

Item 25 amends paragraph 23.3(2)“b” to update references to “standard metropolitan statistical area” to reflect the current terminology, “metropolitan statistical area,” as proposed in Item 4. The amendment also corrects an outdated cross-reference.

Item 26 amends paragraph 23.5(2)“d” to correct an outdated cross-reference.

Item 27 amends paragraph 27.3(4)“b” to remove outdated and unnecessary provisions related to penalties for noncompliance.

Item 28 amends subrule 33.3(1) to update the definition of “subject to regulation” for purposes of the Prevention of Significant Deterioration (PSD) rules. The proposed amendment adopts by reference updates that EPA made to federal regulations in 40 CFR Part 98 related to greenhouse gas emissions.

Item 29 amends subrule 33.3(2) to adopt by reference updates that EPA made to the Guideline on Air Quality Models, as published on November 29, 2024, in 40 CFR Part 51, Appendix W.

Item 30 amends paragraph 33.3(18)“g” to correct an outdated cross-reference.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

• Classes of persons that will bear the costs of the proposed rulemaking:

The proposed rulemaking will apply primarily to facilities that are sources of air emissions. Common facilities with air emissions include electric utilities, food and grain processors, manufacturing operations, natural gas pipelines, chemical manufacturers, metal foundries, asphalt paving plants, and concrete batch plants. Depending on the level of air emissions and type of business or process, these facilities may be subject to State or federal air quality requirements.

In particular, the rulemaking proposes to adopt several new or amended mandatory federal air quality standards. These proposed amendments are identical to the federal regulations, and the amendments do not impose any regulations on Iowa businesses not already required by federal law. Additionally, the adoption of these proposed amendments will ensure that Iowa’s administrative rules are consistent with federal regulations and not any more stringent.

The proposed amendments include adoption of updated federal NSPS and air toxics standards, also known as NESHAP. These standards apply whether they are adopted into State regulations or not; however, by incorporating these terms into the administrative rules, the Department can continue to be a delegated authority under the federal Clean Air Act (CAA). This allows the Department, rather than the EPA, to be the primary compliance and implementation agency in Iowa.

The proposed rulemaking will also apply to asbestos-related demolition or renovation projects subject to the federal Asbestos NESHAP, which commonly include commercial, industrial, and institutional buildings or bridges undergoing renovation or demolition. The requirements of the

Asbestos NESHAP have not changed. However, the Commission is proposing to require electronic submittal for the required NESHAP notification of building renovation and demolition. The Department's online Asbestos Notification System has been available since 2017, and approximately half of all notifications are currently being submitted through the system.

- **Classes of persons that will benefit from the proposed rulemaking:**

The amendments in Items 9 through 23 propose to adopt changes to the federal NSPS and NESHAP, as well as changes to federal Emission Guidelines that apply to existing facilities in specific NSPS source categories. The CAA obligates EPA to issue NSPS, NESHAP, and Emission Guidelines that set standards and deadlines for industrial, commercial, or institutional facilities to meet uniform standards for equipment operation and air pollutant emissions.

Because the NSPS, NESHAP, and Emission Guidelines proposed to be adopted by reference are federal regulations, affected sources are subject to the federal requirements regardless of whether the Commission adopts the standards into the administrative rules. However, the CAA allows a State or local agency to implement NSPS and NESHAP as a delegated authority or, in the case of the Emission Guidelines, by adopting a Federal Plan through administrative rule. Upon adoption of the standards, the Department becomes the administrator for the specific NSPS, NESHAP, or Emission Guidelines and is the primary implementation agency in Iowa. Two local agencies, those in Polk County and Linn County, implement the NSPS and NESHAP within their counties.

The administrative rules, including all compliance deadlines, are identical to the NSPS, NESHAP, and Federal Plan as of a specific CFR publication date. With delegation authority and adoption of the federal standards into the administrative rules and the rules of Polk County and Linn County, State and local agencies have the ability to make applicability determinations for facilities rather than deferring these decisions to EPA.

