

LINN COUNTY CODE OF ORDINANCE
PROVIDING FOR AIR QUALITY
CHAPTER 10

10.1 Purpose

It is the public policy of the Linn County Board of Health, and the Linn County Board of Supervisors, that the purpose of this ordinance is to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote social development of Linn County and facilitate the enjoyment of the natural attractions of Linn County, Iowa.

10.2 Definitions

For use in this ordinance, certain terms and words used herein shall be interpreted or defined as follows:

"Act" means the Clean Air Act, 42 U.S.C Section 7401, et seq.

"Administrator" means, the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

"Affected facility" means, with reference to a stationary source, any apparatus to which a standard is applicable.

"Air contaminant" means dust, fume, mist, smoke, other particulate matter, gas, vapor (except water vapor), radioactive substance, odorous substances or any combination thereof.

"Air contaminant source" means any and all sources of emission of air contaminants whether privately or publicly owned or operated. Air contaminant source includes, but is not limited to, all types of businesses, commercial and industrial plants, works, shops, and stores, heating and power plants and stations, buildings and other structures of all types including single and multiple family residences, office buildings, hotels, restaurants, schools, hospitals, churches and other institutional buildings, automobiles, trucks, tractors, buses, aircraft, and other motor vehicles, garages, vending and service locations and stations, railroad locomotives, ships, boats, and other water-borne craft, portable fuel-burning equipment, indoor and outdoor incinerators of all types, refuse dumps and piles,

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and all stacks and other chimney outlets from any of the foregoing.

"Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is or may reasonably tend to be injurious to human, plant, or animal life, or to property, or which unreasonably interferes with the enjoyment of life and property.

"Air pollution alert" means the level of an air pollution episode known as an air pollution alert is that condition when the concentration of air contaminants reach the level at which the first stage control actions are to begin.

"Air pollution control equipment" means any equipment that has the function to prevent the formation of, or to control the emission to the atmosphere of, air contaminants from any fuel-burning equipment, incinerator, or process equipment.

"Air pollution control officer" means the Air Pollution Control Officer of the Linn County Air Quality Division or an authorized representative.

"Air pollution emergency" means the condition when the air quality is continuing to degrade to a level that should never be reached, and that the most stringent control actions are necessary.

"Air pollution episode" means a combination of forecasted or actual meteorological conditions and emissions of air contaminants which may or do present an imminent and substantial endangerment to the health of persons during which the chief meteorological factors are the absence of winds that disperse air contaminants horizontally and a stable atmospheric layer which tends to inhibit vertical mixing through relatively deep layers.

"Air pollution forecast" means an air stagnation advisory issued to the Air Quality Division by an authorized Air Stagnation Advisory Office of the National Weather Service that meteorological conditions conducive to an air pollution episode may be imminent. This advisory may be followed by a prediction

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of the duration and termination of such meteorological conditions.

"Air pollution warning" means the condition when the air quality is continuing to degrade from the levels classified as an air pollution alert, and when control actions in addition to those conducted under an air pollution alert are necessary.

"Air Quality Division" or "Air Pollution Control Agency" means the Air Quality Division of the Linn County Public Health Department.

"Air quality standard" means an allowable level of air contaminant or atmospheric air concentration established by the Commission.

"Alter" means to change, make different, modify, vary, construct or reconstruct, diverge or depart from original plan.

"Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access. Ambient air does not include the atmosphere over land owned or controlled by the source and to which public access is precluded by a fence or other physical barriers.

"Atmosphere" means all space outside of buildings, stacks or exterior ducts.

"Authorization to install" means the authority which has been granted by the Air Pollution Control Officer to authorize an air contaminant source to construct and/or install new installations or control equipment, or alter, modify or delete existing control equipment.

"Auxiliary fuel firing equipment" means equipment to supply additional heat, by the combustion of an auxiliary fuel, for the purpose of attaining temperatures sufficient to dry and ignite the waste material, to maintain ignition thereof, and to promote complete combustion of combustible gases, solids and vapors.

"Backyard burning" means the disposal of residential waste by open burning on the premises of the property where such waste is generated.

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"Board of Health" means the Linn County Public Health Department's Board of Health.

"CFR" means the Code of Federal Regulations.

"Circumvention" means evasion by the installation of any device or contrivance, or the concealment or the misrepresentation of facts about contaminant emissions for the purpose of misdirecting or evading proper installations or use of air pollution control devices or application of this Ordinance.

"Combustion for Indirect Heating" means the combustion of fuel to produce usable heat that is to be transferred through a heat-conducting materials barrier or by a heat storage medium to a material to be heated so that the material being heated is not contacted by, and adds no substance to, the products of combustion.

"Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

"Commission" means the Environmental Protection Commission of the Iowa Department of Natural Resources.

"Construction" means fabrication, erection, or installation of an affected facility.

"Control equipment" means any equipment that has the function to prevent the formation of, or the emission to, the atmosphere of air contaminants from any fuel burning, incinerator or process equipment.

"Country grain elevator" means any grain elevator that receives more than 50 percent of its grain, as defined by 40 CFR 60.301(a) as amended through August 3, 1978, produced by farms in the vicinity. This definition does not include grain terminal elevators or grain storage elevators, as defined in §10.9(2)"a"(67).

"Director" means the Director of the Iowa Department of Natural Resources or the Director's designee.

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"Emergency generator" means any generator of which the sole function is to provide emergency backup power during an interruption of electrical power from the electric utility. An emergency generator does not include:

1. Peaking units at electric utilities; or
2. Generators at industrial facilities that typically operate at low rates, but are not confined to emergency purposes; or
3. Any standby generators that are used during time periods when power is available from the electric utility.

An emergency is an unforeseeable condition that is beyond the control of the owner or operator.

"Emission" means a release of one or more air contaminants into the outside atmosphere.

"Emission limitation and emission standard" means a requirement established by a local government, State government or the Administrator of the Environmental Protection Agency which limits the quantity, rate or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

"Existing equipment" means equipment, machines, devices or installations that are in operation prior to September 23, 1970.

"Flue" means any duct or passage for air, gases or particulate matter.

"Fuel burning equipment" means equipment, device or contrivance and all appurtenances thereto, including ducts, breechings, control equipment, fuel-feeding equipment, ash removal equipment, combustion controls, stacks, chimneys, etc., used principally but not exclusively to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substances to the products of combustion.

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"Fugitive dust" means any airborne solid particulate matter emitted from any source other than flue or stack and which could not reasonably be passed through a stack, flue or other functionally equivalent opening.

"Garbage" means all solid and semi-solid putrescible and nonputrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, and serving of food, or of material intended for use as food, but excluding recognized industrial by-products.

"Ground level" means that area between the existing grade and a point 8 feet there above.

"Hazardous Air Pollutant" means any air pollutant listed in or pursuant to section 112(b) of the Act.

"Household rubbish" means waste material and trash, not to include garbage, petroleum or asphalt-based products, normally accumulated by a family at a residence in the course of ordinary day-to-day living.

"Incinerator" means a combustion apparatus designed for high temperature operation in which solid, semi-solid, liquid, or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material.

"Landscape waste" means any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

"Major modification" means any physical change in or changes in the method of operation of a major stationary source, that would result in a significant net emissions increase of any regulated contaminant.

a. Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone.

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b. A physical change, or change in the method of operation, shall not include:

1. Routine maintenance, repair, and replacement;

2. Use of an alternative fuel or raw material by reason of an order under §§2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act;

3. Use of an alternative fuel by reason of an order or rule under §125 of the Clean Air Act;

4. Any change in ownership at a stationary source;
or

5. Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

6. Use of an alternative fuel or raw material by a stationary source which the source was capable of accommodating before December 21, 1976, unless such change would be prohibited by any enforceable permit condition;

7. An increase in the hours of operation or in the production rate, unless such change is prohibited under any permit condition enforceable by the Administrator.

"Major stationary source" means, for the purpose of determining applicability of the prevention of significant deterioration requirements in 40 CFR 52:

a. Any stationary source listed in 40 CFR 52.21(b)(1) which emits, or has the potential to emit, 100 tons per year or more of any regulated air contaminant; or

b. Notwithstanding the stationary sources specified in paragraph (a) of this section, any stationary source which emits, or has the potential to emit, 250 tons per year or more of any air pollutant subject to regulation under the Act; or

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c. Any physical change that would occur at a stationary source not qualifying under subparagraph §10.2 as a major stationary source, if the change would constitute a major stationary source by itself.

d. A major stationary source that is major for volatile organic compounds shall be considered major for ozone.

"Malfunction" means any sudden and unavoidable failure of control equipment or of a process to operate in a normal manner. Any failure that is caused entirely or in part by poor maintenance, careless operation, lack of an adequate maintenance program, or any other preventable upset condition or preventable equipment breakdown shall not be considered a malfunction.

"Modification" means any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.

"National Ambient Air Quality Standards (NAAQS)" are the standards established pursuant to Section 109 of the Clean Air Act that apply for ambient air.

"National Emission Standards for Hazardous Air Pollutants (NESHAP)" are emission standards established pursuant to Section 112 of the Clean Air Act.

"New equipment" means except for any equipment or modified equipment to which §10.9(2) applies, any equipment or control equipment not under construction or for which components have not been purchased on or before September 23, 1970, and any equipment which is altered or modified after such date, which may cause the emission of air contaminants or eliminate, reduce or control the emission of air contaminants.

"New facility" means manufacturing, production, or processing of any kind, starting for the first time at a different or new location or the restarting of existing facilities which have been non-operational for two calendar years or more.

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"Objectionable odor" means an odor that is believed to be objectionable by 30 percent or more of a random sample of the people exposed to such odor, with the sample size of at least 30 people, or 75 percent of those exposed if fewer than 30 people are affected.

"One-hour period" means any 60-minute period commencing on the hour.

"Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

"Open burning" means any burning of combustible materials from which the products of combustion are emitted into the open air without passing through a stack or chimney.

