

Senate File 397 - Introduced

SENATE FILE _____
BY HAMERLINCK

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to air quality testing.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1792XS 83
4 tm/nh/5

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1 1 Section 1. NEW SECTION. 455B.133C AIR QUALITY TESTING.
1 2 1. The department shall not establish an emission limit or
1 3 standard, or make a compliance determination for particulate
1 4 matter of two and one-half micrometers in aerodynamic diameter
1 5 or less, that is not based on a test method approved and
1 6 promulgated as final by the United States environmental
1 7 protection agency in federal regulations.
1 8 2. By February 1 of each year, the department shall submit
1 9 a written report to the governor and the general assembly
1 10 identifying the location and purpose of each ambient air
1 11 quality monitor located in the state. The report shall
1 12 identify the specific air quality monitors required to meet
1 13 the minimum monitoring requirements stated in federal
1 14 regulations. For any ambient air quality monitor that exceeds
1 15 the minimum monitoring requirements provided in federal
1 16 regulations, the department shall provide a justification as
1 17 to the purpose of the monitor, the extent of the monitor's
1 18 coverage in terms of the percent of the population of the
1 19 state of Iowa, the five-year projected cost of owning and
1 20 operating each such monitor, and the justification or benefits
1 21 of continuing to operate each such monitor. The report shall
1 22 also include proof of public notice, comment, and
1 23 responsiveness. The report shall be provided prior to any
1 24 agreement between the department and the United States
1 25 environmental protection agency on the monitoring network plan
1 26 for the state.
1 27 3. a. The department shall not consider the results of
1 28 air dispersion modeling for purposes of issuing new source
1 29 review minor source or minor modification preconstruction air
1 30 quality permits.
1 31 b. The department shall not make the issuance of a new
1 32 source review preconstruction permit contingent upon air
1 33 dispersion modeling when such modeling is not required by
1 34 federal regulations.
1 35 4. The department shall not establish, in any permit, a
2 1 limitation on visible emissions or opacity which is not
2 2 codified under federal or state regulations or the result of a
2 3 best available control technology determination for a major
2 4 new source review permit action.
2 5 5. The department shall not establish an emission limit or
2 6 standard, make a compliance determination, or make a
2 7 permitting decision which is not based on specific rules
2 8 adopted by the commission.
2 9 EXPLANATION
2 10 This bill relates to air quality testing.
2 11 The bill prohibits the department of natural resources from
2 12 establishing an emission limit or standard, or making a
2 13 compliance determination for particulate matter of two and
2 14 one-half micrometers in aerodynamic diameter or less, that is
2 15 not based on a test method approved and promulgated as final
2 16 by the United States environmental protection agency in
2 17 federal regulations.
2 18 The bill provides that, by February 1 of each year, the
2 19 department shall submit a written report to the governor and

2 20 the general assembly identifying the location and purpose of
2 21 each ambient air quality monitor located in the state.

2 22 The bill prohibits the department from considering the
2 23 results of air dispersion modeling for purposes of issuing new
2 24 source review minor source or minor modification
2 25 preconstruction air quality permits. The bill also prohibits
2 26 the department from making the issuance of a new source review
2 27 preconstruction permit contingent upon air dispersion modeling
2 28 when such modeling is not required by federal regulations.

2 29 The bill prohibits the department from establishing, in any
2 30 permit, a limitation on visible emissions or opacity which is
2 31 not codified under federal or state regulations or the result
2 32 of a best available control technology determination for a
2 33 major new source review permit action.

2 34 The bill prohibits the department from establishing an
2 35 emission limit or standard, making a compliance determination,
3 1 or making a permitting decision which is not based on specific
3 2 rules adopted by the environmental protection commission.

3 3 LSB 1792XS 83

3 4 tm/nh/5.2