Additionally, this proposed rulemaking will allow Iowa citizens to realize a benefit from up-to-date rules that allow for continued prevention, abatement, and control of air pollution in the State, protecting the health and welfare of all Iowans.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

The amendments proposed in Items 1, 5 through 8, 26, 27, and 30 will have no quantitative impact because they consist of minor rule reorganization, correction of outdated cross-references, and necessary updates to obsolete rule provisions. The amendments proposed in Items 2, 3, 9, and 16 may provide some monetary benefits to facilities or contractors that choose to use the alternative test methods specified by EPA. The new methods are voluntary and likely will not be used by all facilities. However, the Department is aware of businesses that are using the alternative test provisions in Method 9 for measuring visible emissions.

Items 4, 25, 28, 29, and 30 will have no quantitative impact. Items 4 and 25 update the definition of, and reference to, "standard metropolitan statistical area" to adopt by reference the changes in 40 CFR Section 58.1, which include a name change to "metropolitan statistical area." Items 28, 29, and 30 propose amendments to Chapter 33 for the PSD requirements, which include adoption by reference of a revised federal calculation for greenhouse gas emissions; adoption by reference of EPA's updates to 40 CFR Part 51, Appendix W (Guideline on Air Quality Models); and correction of an outdated cross-reference.

Items 9 through 23 that propose to adopt changes to the federal NSPS, NESHAP, and Emission Guidelines may entail additional costs for affected facilities. However, the amendments are only implementing federally mandated regulations; thus, any resulting impact originates at the federal level. These amendments are identical to the federal regulations and will 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.

Items 15 and 24 include the proposed amendments to require submittal of the Asbestos NESHAP notification of renovation and demolition through the electronic system specified by the Department.

There may be initial quantitative impacts to the affected building owners, operators, and contractors to submit their required asbestos notifications through the Department's system (currently the Asbestos Notification System available online at iowadnr.gov/environmental-protection/air-quality/eair-services). The quantitative impacts are expected to be the minimal initial resources needed for affected parties to learn the system.

The Asbestos Notification System includes tutorials and other resources to assist facilities with submitting their notifications. Additionally, affected entities can receive free assistance with submitting electronic notifications from both the Department and the Iowa Waste Reduction Center's (IWRC's) Iowa Air Emissions Assistance Program administered by the University of Northern Iowa. The Department and the IWRC plan to provide additional outreach to notify and assist affected parties with using the online notification system.

Currently, roughly half of the parties submitting renovation and demolition notifications are already using the online system, which is approximately 1,000 notifications of the average 2,000 notifications submitted annually. At this time, the Department's air quality administrative support staff are entering the information into the online system from the roughly 1,000 paper notifications submitted annually. As such, the amendments will provide a resource savings to the Department once staff are no longer entering information from paper notifications into the online system.

- **Qualitative description of impact:**

The rulemaking will provide benefits to businesses affected by the federal regulations proposed for adoption by reference. Stakeholders 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 is better able to work with facilities on applicability and compliance. For example, the Department will include the specific requirements of the applicable federal regulations in new and modified air permits issued to facilities. Additionally, qualifying small businesses are eligible for free technical assistance through IWRC upon adoption of the standards in the Iowa Administrative Code.

The proposed amendments that require electronic submittal of the Asbestos NESHAP notification of renovation and demolition will help ensure data accuracy and efficiency for users. Moreover, the added certainty in submitted project notifications will benefit both affected parties and the Department, and will help affected parties comply with the Asbestos NESHAP.

Further and as stated above, this proposed rulemaking, taken as a whole, will allow Iowa citizens to realize a benefit from up-to-date rules that allow for continued prevention, abatement, and control of air pollution in the State, protecting the health and welfare of all Iowans.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There is no fiscal impact to the State of Iowa related to the proposed rulemaking.

- **Anticipated effect on State revenues:**

The rulemaking will have no impact on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Inaction, or not adopting this proposed rulemaking, would be a disadvantage to affected businesses and other stakeholders, as well as for the Department, for the reasons detailed above.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

No less costly or intrusive methods exist to achieve the purpose of the proposed rulemaking.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

The Department did not consider alternative methods because the only alternative method available would be to not propose these amendments. As stated previously, the Department considers this option to be a disadvantage to affected businesses, citizens of Iowa, and the Department.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The proposed rule changes provide an overall benefit to affected businesses, the citizens of Iowa, and the Department.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking’s compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The impact on small business is not expected to be substantial. However, the Department provides funding for compliance assistance services from the IWRC so that affected businesses may understand and fulfill their air quality regulatory obligations. The IWRC provides these services free of charge. In particular, the IWRC, in cooperation with the Department, is available to assist building owners and demolition and renovation contractors with submitting the required Asbestos NESHAP notifications through the Department’s online system. IWRC also assists qualifying small businesses with other air quality requirements, such as NSPS, NESHAP, and permitting.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** definition of “Variance” in rule **567—21.1(455B)**:
“Variance” means a temporary waiver from rules or standards governing the quality, nature, duration, or extent of emissions granted by the commission for a specified period of time.