"PM-2.5" means particulate matter within an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by EPA reference methods in 40 CFR Part 50, or alternate methods approved under 40 CFR Part 53.

"PM-10" means particulate matter within an aerodynamic diameter less than or equal to a nominal ten micrometers as measured by EPA reference methods in 40 CFR Part 50, or alternate methods approved under 40 CFR Part 53.

"Particulate matter" means any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

"Parts per million (ppm)" means a term which expresses the volumetric concentration of one material in one million unit volumes of a carrier material.

"Permit conditions" means operational limits, restrictions, or other guides which have been set by the Air Pollution Control Officer, which govern the operation and/or emissions of a particular permitted air pollution source.

"Permit to Operate" means the authority has been granted by the Air Pollution Control Officer for an air contaminant source to operate new installations or control equipment or to operate altered or modified existing equipment.

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"Person" means any individual, firm, corporation, organization, partnership, business, trust, public or private corporation, company, trustee, syndicate, club, institution, agency, or any federal, state or local governmental agency or instrumentality or other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular, or plural is included in any circumstance.

"Petitioned signed complaint" means a complaint by not less than 20 signatures of persons directly aggrieved by the condition causing the complaint when submitted to the Air Pollution Control Officer.

"Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the Administrator. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations relating to acid rain.

For the purpose of determining potential to emit for country grain elevators, "maximum capacity" means the greatest amount of grain received by the elevator during one year of the previous five-year period multiplied by an adjustment factor of 1.2. If the source is subject to new source construction permit review, then potential to emit is defined as stated above or as established in a federally enforceable permit.

For purposes of calculating potential to emit for emergency generators, "maximum capacity" means one of the following:

a. 500 hours of operation annually, if the generator has actually been operated less than 500 hours per year for the past five years.

b. 8760 hours of operation annually, if the generator has actually been operated more than 500 hours in one of the past five years; or

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c. The number of hours specified in a state or federally enforceable limit.

If the source is subject to new source construction permit review, then potential to emit is defined as stated above or as established in a federally enforceable permit.

"Prevention of Significant Deterioration (PSD)" is defined as a permit program for new and modified sources, as promulgated by EPA (40 CFR 52.21) or approved by EPA as meeting the requirements of 40 CFR 51.166.

"Process weight" means the total gross weight of all materials that are capable of causing any discharge into the atmosphere, introduced into a specific process, including liquids in any form, but excluding air and free water in any form.

"Process weight rate" means a rate established as follows:

a. For continuous or long-run steady-state process, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of each period or portion thereof.

b. For cyclical or batch process, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.

c. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emissions shall apply.

"Public Health Department" means the Director or administrative staff of the Linn County Public Health Department.

"Refuse" means garbage, rubbish and all other putrescible and nonputrescible wastes, except sewage and water-carried trade wastes.

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"Refuse burning equipment" means any equipment and all appurtenances thereto including incinerator, device or contrivance used for the destruction of garbage, rubbish and/or other wastes by burning.

"Residential waste" means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes, and any locally recyclable goods or plastics.

"Responsible Official" means one of the following:

(1) For a corporation: a president, secretary, vice-president or treasurer of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation or duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing production or operating facilities applying for or subject to a permit and either: the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or the delegation of authority to such representative is approved in advanced by the permitting authority.

(2) For a partnership or sole proprietorship: a general partner or the proprietor respectively.

(3) For a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this chapter, a principal executive office of a federal agency includes the Chief Executive Officer having responsibility for the overall operations of a principal geographic unit of the agency (eg. A regional Administrator of the EPA).

(4) For Title IV affected facilities: the designated representative insofar as actions, standards, requirements or prohibitions under Title IV of the Act or the regulations promulgated thereunder are concerned; and the designated representative for any other purposes under this chapter or the Act.

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"Rubbish" means all waste materials of nonputrescible nature.

"Sampling facilities" means access structure and adequate stack ports or openings, from which air contaminant samples can be taken.

"Seal for sealing equipment or premises" means a device installed by the Air Pollution Control Officer so as to prevent use of the process, fuel-burning, refuse-burning or control equipment or premises being used in violation of this Ordinance.

"Shutdown" means the cessation of operation of an affected facility for any purpose.

"Significant" means in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, at a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate

Carbon monoxide	100 tons per year (tpy)
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Particulate matter	25 tpy
Ozone	40 tpy of volatile organic compounds
Lead	0.6 tpy
PM-10	15 tpy
Asbestos	0.007 tpy
Beryllium	0.0004 tpy
Mercury	0.1 tpy
Vinyl chloride	1 tpy
Fluorides	3.0 tpy
Sulfuric acid mist	7.0 tpy
Hydrogen sulfide (H ₂ S)	10 tpy
Total reduced sulfur	10 tpy
Reduced sulfur compounds	10 tpy
Municipal waste combustor organics	3.5 x 10 ⁻⁶ tpy
Municipal waste combustor metals	15 tpy
Municipal waste combustor acid gases	40 tpy

"Six-minute period" means any one of the ten equal parts of a one-hour period.

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"Smoke" means gas-borne particulates resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, and other combustible material, or ash, that form a visible plume in the air.

"Stack, chimney or vent" means any flue, vent, conduit or duct arranged to conduct an air contaminant to the atmosphere.

"Standard conditions" means a gas temperature of 70 degrees Fahrenheit and a gas pressure of 29.92 inches of mercury absolute.

"Standard cubic foot (SCF)" means the volume of one cubic foot of gas at standard conditions.

"Startup" means the setting into operation of an affected facility for any purpose.

"State Implementation Plan (SIP)" means the plan adopted by the State of Iowa and approved by the Administrator which provides for implementation, maintenance, and enforcement of such primary and secondary ambient air quality standards as are adopted by the Administrator, pursuant to the Act.

"Stationary source" means any building, structure, facility or installation which emits or may emit any air pollutant.

"Title V" means Title V of the Clean Air Act, 42 U.S.C. Sections 7401, et seq., and all rules promulgated thereunder.

"Total suspended particulate" means particulate matter as measured by an EPA-approved reference method.

"Trade waste" means any refuse resulting from the prosecution of any trade, business, industry, commercial venture (including farming and ranching), or utility or service activity, and any governmental or institutional activity, whether or not for profit.

"12-month rolling period" means a period of 12 consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.

"Variance" means a temporary waiver from rules, ordinances, or standards granted by the Air Pollution Control Officer for a specified period of time governing the quality, nature, duration, or extent of emissions.

"Volatile organic compound" means any compound included in the definition of volatile organic compounds found at 40 CFR Section 51.100(s) as amended through April 9, 1998

10.3 Air Quality Division

There is hereby created an air quality division of the Linn County Public Health Department. An Air Pollution Control Officer shall be appointed by the Board of Health and shall perform duties under the supervision of the Director of the Linn County Public Health Department.

10.4 Title V and Voluntary Permits

2. Voluntary Operating Permits. Except as hereafter modified the Voluntary Operating Permit regulations as promulgated as 567 Iowa Administrative Code, Chapter 22, are hereby specifically incorporated by reference and adopted as a part of this ordinance.

10.5 Locally Required Permits

1. Application for Permits. Every application for authorization to install or a permit to operate required under §10.5(2) and §10.5(3) shall be filed in the manner and form prescribed by the Air Pollution Control Officer.

2. Permits for Authorization to Install. Any person building, erecting, altering or replacing any article, machine, equipment, or other contrivance, the use of which may cause the creation of or emission of air contaminants, or the use of which may eliminate or reduce or control the emission of air contaminants, shall first obtain a permit for authorization to install for such installation from the Air Pollution Control Officer. A permit for authorization to install for new facilities must be obtained prior to the initiation of construction, installation or alteration of any portion of the stationary source. Thereafter, a permit for modifications and

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additions to the existing sources must be obtained before any on-site construction takes place.

The Air Pollution Control Officer must be notified of any modification or change made from the original plans.

Before an Authorization To Install is granted, the Air Pollution Control Officer may require the applicant to submit the design of sampling ports or continuous monitoring equipment as necessary for testing purposes in order to secure information that will disclose the nature, extent, quality or degree of air contaminants to be discharged into the atmosphere from the article, machine, equipment or other contrivance described in the application. The Air Pollution Control Officer shall notify the applicant in writing of the required size, number, and location of sampling holes; the size and location of sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with good engineering practice.

a. Permit Form

Any person building, erecting, altering or replacing any article, machine, equipment, or other contrivance, the use of which may cause the creation of or emission of air contaminants shall make application for a permit for authorization of such installation or alteration. Said application shall contain the following basic information and any additional special information pertinent to the individual case:

- (1) Name, address, and location of firm.
- (2) Whether installation is new or an alteration of an existing device.
- (3) Identification of the emission point by number and its plant location.
- (4) Basic process or activity creating emission.
- (5) Basic principle of the control device.

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- (6) Potential emission from source.
- (7) Type and quantity of the final emission after control.
- (8) Estimated equipment operation time in hours per week.
- (9) Engineering firm(s) responsible for design and installation.
- (10) Proposed installation completion date.
- (11) The name, address, and telephone number of the person submitting the application or, if such person is a legal entity, the name and address of the individual authorized to accept service of process on its behalf, and this person's signature.
- (12) One set of block diagrams and any other relevant information requested by the Air Pollution Control Officer.

b. Public Notice Requirements

Before an Authorization to Install is issued to a proposed new major air pollution source or a major modification to an existing major source as defined in §10.2 and 40 CFR 52.21(b), a notice of intent shall be published by the department in a newspaper having general circulation in the area affected by the emissions of the proposed source. The notice and supporting documentation shall be made available for public inspection upon request. Publication of the notice shall be made at least thirty days prior to issuing a permit. The public may submit written comments or request a public hearing. If the response indicates significant interest, a public hearing may be held after due notice.

