

567—27.2(455B) Certificate of acceptance. The governing body of a political subdivision may make application for a certificate of acceptance.

27.2(1) Forms. Each application for a certificate of acceptance shall be submitted to the director on the form “Application for a Certificate of Acceptance of Local Air Pollution Control Program.” Application forms will be available at the department.

27.2(2) Processing of applications. The director shall make an investigation of the program or portion of a program covered by an application for a certificate of acceptance to evaluate conformance with applicable provisions of Iowa Code section 455B.145 as soon as practicable. The director may conduct a public hearing.

a. Granting of certificate. A certificate of acceptance may be granted by the director if the program is consistent with Iowa Code chapter 455B, division II, and the rules established thereunder.

b. Review of program. When a certificate of acceptance has been granted for a local air pollution control program, or portion thereof, the director shall provide for a review of the program activities at intervals as the director may prescribe, for evaluation of the continuation of the certificate. Following the review, the director may continue the certificate in effect or suspend the certificate.

(1) *Suspension of certificate.* If the director determines at any time that a local air pollution control program, or portion thereof, is being conducted in a manner which is not consistent with the factors described herein, a notice to the political subdivision shall be provided setting forth the deviations from the standards prescribed herein. The notice shall include a listing of the corrective measures that are to be completed within a specified period of time. If the director finds, after such time period, that the specified corrective action has not been completed, the director shall suspend the certificate of acceptance, in whole or in part, and resume administration of the regulatory provisions of the statute or portion thereof in the political subdivision. Suspension of a certificate shall be without prejudice to the right of the applicant for requesting a hearing before the commission.

(2) *Reinstatement of certificate.* If the director shall receive evidence that is deemed to indicate correction of the deviations from the standards, a suspended certificate of acceptance, or portion thereof, shall be reinstated upon the request of the political subdivision involved. Upon reinstatement of a certificate, or portion thereof, the political subdivision shall resume the regulatory functions of the program.

This rule is intended to implement Iowa Code sections 455B.133, 455B.134 and 455B.143.

¹ Editor’s Note: Subrule 27.2(2), paragraph “b,” [DEQ 9.2(2)“b”] revised to conform with 5/13/81, IAB.