ITEM 2. Amend subrule 21.10(9) as follows:

21.10(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 the U.S. Environmental Protection Agency (EPA) reference methods as specified in 40 CFR 51, Appendix M (as amended or corrected through March 29, 2023); 40 CFR 60, Appendix A (as amended or corrected through ~~March 29, 2023~~ January 25, 2024); 40 CFR 61, Appendix B (as amended or corrected through October 7, 2020); and 40 CFR 63, Appendix A (as amended or corrected through ~~March 29, 2023~~ January 25, 2024). Each test shall consist of at least three separate one-hour test runs. Unless otherwise specified by the department, EPA method, or regulation, compliance shall be assessed on the basis of the arithmetic mean of the emissions measured in the three test runs. 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.

b. and c. No change.

ITEM 3. Amend rule 567—21.13(455B) as follows:

567—21.13(455B) Methodology and qualified observer. The federal method for visual determination of opacity of emissions and requirements for qualified observers as defined in 40 CFR

Part 60, Appendix A, Method 9, as amended through ~~November 14, 1990~~ January 25, 2024, is adopted by reference.

To qualify as an observer, a candidate must, after meeting the requirements established in 40 CFR Part 60, Appendix A, Method 9, have on record with the department a minimum of 250 readings of black plumes and 250 readings of white plumes, taken at approved smoke reading courses.

ITEM 4. Amend rule ~~567—22.1(455B)~~, definition of “Standard metropolitan statistical area,” as follows:

~~“Standard metropolitan~~ Metropolitan statistical area” or ~~“SMSA MSA”~~ means ~~an area that has at least one city with a population of at least 50,000 and such surrounding areas as geographically defined by the U.S. Office of Management and Budget (Department of Commerce) any area included in the definition of “metropolitan statistical area” in 40 CFR Section 58.1 as amended through March 6, 2024.~~

ITEM 5. Rescind the definition of “Variance” in rule ~~567—22.1(455B)~~.

ITEM 6. Amend paragraph ~~22.1(2)“s”~~ as follows:

s. Equipment that is not related to the production of goods or services and used exclusively for academic purposes, located at educational institutions ~~(as defined in Iowa Code section 455B.161)~~. For purposes of this exemption, “educational institution” shall mean a building in which an organized course of study or training is offered to students enrolled in kindergarten through grade 12 and served by local school districts, accredited or approved nonpublic schools, area education agencies, community colleges, institutions of higher education under the control of the state board of regents, and accredited independent colleges and universities. The equipment covered under this exemption is limited to lab hoods, art class equipment, wood shop equipment in classrooms, wood fired pottery kilns, and fuel-burning units with a capacity of less than 1 million Btu per hour fuel capacity. This exemption does not apply to incinerators.

ITEM 7. Amend subparagraph ~~22.10(3)“d”~~(5) as follows:

(5) Operating permits. The owner or operator of a Group 4 facility shall apply for an operating permit for the facility if the facility’s annual PTE for PM₁₀ is equal to or greater than 100 tons per year as specified in ~~567—24.100(455B)~~ through ~~567—24.300(455B)~~. The owner or operator of a Group 4 facility that is a grain terminal elevator shall include fugitive emissions in the calculations to determine if the PTE for PM₁₀ is greater than or equal to 100 tons per year. The owner or operator also shall submit annual emissions inventories and fees, as specified in ~~567—22.106(455B)~~ 567—24.106(455B).