A copy of the notice announcing the opportunity for public comment shall be sent to the United States Environmental Protection Agency Regional Administrator by the Air Pollution Control Officer.

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c. Duration of Permit

The expiration date of the Authorization To Install Permit shall be the proposed completion date plus a ninety (90) day adjustment period. If after this time a permit to operate has not been obtained to operate the article, machine, equipment, or other contrivance, the said equipment shall be shut down and not operated until such time as the Air Pollution Control Officer grants a permit to operate the equipment. Extensions of the ninety (90) day adjustment period may be granted by the Air Pollution Control Officer for good cause. Expiration of the Authorization To Install permit does not relieve the applicant from complying with any permit conditions which may have been a part of the original Authorization To Install permit.

d. Issuance of Permit

An Authorization To Install permit shall be issued when the following conditions have been met:

(1) All information required by the Air Pollution Control Officer to assure attainment of the ambient air quality standards has been submitted;

(2) All requirements specified in §10.5(2) of this ordinance have been met;

(3) The required plans and specifications represent equipment which reasonably can be expected to comply with all applicable emission standards; and

(4) The expected emissions from the proposed source or modification, in conjunction with all other emissions, will not prevent the attainment or maintenance of the ambient air quality standards.

3. Permit to Operate. The Air Pollution Control Officer is delegated the authority to issue Permits to Operate. Before any article, machine, equipment or other contrivance which when used may cause the creation or emission of air contaminants or which may eliminate, reduce, or control the issuance of air contaminants may be operated, continued in operation, or used beyond the adjustment period described in §10.5(2), a written

permit shall be obtained from the Air Pollution Control Officer. No Permit to Operate or Use shall be granted either by the Air Pollution Control Officer or the Board of Health for any article, machine, equipment, or contrivance described in §10.5(2) that was constructed or installed without authorization as required by §10.5(2), until the information required is presented to the Air Pollution Control Officer. The Air Pollution Control Officer shall require the article, machine, equipment, or contrivance altered, if necessary, to conform to standards set forth in this ordinance, prior to granting the permit to operate.

a. Permit Form

Application for permit to operate shall be made on forms furnished by the Air Pollution Control Officer. The application shall include the name, address and telephone number of the person submitting the application or, if such person is a legal entity, the name and address of the individual authorized to accept service of process on its behalf and the name of the person in charge of the premises where the pertinent activities are conducted.

b. Issuance of Permit

Permits to operate shall be issued only after the Air Pollution Control Officer has made appropriate tests and has determined that the control device is operating within the emission limits established by this Ordinance or as specified in any permit conditions and that operation of the equipment will not prevent the attainment or maintenance of the ambient air quality standards.

The Air Pollution Control officer may require special permit conditions on a case-by-case basis when the compliance status, history of operations, ambient air quality in the vicinity, or the type of control equipment utilized warrants such actions.

c. Duration of Permit

A permit to operate shall be valid for a period of one year after it is issued. Thereafter each permit shall be renewed on a yearly basis.

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d. Posting of Permit to Operate

A person who has been granted a Permit To Operate any article, machine, equipment, or other contrivance described in §10.5(3) shall firmly affix such Permit To Operate or an approved facsimile, or other approved identification bearing the emission point number upon the article, machine, equipment, or other contrivance in a clearly visible and accessible manner. In the event that the article, machine, equipment, or other contrivance is so constructed or operated that the permit to operate can not be so placed, the emission point number shall be mounted in a clearly visible and accessible location within twenty-five (25) feet of the article, machine, equipment or other contrivance.

A person shall not willfully deface, alter, forge, counterfeit, falsify, or falsely display a permit to operate any article, machine, equipment or other contrivance.

4. Action on Application. The Air Pollution Control Officer shall act within a reasonable period of time on an application for Authorization To Install or permit to operate, and shall notify the applicant in writing of his approval, conditional approval, or denial.

5. Denial of Application. In the event of denial of an application for Authorization to Install or permit to operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by certified mail, and such service may be proven by the written acknowledgment of the persons served or by affidavit of the person making the service. The Air Pollution Control Officer shall not accept any additional application unless the applicant has corrected the conditions specified by the Air Pollution Control Officer as the reasons for denial of the permit.

6. Transfer of Permits. An authorization to install permit or a permit to operate shall be non-transferable:

- a. From one location to another;
- b. From one piece of equipment to another;

c. From one person to another.

7. Certifications. The Air Pollution Control Officer shall, upon request of a holder of an authorization to install permit, furnish certification that the described equipment was acquired and/or installed pursuant to and required by this Ordinance.

8. Provision of Sampling and Testing Facilities. A person operating or using any article, machine, equipment or other contrivance for which these regulations require a permit shall provide and maintain such sampling and testing facilities as specified in the Authorization To Install permit or Permit To Operate.

9. Exemptions from the Authorization to Install Permit and Permit to Operate Requirements. The provisions of §10.5 shall not apply to the following equipment, except when Prevention of Significant Deterioration Standards (567 Iowa Administrative Code 22.5); New Source Performance Standards (40 CFR Part 60 NSPS), (567-subrule 23.1(2), (§10.9(2))); Emission Standards for Hazardous Air Pollutants (40 CFR Part 61 NESHAP), (567-subrule 23.1(3), (§10.9(3))); or Emission Standards for Hazardous Air Pollutants for source categories (40 CFR Part 63 NESHAP), (567-subrule 23.1(4), (§10.9(4)) are applicable.

a. Fuel-burning equipment for indirect heating and reheating furnaces using natural or liquefied petroleum gas exclusively, with a capacity of less than 10 million BTU per hour input per combustion unit.

b. Fuel-burning equipment for indirect heating with a capacity less than one million BTU per hour input when burning coal, fuel oil grade #1 and #2 or wood. This exemption does not apply to equipment burning waste oil.

c. Mobile internal combustion and jet engines, marine vessels, and locomotives.

d. Equipment, other than anaerobic lagoons, used for cultivating land, harvesting crops, or raising livestock. This exemption is not applicable if the equipment is used to remove substances from grain which were applied to the grain by another

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person. This exemption also is not applicable to equipment used by a person to manufacture commercial feed, as defined in Iowa Code section 198.3, when that feed is normally not fed to livestock:

- (1) owned by that person or another person, and
 - (2) located in a feedlot, as defined in Iowa Code section 172D.1(6), or in a confinement building owned or operated by that person, and
 - (3) located in this state.
- e. Residential wood heaters, cook stoves, or fireplaces which burn untreated wood, untreated seeds or pellets, or other untreated vegetative materials.
 - f. Laboratory equipment used exclusively for non-production chemical and physical analyses. Non-production analyses means analyses incidental to the production of a good or service and includes analyses conducted for quality assurance or quality control activities, or for the assessment of environmental impact.
 - g. Recreational fireplaces.
 - h. Barbecue pits and cookers except at a meat packing plant or a prepared meat manufacturing facility.
 - i. Gasoline, diesel fuel, or oil storage tanks with a capacity of 10,570 gallons or less and an annual throughput of less than 40,000 gallons.
 - j. Stacks or vents to prevent escape of sewer gases through plumbing traps for systems handling domestic sewage only.
 - k. Retail gasoline and diesel fuel handling facilities.
 - l. A nonproduction surface coating process that uses only hand-held aerosol spray cans.

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m. Brazing, soldering, or welding equipment or portable cutting torches used only for nonproduction activities.

n. Asbestos demolition and renovation projects subject to 40 CFR 61.145 as amended through July 15, 1994.

o. Stationary internal combustion engines with a brake horsepower rating of less than 400 or a kilowatt output less than 300. For the purposes of this exemption, the manufacturer's nameplate rating at full load shall be defined as the brake horsepower or kilowatt output rating.

p. Cooling and ventilating equipment: Comfort air conditioning not designed or used to remove air contaminants generated by, or released from, specific units of equipment.

q. 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). 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 one million Btu per hour fuel capacity. This exemption does not apply to incinerators.

r. Any container, storage tank, or vessel that contains a fluid having a maximum true vapor pressure of less than 0.75 psia. "Maximum true vapor pressure" means the equilibrium partial pressure of the material considering:

- For material stored at ambient temperature, the maximum monthly average temperature as reported by the National Weather Service, or
- For material stored above or below the ambient temperature, the temperature equal to the highest calendar-month average of the material storage temperature.

s. Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sandblast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals (other than beryllium), plastics, concrete, rubber, paper stock, and wood or

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wood products, where such equipment is either used for non-production activities or exhausted inside a building.

t. Manually operated equipment, as defined in 567-22.100(455B), used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, scarfing, surface grinding, or turning.

u. Incinerators and pyrolysis cleaning furnaces with a rated refuse burning capacity of less than 25 pounds per hour. Pyrolysis cleaning furnace exemption is limited to those units that use only natural gas or propane. Salt bath units are not included in this exemption.

10. Emissions Offsets for Non-Attainment Designated Areas. Rule 567-22.5(455B) of the Iowa Administrative Code, as amended, is hereby made a part of this Ordinance by reference.

11. Dispersion Credit Allowance. For the purpose of Authorization to Install review, primarily the determination of dispersion credit allowed for stack heights that exceed "good engineering practice", the Iowa Administrative Code rule 567-23.1(5)(455B) as amended, shall apply and is hereby made a part of this Ordinance by reference.

10.6 Permit Fees

1. Initial Applications. Every applicant for a Permit to Operate, a permit for variance, or a permit for Authorization To Install any article, machinery, equipment or other contrivance for which such permit or authorization is required by the terms of this Ordinance or otherwise required by law, shall pay a filing fee, except federal, state, or local government agencies or public districts are not required to pay such fee.

2. Annual Fee for Permit to Operate. Each Permit to Operate shall be renewed on the annual operating fee due date, (hereafter referred to as the expiration date), set by the Air Pollution Control Officer. This provision shall apply to all Permits To Operate required by §10.5 of this Ordinance.

