

567—21.5(455B) Evidence used in establishing that a violation has or is occurring. Notwithstanding any other provisions of these rules, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any provisions herein.

21.5(1) Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at a source:

a. A monitoring method approved for the source and incorporated in an operating permit pursuant to 567—Chapter 22;

b. Compliance test methods specified in 567—Chapter 25; or

c. Testing or monitoring methods approved for the source in a construction permit issued pursuant to 567—Chapter 22.

21.5(2) The following testing, monitoring or information-gathering methods are presumptively credible testing, monitoring, or information-gathering methods:

a. Any monitoring or testing methods provided in these rules; or

b. Other testing, monitoring, or information-gathering methods that produce information comparable to that produced by any method in subrule 21.5(1) or this subrule.

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