ITEM 8. Amend paragraph ~~22.10(4)“c”~~ as follows:

c. *Operating permits.* The owner or operator shall sum the PTE of the feed mill equipment with the PTE of the equipment at the country grain elevator, country grain terminal elevator or grain terminal elevator, as PTE is specified in ~~22.10(2)~~, to determine if operating permit requirements specified in ~~567—24.100(455B)~~ through ~~567—24.300(455B)~~ apply to the stationary source. If the operating permit requirements apply, then the owner or operator shall apply for an operating permit as specified in ~~567—24.100(455B)~~ through ~~567—24.300(455B)~~. The owner or operator also shall begin submitting annual emissions inventories and fees, as specified under ~~567—22.106(455B)~~ 567—24.106(455B).

ITEM 9. 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 ~~June 28, 2023~~ January 25, 2024, 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 provided in the table below. A different date for adoption by reference may be included with the subpart designation in the table. 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 10. Amend subrule **23.1(2)**, title of Federal New Source Performance Standards table (NSPS table), as follows:

Federal New Source Performance Standards (NSPS) Adopted by Reference in 23.1(2)

ITEM 11. Amend subrule **23.1(2)**, NSPS table paragraph “hh,” as follows:

hh	Lead-acid battery manufacturing plants	KK	February 27, 2014 <u>N/A</u>
----	--	----	------------------------------

ITEM 12. Amend subrule **23.1(2)**, NSPS table paragraph “rrr,” as follows:

rrr	Municipal solid waste landfills, as defined by 40 CFR 60.751	WWW	April 10, 2000 <u>N/A</u>
-----	--	-----	---------------------------

ITEM 13. Adopt the following **new** paragraph “xxx” in subrule **23.1(2)**, NSPS table:

xxx	Municipal solid waste landfills, as defined by 40 CFR 60.761	XXX	N/A
-----	--	-----	-----

ITEM 14. Adopt the following **new** paragraph “ddd” in subrule **23.1(2)**, NSPS table:

ddd	Lead acid battery manufacturing plants for which construction, modification or reconstruction commenced after February 23, 2022	KKa	N/A
-----	---	-----	-----

ITEM 15. Amend subrule 23.1(3) as follows:

23.1(3) *Emission standards for hazardous air pollutants.* The federal standards for emissions of hazardous air pollutants, 40 Code of Federal Regulations Part 61 as amended or corrected through October 7, 2020, and 40 CFR Part 503 as adopted on August 4, 1999, are adopted by reference, except 40 CFR §61.20 to §61.26, §61.90 to §61.97, §61.100 to §61.108, §61.120 to §61.127, §61.190 to §61.193, §61.200 to §61.205, §61.220 to §61.225, and §61.250 to §61.256, and shall apply to the following affected pollutants and facilities and activities listed below. The corresponding 40 CFR Part 61 subpart designation is provided in the table below, with the exception of 23.1(3)“a.” A different date for adoption by reference may be included with the subpart designation in the table. Reference test methods (Appendix B), compliance status information requirements (Appendix A), quality assurance procedures (Appendix C) and the general provisions (Subpart A) of Part 61 also apply to the affected activities or facilities.

a. Asbestos. Any of the following involves asbestos emissions: asbestos mills, surfacing of roadways, manufacturing operations, fabricating, insulating, waste disposal, spraying applications and demolition and renovation operations (Subpart M). Any person subject to notification requirements under this rule shall submit a complete and timely notification in the electronic format specified by the Department, if electronic submittal is provided. Any person subject to notification requirements under this rule shall submit fees as required in 567—Chapter 30.

**Federal National Emission Standards for Hazardous Air Pollutants (NESHAP)
Adopted by Reference in 23.1(3)**

23.1(3) paragraph	Affected source category	40 CFR Part 61 Subpart Adopted	Date of adoption (if different than 23.1(3) introductory paragraph) or note if standard is not adopted
-------------------	--------------------------	--------------------------------	--

a	Asbestos	M	N/A
b	Beryllium	C	Not adopted. No facilities in Iowa. Paragraph reserved.
c	Beryllium rocket motor firing	D	Not adopted. No facilities in Iowa. Paragraph reserved.
d	Mercury	E	N/A
e	Vinyl chloride	F	N/A
f	Equipment leaks of benzene (fugitive emission sources)	J	N/A
g	Equipment leaks of volatile hazardous air pollutants (fugitive emission sources)	V	N/A
h	Inorganic arsenic emissions from arsenic trioxide and metallic arsenic production facilities	P	Not adopted. No facilities in Iowa. Paragraph reserved.
i	Inorganic arsenic emissions from glass manufacturing plants	N	N/A
j	Inorganic arsenic emissions from primary copper smelters	O	Not adopted. No facilities in Iowa. Paragraph reserved.
k	Benzene emissions from coke by-product recovery plants	L	N/A
l	Benzene emissions from benzene storage vessels	Y	N/A
m	Benzene emissions from benzene transfer operations	BB	N/A
n	Benzene waste operations	FF	N/A

b. Reserved.