The annual renewal fee shall be payable for each Permit to Operate, and shall be paid by the invoice due date.

If the annual operating fee is not paid within thirty (30) days after the expiration date, the permit shall expire and no longer be valid. The permit holder shall be notified by mail by the Air Pollution Control Officer.

The Air Pollution Control Officer shall have the authority to deny renewal of any Permit To Operate for equipment that is found to be out of compliance with the emission standards or requirements set out in this Ordinance. The Air Pollution Control Officer shall have the authority to deny issuance of, or the renewal of, any permit to any person who has been previously cited for any violation of this Ordinance and who has not paid in full all fines, court costs and restitution entered as a judgement against them or who is not in current with any Court ordered payment plan for such fines, court costs and restitution. This provision does not limit the Air Pollution Control Officer's power to otherwise collect unpaid fines, court costs or restitution.

3. Filing Fees for Untimely Permits. Notwithstanding section §10.6 §1 or §10.6(2) above, all applicants for an Authorization to Install made after the initiation of on-site construction; for an Authorization to Install and a Permit to Operate for emission sources already in operation; or for renewals made thirty (30) days after the expiration date; shall pay a late filing fee for each permit or renewal required. Nothing herein shall limit the Air Pollution Control Officer's power to enforce the penalty provisions of this ordinance in lieu of or in addition to the collection of this filing fee.

4. Fees required under Sections 10.6(1), 10.6(2) and 10.6(3) above shall be recommended by the Air Pollution Control Officer and be established by resolution of the Linn County Board of Supervisors.

10.7 Visible Emissions

No person shall allow, cause, or permit the emission of visible air contaminants of a density or shade equal to or darker than that designated 20 percent opacity, into the atmosphere from any equipment, internal combustion engine, premise fire, open fire, or stack, except as provided below and in §10.15. Opacity shall be determined in accordance with 40 CFR Part 60 Appendix A Method 9.

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1. General Exceptions.

a. Residential Heating Equipment. Residential natural or propane gas fired heating equipment serving dwellings of 4 family units or less is exempt.

b. Gasoline-powered Vehicles. No person shall allow, cause or permit the emissions of visible air contaminants from gasoline-powered motor vehicles for longer than 5 consecutive seconds.

c. Diesel-powered Vehicles. No person shall allow, cause, or permit the emission of visible air contaminants from diesel-powered motor vehicles of a shade or density equal to or darker than that designated as 40 percent opacity, for longer than 5 consecutive seconds.

d. Diesel-powered Locomotives. No person shall allow, cause, or permit the emission of visible air contaminants from diesel-powered locomotives of a shade or density equal to or darker than that designated as 40 percent opacity, except for a maximum period of 40 consecutive seconds during acceleration under load, or for a period of 4 consecutive minutes when a locomotive is loaded after a period of idling.

e. Startup and Testing. Initial start and warm-up of a cold engine, the testing of an engine for trouble, diagnosis or repair, or engine research and development activities, is exempt.

f. A darkness or opacity equal to but no greater than 40 percent opacity shall be permitted for a period or periods aggregating 6 minutes in any 60 minute period when building a new fire, cleaning a fire, cleaning pollution control equipment or when blowing tubes and flues in a power plant, heating plant, or a domestic heating plant. This time may be extended for scheduled maintenance with the approval of the Air Pollution Control Officer.

g. Uncombined Water. The provisions of this paragraph shall apply to any emission which would be in violation of these provisions except for the presence of uncombined water, such as condensed water vapor.

2. Abnormal conditions or breakdown which cause emissions in excess of the limitations specified above shall comply with §10.14 of this Ordinance.

10.8 Emissions From Fuel-Burning Equipment

1. General Provisions.

a. This section applies to installations in which fuel is burned for the primary purpose of producing steam, hot water, hot air or other liquids, gases or solids and in the course of doing so, the products of combustion do not come into direct contact with process materials. Fuel includes those such as coal, coke, lignite, coke breeze, fuel oil, and wood but does not include refuse. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitations shall apply.

b. The heat content of coal shall be determined according to ASTM standard method D-3176-84, "Ultimate Analysis of Coal and Coke", and ASTM standard method D-3180-84, "Calculating Coal and Coke Analyses From As-determined to Different Bases", or ASTM standard test method D-3286-82, "Gross Calorific Value of Solid Fuel by the Isothermal-Jacket Bomb Calorimeter". The heat content of oil shall be determined according to ASTM standard test method D-240-76 (Reapproved 1980), "Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter". The four publications cited in this section are hereby made part of this Ordinance by reference.

c. For purposes of this Ordinance the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or stacks. The heat input value used shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input of all fuel-burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

d. With the exception of New Source Performance Standard Sources as defined in §10.9(2) of this Ordinance, the amount of particulate matter emitted shall be measured according

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to the State of Iowa Compliance Sampling Manual, which publication is made a part of this Ordinance by reference. Any other method which is in accordance with good professional practice may be used with the approval of the Air Pollution Control Officer.

2. Emission Limitation.

a. No person shall cause or permit the emission of particulate matter caused by combustion of fuel in fuel-burning equipment, from any stack or chimney in excess of the quantities set forth in the following table:

Heat input millions of British thermal units per hour.	Maximum allowable emission of particulate matter in pounds per hour per million British thermal units of heat input.
10	0.600
50	0.412
100	0.352
500	0.242
1,000	0.207
4,000	0.150
8,000	0.102
10,000	0.0904
15,000	0.0717
20,000	0.0607
40,000	0.0409
50,000	0.0358
100,000	0.0243

b. Interpolation of the data in this table for heat inputs greater than 10 but less than 4,000 million BTU per hour shall be accomplished by the use of the equation:

$$Y = 1.02 (X)^{-0.231}$$

For heat inputs less than 10 million BTU, 0.6 lb/million BTU shall apply. Interpolation and extrapolation of the data for heat inputs equal to or greater than 4,000 million BTU per hour shall be accomplished by use of the equation:

$$Y = 17.0 (X)^{-0.568}$$

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where Y equals the allowable rate of emission in pounds per million BTU and X equals the maximum equipment capacity rate in million BTU per hour.

c. For a new fossil fuel-fired steam generating unit of more than 250 million BTU per hour heat input, §10.9(2)(a)(1) shall apply. For a new unit of between 150 million and 250 million (inclusive) BTU per hour heat input, the maximum allowable emissions from such new unit shall be 0.2 pounds of particulates per million BTU of heat input. For a new unit of less than 150 million BTU per hour heat input, the maximum allowable emissions from such new unit shall be as determined in §10.8(2)(a).

10.9 Particulate Matter

1. No person shall permit, cause, suffer or allow the emission of particulate matter into the atmosphere in any one hour from any emission point from any process equipment at a rate in excess of that specified in Table I for the process weight rate allocated to such emission point. In any case, the emission of particulate matter from any process shall not exceed an emission standard of 0.1 grain per dry standard cubic foot of exhaust gas or Table I of this section, whichever would result in the lowest allowable emission rate.

TABLE I ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE*		
Process Weight Rate	Rate of Emission	
	Lb/HR	Lb/Hr
100	0.05	0.551
200	0.10	0.877
400	0.20	1.40
600	0.30	1.83
800	0.40	2.22
1,000	0.50	2.58
1,500	0.75	3.38
2,000	1.00	4.10
2,500	1.25	4.76
3,000	1.50	5.38
3,500	1.75	5.96
4,000	2.00	6.52
5,000	2.50	7.58
6,000	3.00	8.56

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TABLE I ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE*		
Process Weight Rate	Rate of Emission	
7,000	3.50	9.49
8,000	4.00	10.40
9,000	4.50	11.20
10,000	5.00	12.00
12,000	6.00	13.60
14,000	7.00	15.10
16,000	8.00	16.50
18,000	9.00	17.90
20,000	10.00	19.20
30,000	15.00	25.20
40,000	20.00	30.50
50,000	25.00	35.40
60,000	30.00	40.00
70,000	35.00	41.30
80,000	40.00	42.50
90,000	45.00	43.60
100,000	50.00	44.60
120,000	60.00	46.30
140,000	70.00	47.80
160,000	80.00	49.00
200,000	100.00	51.20
1,000,000	500.00	69.00
2,000,000	1,000.00	77.60
6,000,000	3,000.00	92.70
or more	or more	

*Interpolation of the data in this table for process weight rates up to 60,000 lb/hr shall be accomplished by the use of the equation:

$$E = 4.10 (P^{0.67})$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/hr shall be accomplished by use of the equation:

$$E = 55.00 (P^{0.11}) - 40$$

where E = rate of emission in lb/hr, and P = process weight in tons/hr.

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a. General Emission Rate: The emission standards specified in this section shall apply and those specified in §§10.8 and 10.9 and Table I shall not apply to each process of the types listed in the following sections, with the following exception: whenever the compliance status, history of operations, ambient air quality in the vicinity, or the type of control equipment utilized, would warrant maximum control, the Air Pollution Control Officer shall enforce 0.1 grains per standard cubic foot of exhaust gas, Section 10.8 or Section 10.9, whichever would result in the lowest allowable emission rate.

b. Asphalt Batching Plants. No person shall cause, allow or permit the operation of an asphalt batching plant in a manner such that the particulate matter discharged to the atmosphere exceeds 0.15 grains per standard cubic foot of exhaust gas.

c. Cement Kilns. Cement kilns shall be equipped with air pollution control devices to reduce the particulate matter in the gas discharged to the atmosphere to no more than 0.3 percent of the particulate matter entering the air pollution control device. Regardless of the degree of efficiency of the air pollution control device, particulate matter discharged from such kilns shall not exceed 0.1 grain per standard cubic foot of exhaust gas.

d. Cupolas for Metallurgical Melting. The emissions of particulate matter from all new foundry cupolas, and from all existing foundry cupolas with a process weight rate in excess of 20,000 pounds per hour, shall not exceed the amount determined from Table I. The emission of particulate matter from all existing foundry cupolas with a process weight rate less than or equal to 20,000 pounds per hour shall not exceed the amount determined from Table II.

TABLE II ALLOWABLE EMISSIONS FROM EXISTING SMALL FOUNDRY CUPOLAS	
Process Weight Rate (lb/hr)	Allowable Emission (lb/hr)
1,000	3.05
2,000	4.70
3,000	6.35

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TABLE II ALLOWABLE EMISSIONS FROM EXISTING SMALL FOUNDRY CUPOLAS	
Process Weight Rate (lb/hr)	Allowable Emission (lb/hr)
4,000	..8.00
5,000	..9.58
6,000	11.30
7,000	12.90
8,000	14.30
9,000	15.50
10,000	16.65
12,000	18.70
14,000	20.15
16,000	21.60
18,000	23.40
20,000	25.10

e. Electric Furnaces for Metallurgical Melting. The emissions of particulate matter to the atmosphere from electric furnaces used for metallurgical melting shall not exceed 0.1 grain per standard cubic foot of exhaust gas.

f. Feed Grinding and Mixing Plants. No person shall cause, allow, or permit the operation of equipment for the handling, grinding, mixing, or blending of grain products for use as animal food or food supplement such that the particulate matter discharged to the atmosphere exceeds 0.1 grain per standard cubic foot of exhaust gas.

g. Grain Handling and Processing Plants. No person shall cause, allow, or permit the operation of equipment at a permanent installation for the handling or processing of grain, grain products and grain by-products such that the particulate matter discharged to the atmosphere exceeds 0.1 grains per standard cubic foot of exhaust gas.

h. Lime Kilns. No person shall cause, allow, or permit the operation of a kiln for the processing of limestone such that the particulate matter in the gas discharged to the atmosphere exceeds 0.1 grain per standard cubic foot of exhaust gas.

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i. Meat Smokehouses. No person shall cause, allow, or permit the operation of a meat smokehouse or a group of meat smokehouses which consume more than ten (10) pounds of wood, sawdust, or other material per hour such that the particulate matter discharged to the atmosphere exceeds 0.2 grain per standard cubic foot of exhaust gas.

j. Phosphate Processing Plants.

1. Phosphoric acid manufacture. No person shall allow, cause, or permit the operation of equipment for the manufacture of phosphoric acid that was in existence on October 22, 1974, in a manner that produces more than 0.04 pounds of fluoride per ton of phosphorous pentoxide or equivalent input.

2. Diammonium phosphate manufacture. No person shall allow, cause, or permit the operation of equipment for the manufacture of diammonium phosphate that was in existence on October 22, 1974, in a manner that produces more than 0.15 pounds of fluoride per ton of phosphorous pentoxide or equivalent input.

3. Nitrophosphate manufacture. No person shall allow, cause, or permit the operation of equipment for the manufacture of nitrophosphate in a manner that produces more than 0.06 pounds of fluoride per ton of phosphorus pentoxide or equivalent input.

4. No person shall cause, allow, or permit the operation of equipment for the processing of phosphate ore, rock, or other phosphatic material (other than equipment used for the manufacture of phosphoric acid, diammonium phosphate or nitrophosphate) in a manner such that the unit emissions of fluoride exceed 0.4 pounds of fluoride per ton of phosphorous pentoxide or its equivalent input.

5. Notwithstanding "1" through "4," no person shall allow, cause, or permit the operation of equipment for the processing of phosphorus ore, rock or other phosphatic material including, but not limited to , phosphoric acid, in a manner that emissions of fluorides exceed 100 pounds per day.

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6. "Fluoride" means elemental fluorine and all fluoride compounds as measured by reference methods specified in Appendix A to 40 CFR Part 60 as amended through March 12, 1996.

7. Calculation. The allowable total emission of fluoride shall be calculated by multiplying the unit emission specified above by the expressed design production capacity of the process equipment.

k. Portland Cement Batching Plants. No person shall cause, allow, or permit the operation of a portland cement batching plant such that the particulate matter in the gas discharged to the atmosphere exceeds 0.1 grain per standard cubic foot of exhaust gas.

l. Incinerator. No person shall allow, cause, or permit the operation of an incinerator unless it is provided with appropriate control of emissions of particulate matter and visible air contaminants.

1) Particulate matter. No person shall allow, cause, or permit the operation of an incinerator in a manner such that the particulate matter discharged to the atmosphere exceeds 0.2 grain per standard cubic foot of exhaust gas adjusted to 12 percent carbon dioxide.

No person shall cause, allow or permit the operation of an incinerator with a rated refuse burning capacity of less than 1000 pounds per hour in a manner such that the particulate matter discharged to the atmosphere exceeds 0.35 grains per standard cubic foot of exhaust gas adjusted to 12 percent carbon dioxide.

2) Visible Emissions. No person shall cause, allow, or permit the operation of an incinerator in a manner such that it produces visible emissions which have an appearance, density, or shade darker than 20% opacity or that level specified in a federally enforceable permit; except that visible emissions which have an appearance, density, or shade not darker than 60% opacity may be emitted for a period or periods aggregating not more than 3 minutes in any 60 minute period during an operation breakdown or during the cleaning of air pollution control equipment.

m. Sand Handling and Surface Finishing Operations in Metal Processing. This subsection shall apply to any new foundry or metal processing operation not properly termed a combustion, melting, baking or pouring operation. For purposes of this subsection, a new process is any process which has not started operation, or the construction of which has not been commenced, or the components of which have not been ordered or contracts for the construction of which have not been let on August 1, 1977. No person shall allow, cause, or permit the operation of any equipment designed for sand shakeout, mulling, molding, cleaning, preparation, reclamation or rejuvenation or any equipment for abrasive cleaning, shot blasting, grinding, cutting, sawing or buffing in such a manner that particulate matter discharged from any stack exceeds 0.05 grains per dry standard cubic foot of exhaust gas, regardless of the types and number of operations that discharge from the stack.

n. Painting and Surface Coating Operations. No person shall allow, cause, or permit painting and surface coating operations in a manner such that particulate matter in the gas discharge exceeds 0.01 grain per standard cubic foot of exhaust gas.

10.10 Open Burning

A. No person shall ignite, cause to be ignited, permit to be ignited or suffer, allow or maintain any open burning except as follows.

1. Open burning of the following types may be allowed provided a valid open burning permit is obtained.

a. Dangerous Materials. Fires for the disposal of dangerous materials or for the prevention of a fire hazard when other alternative methods of disposal are not available or impractical.

b. Training Fires. For the purpose of this paragraph, a "training fire" is a fire set for the purpose of conducting a bona fide training of public or industrial employees in fire fighting methods. For the purpose of this subparagraph, "bona fide training" means training that is conducted according to the National Fire Protection Association 1403 Standard on Live Fire Training Evolutions (2002 Edition),

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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 burning of a demolished building.

3. If the training fire is to be conducted on a building, written notification must be provided to the Department on IDNR Form 542-8010, "Notification of an Iowa Training Fire-Demolition or a Controlled Burn of a Demolished Building," and must be postmarked or delivered to the Director at least ten working days before such action commences.

4. Notification shall be made in accordance with 40 CFR Section 61.145 as amended through January 16, 1991, which is the "Standard for Demolition and Renovation" of the asbestos National Emission Standard for Hazardous Air Pollutants.

5. All asbestos-containing material shall be removed prior to the training fire.

6. Asphalt shingles may be burned in a training fire only if notification to the Director contains testing results indicating that none of the layers of asphalt shingles contain asbestos. During each calendar year, each fire Department may conduct no more than two training fires on buildings where asphalt shingles have 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.

7. Rubber tires and other trash or garbage materials are not allowed substances for inclusion in training fires.

8. A copy of all asbestos test results shall be submitted to the Linn County Air Quality Division. The Air Pollution Control Officer reserves the authority to inspect the proposed burning premises to verify compliance with the above listed requirements before issuing the open burning permit. The

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Air Pollution Control Officer may deny any training fire request based on factors such as public health, air quality in the vicinity and effects to the local environment or where evidence suggests that allowing the burning would cause the violation of any National Ambient Air Quality Standards.

c. Agricultural Structures. The open burning of agricultural structures, provided that the open burning occurs on the premises, and for agricultural structures located within a city or town, at least one-fourth mile from any building inhabited by a person other than the landowner, a tenant, or an employee of the landowner or tenant conducting the open burning unless a written waiver in the form of an affidavit is submitted by the owner of the building to the Department prior to the open burning. All chemicals and asphalt shingles shall be removed. All structures shall be inspected for suspect asbestos content by a state certified asbestos inspector. All asbestos-containing material shall be removed prior to burning. Burning shall be conducted only when weather conditions are favorable with respect to surrounding property. Tires shall not be used to ignite agricultural structures. The asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), as amended through January 16, 1991, requires that burning of agricultural structures to be conducted in accordance with 40 CFR Section 61.145, "Standard for Demolition and Renovation."

For the purposes of this subrule, "agricultural structures" means barns, machine sheds, storage cribs, animal confinement buildings, and homes located on the premises and used in conjunction with crop production, livestock or poultry raising and feeding operations. "Agricultural structures," for asbestos NESHAP purposes, includes all of the above, with the exception of a single residential structure on the premises having four or fewer dwelling units, which has been used only for residential purposes.

d. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.

e. Flare Stacks. The open burning or flaring of waste gases, providing such open burning or flaring is conducted in compliance with §10.7 this ordinance.