ITEM 16. 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 ~~March 29, 2023~~ January 25, 2024, are adopted by reference, except those provisions that cannot be delegated to the states. The corresponding 40 CFR Part 63 subpart designation is provided in the table below. A different date for adoption by reference may be included with the subpart designation in the table. 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.

ITEM 17. Amend subrule **23.1(4)**, title of the Federal Emission Standards for Hazardous Air Pollutants for Source Categories table (NESHAP table), as follows:

Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories Adopted by Reference in 23.1(4)

ITEM 18. Amend subrule **23.1(4)**, NESHAP table paragraph “ca,” as follows:

ca	Emission standards for hazardous air pollutants: municipal solid waste landfills	AAAA	April 20, 2006 <u>N/A</u>
----	--	------	--------------------------------------

ITEM 19. Amend subrule **23.1(4)**, NESHAP table paragraph “ep,” as follows:

ep	Emission standards for hazardous air pollutants for <u>area sources</u> : lead acid battery manufacturing area sources	PPPPPP	November 19, 2020 <u>N/A</u>
----	---	--------	---

ITEM 20. Amend subrule **23.1(4)**, NESHAP table paragraph “ev,” as follows:

ev	Emission standards for hazardous air pollutants for area sources: <u>chemical manufacturing</u>	VVVVVV	N/A
----	---	--------	-----

ITEM 21. Adopt the following **new** paragraph “fa” in subrule **23.1(4)**, NESHAP table:

fa	Emission standards for hazardous air pollutants for area sources: asphalt processing and asphalt roofing manufacturing	AAAAAAA	N/A
----	--	---------	-----

ITEM 22. Amend subrule 23.1(5), introductory paragraph, as follows:

23.1(5) Emission guidelines. The emission guidelines and compliance times for existing sources, as defined in 40 Code of Federal Regulations Part 60 as amended through ~~March 21, 2011~~ the dates noted in the paragraphs below, shall apply to the following affected facilities. ~~The corresponding 40 CFR Part 60 subpart designation is in parentheses. A different CFR reference and date for adoption by reference may be included with the subpart designation indicated in the paragraphs of this subrule.~~ The control of the designated pollutants will be in accordance with federal standards established in Sections 111 and 129 of the Act and 40 CFR Part 60, Subpart B (Adoption and Submittal of State Plans for Designated Facilities), and the applicable subpart(s) for the existing source. 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, as adopted by reference in 23.1(2), also apply to the affected facilities.

ITEM 23. Rescind paragraph **23.1(5)“a”** and adopt the following **new** paragraph in lieu thereof:

a. Emission guidelines and compliance times for the control of designated pollutants from certain designated municipal solid waste (MSW) landfills (40 CFR Part 62, Subpart 000). Emission guidelines and compliance times for municipal solid waste landfills that commenced construction on or before July 17, 2014, and have not been modified or reconstructed since July 17, 2014, shall be in accordance with federal standards established in Subpart 000 of 40 CFR Part 62 as amended through February 14, 2022.

ITEM 24. Amend subrule 23.2(3) as follows:

23.2(3) Exemptions. The open burning exemptions specified in this subrule do not provide exemptions from any other applicable environmental regulations. In particular, the exemptions contained in this subrule do not absolve any person from compliance with the rules for solid waste disposal, including ash disposal, and solid waste permitting contained in 567—Chapters 100 through ~~130~~ 109 or the rules for storm water runoff and storm water permitting contained in ~~567—Chapters 60 and 64~~ 567—Chapter 60. The following exemptions apply unless prohibited by local ordinances or regulations, except that the exemptions for open burning of trees and tree trimming (23.2(3)“b”), landscape waste (23.2(3)“d”), residential waste (23.2(3)“f”), agricultural structures (23.2(3)“i”), and demolished buildings (23.2(3)“j”) are unavailable within the cities of Cedar Rapids, Marion, Hiawatha, Council Bluffs, Carter Lake, Des Moines, West Des Moines, Clive, Windsor Heights, Urbandale, and Pleasant Hill.