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f. Landscape Wastes. Fires set for the disposal of landscape wastes including grass, leaves, weeds, trees, tree limbs, natural growth for land clearing, agricultural wastes, etc. providing these fires comply with §10.7 of this ordinance. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

g. Ceremonial Burning. Fires for ceremonial/recreational purposes such as American Legion flag burning, pep rallies, religious ceremonies, etc. These fires must be under the legitimate sponsorship of a bona fide civic, fraternal, religious, educational, or similar organization and must comply with §§10.7 and 10.11 of this ordinance.

h. Trees and Tree Trimmings. The open burning of trees and tree trimmings not originated on the premises provided that the burning site is operated by a local governmental entity, the burning site is fenced and access is controlled, burning is conducted on a regularly scheduled basis and is supervised at all times, burning is conducted only when weather conditions are favorable with respect to surrounding property, and the burning site is limited to areas at least one-quarter mile from any inhabited building unless a written waiver in the form of an affidavit is submitted by the owner of the building to the Department and to the local governmental entity prior to the first instance of open burning at the site. The written waiver shall become effective only upon recording in the office of the recorder of deeds of the county in which the inhabited building is located. When the open burning of trees and tree trimmings causes air pollution as defined in Iowa Code section 455B.131(3), the Department may take appropriate action to secure relocation of the burning operation. Rubber tires shall not be used to ignite trees and tree trimmings.

i. Other Burning. Other open burning such as, but not limited to, native prairie management may be allowed on a case by case basis, through the issuing of an open burning permit, provided the Air Pollution Control Officer has determined that the burning will not adversely effect the air quality or will not violate any sections of this Ordinance and

is reasonable and practical as compared to other alternatives available.

2. Open Burning Permits shall be issued by the Linn County Air Pollution Control Officer and the Fire Chief of the fire district having jurisdiction at the place of burning.

Open Burning Permits shall be valid for either 30 or 60 days from the date of issue at the request of the applicant.

Fees for Open Burning Permits shall be recommended by the Air Pollution Control Officer and be established by resolution of the Linn County Board of Supervisors, except federal, state, or local government agencies or public districts are not required to pay such fee.

Open Burning Permits are valid provided the following conditions are met and maintained:

a. The permit fee has been paid. Fees not paid in person shall be deemed paid on the date of mailing;

b. Open burning permits must be signed by the Air Pollution Control Officer and the Fire Chief of the fire district having jurisdiction at the place of burning;

c. Burning is conducted during the dates stated on the permit;

d. Unless otherwise approved by the Fire Chief having jurisdiction, burning shall be conducted during the hours of one half hour after sunrise until one half hour before sunset;

e. Burning is conducted in a safe and reasonable manner so as not to endanger life or property;

f. Fires must be attended by the permit applicant or his/her agent at all times, this person shall have the burning permit in their possession at the time of burning;

g. The Air Pollution Control Officer shall have the authority to deny issuance of an Open Burning Permit to any person who has failed to pay the fee for a previously issued Open Burning Permit; who has been previously cited for any

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violation of this Ordinance and has failed to pay in full all fines, court costs and restitution entered as a judgement against them or who is not current with any Court ordered payment plan for such fines, court costs and restitution. This provision does not limit the Air Pollution Control Officer's power to otherwise collect unpaid fees, fines, court costs and restitution.

3. The following types of open burning are exempt and may be conducted without an open burning permit.

a. Open burning used solely for cooking, heating, and/or other recreational activities. These fires must be no larger than three feet in diameter and must burn charcoal or clean wood material. These fires must comply with §10.7.

b. Camp fires and outdoor fireplaces burning clean wood material, when in association with camping out, cooking, or similar related recreational activities provided that these fires comply with all other sections of this Ordinance and are no larger than three feet in diameter.

c. Fires for the disposal of residential waste (including landscape wastes, wood, paper, cardboard, and other natural fiber products), but not to include rubber, tires, asphalt compounds or garbage at dwellings of four family units or less, in which fires are maintained by the occupant of the dwelling and the burning is conducted in an approved container. An approved container shall be any container which has a capacity that does not exceed 55 gallons in volume and has a one inch spaced wire or other suitable spark arresting device for the control of wind blown materials.

No person shall allow, cause or permit fires for the disposal of household rubbish at dwellings of more than four family units.

d. Paper Seed Bags. The disposal by open burning of paper seed bags resulting from farming activities occurring on the premises. Such open burning shall be limited to areas located at least one-fourth mile from any building inhabited by other than the landowner or tenant conducting the open burning, livestock area, wildlife area, or water source. The amount of paper seed bags that can be disposed of by open burning shall

not exceed one day's accumulation or 50 pounds, whichever is less. However, when the burning of paper seed bags causes a nuisance, the Air Pollution Control Officer may take action to secure relocation of the burning operation.

B. Unavailability of Exemptions in Certain Areas.

Notwithstanding §10.10(A)(1)(e) and §10.10(A)(3)(c) of this ordinance, no person shall allow, cause or permit the open burning of residential waste, including landscape waste and leaves, within the city limits of Cedar Rapids, Hiawatha or Marion, Iowa.

C. Any fire in violation of this Ordinance may be ordered extinguished by any agency designated by the Air Pollution Control Officer. This provision shall not limit the Air Pollution Control Officer from seeking penalties provided for in this Ordinance.

10.12 Sulfur Compounds

The provisions of this section shall apply to any installation from which sulfur compounds are emitted into the atmosphere.

1. Sulfur Dioxide from Use of Fuels.

a. No person shall allow, cause, or permit the emission of sulfur dioxide into the atmosphere in an amount greater than 5 pounds of sulfur dioxide, maximum 2 hour average, per million British Thermal Units of heat input from any solid fuel-burning installation for any combination of fuels burned.

b. No person shall allow, cause, or permit the emission of sulfur dioxide into the atmosphere in an amount greater than 1.5 pounds of sulfur dioxide, maximum 2 hour average, per million British Thermal Units of heat input from any liquid fuel-burning installation.

c. No person shall allow, cause, or permit the combustion of number 1 or number 2 fuel oil exceeding a sulfur content of 0.5 percent by weight.

2. Other Processes Capable of Emitting Sulfur Dioxide. No person shall allow, cause, or permit the emission of sulfur

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dioxide from any process, in excess of 500 parts per million, based on volume.

3. New Source Performance Standards Sources Capable of Emitting Sulfur Compounds.

All sources subject to New Source Performance Standards shall conform to requirements of §10.9(2) of this Ordinance.

10.13 Fugitive Dust

(1) Attainment and Unclassified Areas. No person shall allow, cause, or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a construction haul road to be used, constructed, altered, repaired, or demolished with the exception of farming operations or dust generated by ordinary travel on unpaved public roads, without taking reasonable precautions to prevent particulate matter as defined in Iowa Code section 657.1, from becoming airborne. All persons, with the above exceptions, shall take reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property on which the emissions originate. Reasonable precautions may include, but are not limited to, the following procedures:

1. Use, where practical, of water or chemicals for control of dusts in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land.

2. Application of suitable materials such as, but not limited to, asphalt, oil, water, or chemicals, on unpaved roads, material stockpiles, race tracks, and other surfaces which can give rise to airborne dusts.

3. Installation and use of containment or control equipment to enclose or otherwise limit the emissions resulting from the handling and transfer of dusty materials such as, but not limited to, grain, fertilizer, or limestone.

4. Covering, at all times when in motion, open-bodied vehicles transporting material likely to give rise to airborne dusts, in accordance with §321.460 of the Code of Iowa.

5. Prompt removal of earth or other material from paved streets on to which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

6. For guidance on the types of controls which may constitute reasonable precautions, refer to the document "Identification of Techniques" which is hereby made a part of the ordinance by reference.

(2) Nonattainment Areas. Subparagraph (1) notwithstanding, no person shall allow, cause or permit any visible emission of fugitive dust in a nonattainment area for particulate matter to go beyond the lot line of the property on which a traditional source is located without taking reasonable precautions to prevent emission. Traditional source means a source category for which a particulate emission standard has been established in Linn County Ordinance #1-2-2005 10.9, and includes a quarry operation, haul road, or parking lot associated with the traditional source. This paragraph does not modify the emission standard, but rather establishes a separate requirement for fugitive dust from such sources.

10.14 Excess Emission

1. Excess Emission Reporting.

a. Excess Emission During Periods of Startup, Shutdown, or Cleaning of Control Equipment. Excess emission during a period of startup, shutdown, or cleaning of control equipment is not a violation of the emission standard if the startup, shutdown or cleaning is accomplished expeditiously and in a manner consistent with good practice for minimizing emissions. Cleaning of control equipment which does not require the shutdown of the process equipment shall be limited to a period or periods aggregating not more than six minutes in any sixty minutes.

b. Oral Reports of Excess Emissions. An incident of excess emission (other than an incident of excess emission during startup, shutdown or cleaning) shall be reported to the Air Pollution Control Officer within eight hours of or at the start of the first working day following the onset of the incident. The reporting exemption for an incident of excess

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emission during startup, shutdown or cleaning does not relieve the owner or operator of a source with continuous monitoring equipment of the obligation of submitting reports required in §10.17.

An oral report of excess emission is not required for a source which operates continuous monitoring equipment (as specified in §10.17) if the incident of excess emission continues for less than thirty minutes and does not exceed the applicable visible emission standard by more than ten percent opacity.

The oral report may be made in person or by telephone and shall include as a minimum the following:

- (1) The identity of the equipment or source operation from which the excess emission originated and the associated stack or emission point;
- (2) The estimated quantity of the excess emission;
- (3) The time and expected duration of the excess emission;
- (4) The cause of the excess emission;
- (5) The steps being taken to remedy the excess emission;
- (6) The steps being taken to limit the excess emission in the interim period;

c. Written Report of Excess Emission. A written report of an incident of excess emission shall be submitted to the Air Pollution Control Officer as a follow-up to all required oral reports, within seven days of the onset of the incident and shall include as a minimum the following:

- (1) The identity of the equipment source operation from which the excess emission originated and the associated stack or emission point;

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- (2) The estimated quantity of the excess emission;
- (3) The time and duration of the excess emissions;
- (4) The cause of the excess emission;
- (5) The steps that were taken to remedy and to prevent the recurrence of the incident of excess emission;
- (6) The steps that were taken to limit the excess emission;
- (7) If the owner claims that the excess emission was due to a malfunction, documentation to support this claim.

d. Excess Emissions. An incident of excess emission, other than an incident during startup, shutdown, or cleaning of control equipment, shall be considered a violation of this ordinance.