a. to f. No change.

g. Training fires. For purposes of 23.2(3), a “training fire” is a fire set for the purposes of conducting bona fide training of public or industrial employees in firefighting methods. For purposes of this paragraph, “bona fide training” means training that is conducted according to the National Fire Protection Association 1403 Standard on Live Fire Training Evolutions (2002 Edition) or a comparable training fire standard. A training fire may be conducted, provided that all of the following conditions are met:

(1) A training fire on a building is conducted with the building structurally intact.

(2) The training fire does not include the controlled burn of a demolished building.

(3) If the training fire is to be conducted on a building, ~~written~~ notification is provided to the department ~~on DNR Form 542-8010, Notification of an Iowa Training Fire Demolition or a Controlled Burn of a Demolished Building, and is postmarked or delivered to the director as specified in 23.2(3) “g”(4) and must be submitted~~ at least ten working days before such action commences.

(4) Notification shall be made through the electronic submittal method specified by the department and in accordance with 40 CFR Section 61.145, “Standard for Demolition and Renovation” of the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) as amended through January 16, 1991.

(5) All asbestos-containing materials shall be removed prior to the training fire.

(6) Asphalt roofing may be burned in the training fire only if notification to the director contains testing results indicating that none of the layers of asphalt roofing contain asbestos. During each calendar year, each fire department may conduct no more than two training fires on buildings where asphalt roofing has not been removed, provided that for each of those training fires the asphalt roofing material present has been tested to ensure that it does not contain asbestos. Each fire department’s limit on the burning of asphalt roofing shall include both training fires and the controlled burning of a demolished building, as specified in 23.2(3)“j.”

(7) Rubber tires shall not be burned during a training fire.

h. and i. No change.

j. Controlled burning of a demolished building. A city, as “city” is defined in Iowa Code section 362.2(4), with approval of its council, as “council” is defined in Iowa Code section 362.2(8), may conduct a controlled burn of a demolished building. A city is the only party that may conduct such a burn and is responsible for ensuring that all of the following conditions are met:

(1) Prohibition. The controlled burning of a demolished building is prohibited within the city limits of Cedar Rapids, Marion, Hiawatha, Council Bluffs, Carter Lake, Des Moines, West Des Moines, Clive, Windsor Heights, Urbandale, Pleasant Hill, Buffalo, Davenport, Mason City or any other area where area-specific state implementation plans require the control of particulate matter.

(2) Notification requirements. For each building proposed to be burned, the city fire department or a city official, on behalf of the city, shall submit to the department a completed notification postmarked at least 10 working days prior to commencing demolition and at least 30 days before the proposed controlled burn commences. Documentation of city council approval shall be submitted with the notification. Information required to be provided shall include the exact location of the burn site; the approximate distance to the nearest neighboring residence or business; the method used by the city to notify nearby residents of the proposed burn; an explanation of why alternative methods of demolition debris management are not being used; and information required by 40 CFR Section 61.145, “Standard for Demolition and Renovation” of the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), as amended through January 16, 1991. Notification shall be provided ~~on DNR Form 542-8010, Notification of an Iowa Training Fire Demolition or a Controlled Burn of a Demolished Building~~ through the electronic submittal system specified by the department. For burns conducted outside the city limits, the city shall send to the chairperson of the applicable county board a copy of the completed ~~DNR notification Form 542-8010~~ and documentation of city council approval. Notification to the county board shall be postmarked, faxed or sent by email at least 30 days before the proposed controlled burn commences.

(3) to (11) No change.

(12) Compliance with other applicable environmental regulations. Compliance with the exemption requirements in this paragraph shall not absolve a city of the responsibility to comply with any other applicable environmental regulations. In particular, a city conducting a controlled burn of a demolished building shall comply with all applicable solid waste disposal, including ash disposal, and solid waste permitting rules contained in 567—Chapters 100 through 109, as well as all applicable storm water discharge and storm water permitting rules contained in ~~567—Chapters 60 and 64~~ 567—Chapter 60.

ITEM 25. Amend paragraph **23.3(2)“b”** as follows:

b. Combustion for indirect heating. Emissions of particulate matter from the combustion of fuel for indirect heating or for power generation shall be limited by the ASME Standard APS-1, Second Edition, November 1968, “Recommended Guide for the Control of Dust Emission—Combustion for Indirect Heat Exchangers.” For the purpose of this paragraph, the allowable emissions shall be calculated from equation (15) in that standard, with $C_{max} = 50$ micrograms per cubic meter. The maximum ground level dust concentrations designated are above the background level. For plants with 4,000 million Btu/hour input or more, the “a” factor shall be 1.0. In plants with less than 4,000 million Btu/hour input, appropriate “a” factors, less than 1.0, shall be applied. Pertinent correction factors, as specified in the standard, shall be applied for installations with multiple stacks. However, for fuel-burning units in operation on January 13, 1976, the maximum allowable emissions calculated under APS-1 for the facility’s equipment configuration on January 13, 1976, shall not be increased even if the changes in the equipment or stack configuration would otherwise allow a recalculation and a higher maximum allowable emission under APS-1.

(1) Outside any ~~standard~~ metropolitan statistical area, the maximum allowable emissions from each stack, irrespective of stack height, shall be 0.8 pounds of particulates per million Btu input.

(2) Inside any ~~standard~~ metropolitan statistical area, the maximum allowable emission from each stack, irrespective of stack height, shall be 0.6 pounds of particulates per million Btu input.

(3) No change.

(4) Measurements of emissions from a particulate source will be made in accordance with the provisions of ~~567—Chapter 25~~ 567—Chapter 21.

(5) No change.

ITEM 26. Amend paragraph **23.5(2)“d”** as follows:

d. Compliance with the requirements of 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~~ 567—Chapter 60 that are applicable to industrial anaerobic lagoons.

ITEM 27. Amend paragraph **27.3(4)“b”** as follows:

b. Penalties. The penalties specified in such ordinance or regulations shall include fines; and injunctive relief and sealing of equipment found to be not in compliance with applicable provisions of the ordinance or regulations.

ITEM 28. Amend subrule **33.3(1)**, definition of “Subject to regulation,” as follows:

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

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

2. For purposes of paragraphs “3” and “4,” the term “tpy CO₂ equivalent emissions (CO₂e)” shall represent an amount of GHGs emitted and shall be computed as follows:

(a) Multiply the mass amount of emissions (tpy) for each of the six greenhouse gases in the pollutant GHGs by the associated global warming potential of the gas published at 40 CFR Part 98, Subpart A, Table A-1, “Global Warming Potentials,” (as amended through ~~December 24, 2014~~ April 25, 2024). For purposes of this definition, prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material originating from plants, animals, or microorganisms (including products, by-products, residues and waste from agriculture, forestry and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material).

(b) No change.

3. No change.

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

(a) The stationary source is a new major stationary source for a regulated NSR pollutant that is not a GHG, and also will emit or will have the potential to emit 75,000 tpy CO₂e or more, or

(b) The stationary source is an existing major stationary source for a regulated NSR pollutant that is not a GHG, and also will have an emissions increase of a regulated NSR pollutant and an emissions increase of 75,000 tpy CO₂e or more.

ITEM 29. Amend subrule 33.3(2) 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 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 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 ~~January 17, 2017~~ November 29, 2024, are adopted by reference. Provisions set forth in 567—33.3(455B) through 567—33.9(455B) that are adopted by reference from 40 CFR 51.166 or 52.21 are as amended through July 19, 2021, unless otherwise noted. The following phrases contained in 40 CFR 51.166 are not adopted by reference: “it shall also provide that,” “mechanism whereby,” “the plan may provide that,” “the plan provides that,” “the plan shall provide,” and “the plan shall provide that.” Additionally, the term “the plan” shall mean “State Implementation Plan” or “SIP.”

a. to i. No change.

ITEM 30. Amend paragraph **33.3(18)“g”** as follows:

g. The owner or operator of the source shall make the information required to be documented and maintained pursuant to paragraph 33.3(18)“*f*” available for review upon request for inspection by the department or the general public pursuant to the requirements for Title V operating permits contained in ~~567—subrule 22.107(6)~~ 567—subrule 24.107(6).