If the owner or operator of a source maintains that the incident of excess emission was due to a malfunction, the owner or operator must show that the conditions which caused the incident of excess emission were not preventable by reasonable maintenance and control measures. Determination of any subsequent enforcement action will be made following a review of this report. If excess emissions are occurring, either the control equipment causing the excess emission shall be repaired in an expeditious manner or the process generating the excess emission shall be shut down within a reasonable period of time. An expeditious manner is the time necessary to determine the cause of the excess emissions and to correct it within a reasonable period of time. A reasonable period of time is eight hours plus the period of time required to shut down the process without damaging the process equipment or control equipment. Additional time may be granted if conditions are such that an eight hour period can be shown to be impractical. In each case the Air Pollution Control Officer shall make this determination after review of the extenuating circumstances and making any on site inspections as necessary.

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In the case of an electric utility, a reasonable period of time is eight hours plus the period of time until comparable generating capacity is available to meet consumer demand with the affected unit out of service, unless, the Air Pollution Control Officer shall, upon investigation, reasonably determine that continued operation constitutes an unjustifiable environmental hazard and issues an order that such operation is not in the public interest and requires a process shutdown to commence immediately.

e. Compliance with other paragraphs. Notwithstanding §10.14(1)(a) to §10.14(1)(d), a fossil fuel-fired steam generator to which §10.9(2)(a)(1), §10.9(2)(a)(26), or §10.9(2)(a)(55) applies shall comply with §10.9(2)(a)(1), §10.9(2)(a)(26), or §10.9(2)(a)(55).

2. Maintenance and Repair Requirements.

a. Maintenance and Repair. The owner or operator of any equipment or control equipment shall:

(1) Maintain and operate the equipment or control equipment at all times in a manner consistent with good practice for minimizing emissions.

(2) Remedy any cause of excess emission in an expeditious manner.

(3) Minimize the amount and duration of any excess emission to the maximum extent possible during periods of such emissions. These measures may include but not be limited to the use of clean fuels, production cutbacks, or the use of alternate process units or, in the case of utilities, purchase of electrical power until repairs are completed.

(4) Implement measures contained in any contingency plan prepared in accordance with §10.14(b)(3) below.

(5) Schedule, at a minimum, routine maintenance of equipment or control equipment during periods of process shutdown to the maximum extent possible.

b. Maintenance Plans. A maintenance plan will be required for equipment or control equipment where in the

judgment of the Air Pollution Control Officer, a continued pattern of excess emissions indicative of inadequate operation and maintenance is occurring. The maintenance plan shall include, but not be limited to, the following:

(1) A complete preventive maintenance schedule, including identification of the persons responsible for inspecting, maintaining and repairing control equipment, a description of items or conditions that will be inspected, the frequency of these inspections or repairs, and an identification of the replacement parts which will be maintained in inventory for quick replacement;

(2) An identification of the equipment and air pollution control equipment operating variables that will be monitored in order to detect a malfunction or failure, the normal operating range of these variables, and a description of the method of monitoring and surveillance procedures;

(3) A contingency plan for minimizing the amount and duration of any excess emissions to the maximum extent possible during periods of such emissions.

10.16 Circumvention

It shall be unlawful to install a device to conceal emissions for the purpose of circumvention of this or other applicable air pollution ordinances. No person, firm, corporation, association, or public agency shall build, erect, install, or use any article, machine, equipment, or other contrivance, the primary purpose of which is to dilute or conceal an air contaminating emission unless it shall result in a reduction in the total release of contaminants to the atmosphere and which alone or in conjunction with other such equipment will bring compliance with the permissible standards set up in this or other applicable ordinances.

10.17 Testing and Sampling of New and Existing Equipment

1. Stack emission tests for air contaminants shall be undertaken by generally recognized standards or methods of measurement in accordance with the Iowa Department of Environmental Quality "Compliance Sampling Manual" as amended through January 30, 2003. Sampling methods, analytical methods,

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analytical determinations and minimum performance specifications for performance evaluations of continuous monitor systems are those found in Appendix B& F 40 CFR Part 60, as amended through January 12, 2004. Testing of sources which apply under New Source Performance Standards shall use Reference Test Methods (Appendix A), performance specifications (Appendix B), determination of emission rate change (Appendix C), and the general provisions (Subpart A) of 40 CFR Part 75 applicable testing procedures.

2. The owner of new or existing equipment or the authorized agent shall notify the Air Pollution Control Officer in writing not less than 15 days before a test is to be made of an installation or a performance evaluation of any required continuous monitor. Such notice shall include the time, the place, the name of the person who will conduct the tests to determine if such equipment is meeting the applicable emission standards specified in this Ordinance. A representative of the Linn County Health Department shall be permitted to witness the tests. Results of the tests shall be submitted in writing to the Air Pollution Control Officer. With the exception of specific requirements for New Source Performance Standards under paragraph §10.17(1) above all test results shall be submitted to the Air Pollution Control Officer within 30 days after said testing has been completed.

3. Any person responsible for the emission of air contaminants through a stack or chimney shall, upon the request of the Air Pollution Control Officer, provide such sampling facilities and suitable access structure as may be necessary for the Air Pollution Control Officer to determine the nature and quantity of air contaminants which are being or may be discharged. Such facilities may be either permanent or temporary at the discretion of the person responsible for their provision and shall conform to all applicable laws and regulations concerning safe construction or safe practice.

4. Continuous Monitoring of Opacity from Coal-Fire Steam Generating Units. The owner or operator of any coal-fired or coal-gas-fired steam generating unit with a rated capacity of greater than 250 million BTUs per hour heat input shall install, calibrate, maintain and operate continuous monitoring equipment to monitor opacity. If an exhaust services more than one steam generating unit as defined in the preceding sentence, the owner

has the option of installing opacity monitoring equipment on each unit or on the common stack. Such monitoring equipment shall conform to performance specifications specified in §10.17(1). The Air Pollution Control Officer may require the owner or operator of any coal-fired or coal-gas-fired steam generating unit to install, calibrate, maintain and operate continuous monitoring equipment to monitor opacity whenever the compliance status, history of operations, ambient air quality in the vicinity surrounding the generator or the type of control equipment utilized would warrant such monitoring.

5. Continuous Monitoring of Sulfur Dioxide from Sulfuric Acid Plants. The owner or operator of any sulfuric acid plant of greater than 300 tons per day production capacity, the production being expressed as 100 percent acid, shall install, calibrate, maintain and operate continuous monitoring equipment to monitor sulfur dioxide emissions. Said monitoring equipment shall conform to the minimum performance specifications specified in §10.17(1).

6. Maintenance of Records of Continuous Monitors. The owner or operator of any facility which is required by any of §§10.17(4) and 10.17(5) to install, calibrate, maintain, and operate continuous monitoring equipment shall maintain for a minimum of two years a file of all information pertinent to each monitoring system present at the facility. Such information shall include, but is not limited to, all emissions data, raw data, adjusted data, and any or all adjusted factors used to convert emissions from units of measurement to units of applicable standard, performance evaluations, calibrations and zero checks, and records of all malfunctions of monitoring equipment or source and repair procedures performed.

7. Reporting of Continuous Monitoring Information. The owner or operator of any source affected by §§10.17(4) and 10.17(5) shall report to the Air Pollution Control Officer on a quarterly basis all periods of recorded emissions in excess of the applicable standards, the results of all calibrations, zero checks, span valves, performance evaluations occurring during the reporting period, and any periods of monitoring equipment malfunctions or source upsets and any apparent reasons for these malfunctions and upsets. This report shall be made within thirty (30) days after the end of the quarter.

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8. Exemptions from Continuous Monitoring Requirements.

The owner or operator of any source affected by §§10.17(4) and 10.17(5) is exempt if it can be demonstrated that any of the conditions set forth in this section are met, with the provision that periodic recertification of the existence of these conditions can be requested.

a. An affected source is subject to a new source performance standard promulgated in 40 CFR Part 60 as amended through November 24, 1998.

b. An affected steam generator had an annual capacity factor for calendar year 1974, as reported to the Federal Power Commission, of less than 30 percent, or the projected use of the unit indicates the annual capacity factor will not be increased above 30 percent in the future.

c. The Air Pollution Control Officer may provide a temporary exemption from the monitoring and reporting requirements during any period of monitoring system malfunction, provided that the source owner or operator shows, to the satisfaction of the Air Pollution Control officer, that the malfunction was unavoidable and is being repaired as expeditiously as practical.

9. Extensions. The owner or operator of any source affected by §§10.17(4) and 10.17(5) may request an extension of time provided for installation of the required monitor by demonstrating to the Air Pollution Control Officer that good faith efforts have been made to obtain and install the monitor in the prescribed time.

10.18 Analysis Fees

Whenever the Air Pollution Control Officer determines that an analysis of the emissions from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation he shall order the collection of samples and the analysis made by qualified personnel of the Linn County Health Department Laboratory or by another recognized laboratory. The cost for collecting samples, making the analysis and preparing the necessary reports shall be charged against the owner or operator of such premises.

10.19 Submission of Information

The Air Pollution Control Officer may require information about points of emission of air contaminants or the process creating the air contaminants, whether by stack, duct, flue, equipment, or by any other means, when such information is necessary for the conduct of the work of the Air Pollution Control Officer. A period of thirty (30) days shall be allowed for the submission of such information. However, in case of emergency, the Air Pollution Control Officer may designate any lesser time which is necessary under the circumstances.

10.20 Confidentiality

Information received by the Board of Health or the Air Quality Division through filed reports, inspections, or as otherwise authorized under this Ordinance concerning trade secrets, secure industrial processes, or other privileged communications shall not be disclosed or open to public inspection, except as may be necessary in a proceeding concerning a violation of this Ordinance, or as otherwise authorized or ordered by appropriate court action or proceedings. Nothing herein shall be construed to prevent the Board of Health or the Air Quality Division from compiling or publishing analyses or summaries relating to the general condition of the atmosphere, provided that such analyses or summaries do not reveal any information otherwise confidential under this section.

10.21 Prevention of Air Pollution Emergency Episodes

1. Episode Criteria.

a. Evaluation. Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency shall be deemed to exist whenever the Air Pollution Control Officer determines that the meteorological conditions are such that the accumulation of air contaminants in any place is reaching, or has reached, levels which could, if sustained or exceeded, lead to a substantial threat to the health of persons.

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(1) Air Pollution Forecast. Initial consideration of air pollution episode activities will be activated by receipt from the National Weather Service of an Air Stagnation Advisory indicating that meteorological conditions conducive to an air pollution episode may be imminent, along with prediction of the duration and termination of such conditions. Receipt of such an advisory shall be the basis for activities such as, but not limited to, increased monitoring of air contaminants in the area involved.

b. Declaration. In making determinations for the declaration of an air pollution episode condition, the Air Pollution Control Officer will be guided by the criteria stated in the following paragraphs.

(1) Air Pollution Alert. An alert will be declared when any one of the following levels is reached at any monitoring site, and when meteorological conditions are such that the contaminant concentration can be expected to remain at those levels for twelve (12) or more hours, or increase, unless control actions are taken:

A. Sulfur Dioxide: 800 micrograms per cubic meter (0.3 ppm), 24 hour average;

B. Fine Particulate Matter: 350 micrograms per cubic meter, 24 hour average;

C. Sulfur Dioxide and Particulate Matter Combined: Product of micrograms sulfur dioxide per cubic meter (24 hour average) and micrograms particulate matter per cubic meter (24 hour average) equal to 65,000;

D. Carbon Monoxide: 17 milligrams per cubic meter (15 ppm), 8 hour average;

E. Oxidants (ozone): 200 micrograms per cubic meter (0.1 ppm), 1 hour average;

F. Nitrogen Dioxide: 1,130 micrograms per cubic meter (0.6 ppm), 1 hour average, or 282 micrograms per cubic meter (0.15 ppm), 24 hour average.

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(2) Air Pollution Warning. A warning will be declared when any one of the following levels is reached at any monitoring site and when meteorological conditions are such that the contaminant concentrations can be expected to remain at those levels for twelve (12) or more hours, or increase, unless control actions are taken:

A. Sulfur Dioxide: 1,600 micrograms per cubic meter (0.6 ppm), 24 hour average;

B. Fine Particulate Matter: 420 micrograms per cubic meter, 24 hour average;

C. Sulfur Dioxide and Particulate Matter Combined: Products of micrograms sulfur dioxide per cubic meter (24 hour average) and micrograms particulate matter per cubic meter (24 hour average) equal to 261,000;

D. Carbon Monoxide: 34 milligrams per cubic meter (30 ppm), 8 hour average;

E. Oxidants (ozone): 800 micrograms per cubic meter (0.4 ppm), 1 hour average;

F. Nitrogen Dioxide: 2,260 micrograms per cubic meter (1.2 ppm), 1 hour average, or 565 micrograms per cubic meter (0.3 ppm), 24 hour average.

(3) Air Pollution Emergency. An emergency shall be declared when any one of the following levels is reached at any monitoring site and when meteorological conditions are such that this condition can be expected to continue for twelve (12) or more hours:

A. Sulfur Dioxide: 2,100 micrograms per cubic meter (0.8 ppm), 24 hour average;

B. Fine Particulate Matter: 500 micrograms per cubic meter, 24 hour average;

C. Sulfur Dioxide and Particulate Matter Combined: Product of micrograms sulfur dioxide per cubic meter (24 hour average) and micrograms particulate matter per cubic meter (24 hour average) equal to 393,000;

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D. Carbon Monoxide: 46 milligrams per cubic meter (40 ppm), 8 hour average;

E. Oxidants (ozone): 1,200 micrograms per cubic meter (0.6 ppm), 1 hour average;

F. Nitrogen Dioxide: 3,000 micrograms per cubic meter (1.6 ppm), 1 hour average, or 750 micrograms per cubic meter (0.4 ppm), 24 hour average.

(4) Termination. Once declared, any status reached by application of these criteria will remain in effect until the criteria for that level are no longer met. As meteorological factors and air contaminants change, an appropriate change in episode level will be declared.

2. Preplanned Abatement Strategies.

a. Planned Strategies. Standby plans shall be designed to reduce or eliminate emissions of air contaminants in accordance with the objectives set forth in Tables III-V, which are made a part of this section.

(1) Plan Preparation. Any person responsible for the operation of a source of air contaminants as set forth in Tables III-V shall prepare standby plans for reducing the emission of air contaminants, which shall be implemented upon the declaration of an air pollution episode and continued for the duration of the declared episode.

A. Any person responsible for the operation of a source of air contaminants not set forth under this paragraph shall, when requested by the Air Pollution Control Officer in writing, prepare standby plans for reducing the emission of such air contaminant or contaminants during periods of an air pollution episode, as specified in this section.

(2) Plan Content. Standby plans as required under this section shall be in writing. Each standby plan shall identify the sources of air contaminants, the approximate amount of reduction of contaminants, and a brief description of the manner in which the reduction will be achieved during an air

pollution alert, air pollution warning, or air pollution emergency, as specified in this section.

(3) Review of Plans. Standby plans as required by this section shall be submitted to the Air Pollution Control Officer. Each standby plan shall be subject to review. If, in the opinion of the Air Pollution Control Officer, a standby plan does not provide for adequate reduction of emissions, the Air Pollution Control Officer may disapprove such plan, state the reasons for disapproval, and order the preparation of an amended standby plan within a time period specified in the order.

(4) Availability. During a declared air pollution episode, standby plans as required by this section shall be made available on the premises to any person authorized to enforce this ordinance.

3. Actions During Episodes.

a. Emissions Reduction Activities. Any person responsible for the operation of a source of air contaminants as set forth in Tables III-V herein, whose source is located within the area involved, shall follow the actions specified below during periods of an air pollution alert, air pollution warning or air pollution emergency as may be declared.

(1) Air Pollution Alert. When an air pollution alert has been declared, all persons in the area involved responsible for the operation of a source of air contaminants as set forth in Table III herein, shall take all air pollution alert actions as required for such sources of air contaminants, and persons responsible for the operation of specific sources set forth in Table III herein, shall put into effect the preplanned abatement strategy for an air pollution alert.

(2) Air Pollution Warning. When an air pollution warning has been declared, all persons in the area involved responsible for the operation of a source of air contaminants as set forth in Table IV, herein, shall take all air pollution warning actions as required for such sources of air contaminants, and persons responsible for the operation of specific sources set forth in Table IV herein, shall put into effect the preplanned abatement strategy for an air pollution warning.

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(3) Air Pollution Emergency. When an air pollution emergency has been declared, all persons in the area involved responsible for the operation of a source of air contaminants as set forth in Table V herein, shall take all air pollution emergency actions as required for such sources of air contaminants, and persons responsible for the operation of specific sources set forth in Table V herein, shall put into effect the preplanned abatement strategy for an air pollution emergency.

(4) Special Conditions. When the Air Pollution Control Officer determines that a specific episode level has been reached at one or more monitoring sites solely because of emissions from a limited number of sources, he shall notify the persons responsible for such sources that the preplanned abatement strategy of Tables III, IV, and V, or the standby plans, are required insofar as they apply to such sources, and such actions shall be put into effect until notified that the criteria of the specified level are no longer met.

TABLE III
ABATEMENT STRATEGIES EMISSION REDUCTION ACTIONS
ALERT LEVEL

General

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.
2. The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12:00 noon and 4:00 p.m.
3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 p.m.
4. Persons operating motor vehicles should eliminate all unnecessary operations.

Source Curtailment

Any person responsible for the operation of a source of air contaminants listed below shall take all required control actions for this alert level.

Source of Air Pollution	Control Action
1. Coal or oil-fired electric power generating facilities.	a. Substantial reduction by utilization of fuel having low ash and sulfur content. b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Substantial reduction by diverting electric power generating to facilities outside of alert level.
2. Coal and oil-fired process steam generating facilities.	a. Substantial reduction by utilization of fuels having low ash and sulfur content. b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Substantial reduction of steam load demands consistent with continuing plant operation.
3. Manufacturing industries of the following classification: Primary Metals Industries Petroleum Refining Operations Chemical Industries Mineral Processing Industries Paper and Allied Products Grain Industry	a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and all operation. b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gas vapors, or malodorous substances. c. Maximum reduction of heat load demands for processing.

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Source of Air Pollution	Control Action
	d. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

TABLE IV
 ABATEMENT STRATEGIES EMISSION REDUCTION ACTIONS
 WARNING LEVEL

General

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.
2. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.
3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 p.m.
4. Persons operating motor vehicles must reduce operations by the use of car pools and increased use of public transportation and elimination of unnecessary operation.

Source Curtailment

Any person responsible for the operation of a source of air contaminants listed below shall take all required control actions for this warning level.

Source of Air Pollution	Control Action
1. Coal or oil-fired electric power generating facilities.	a. Substantial reduction by utilization of fuels having lowest ash and sulfur content.
	b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

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Source of Air Pollution	Control Action
	c. Maximum reduction by diverting electric power generation to facilities outside the warning area.
2. Coal and oil-fired process steam generating facilities.	a. Maximum reduction by utilization of fuels having lowest ash and sulfur content.
	b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	c. Making ready for use a plan of action to be taken if an emergency develops.
3. Manufacturing industries which require considerable lead time for shutdown including the following classifications: Primary Metal Industries Petroleum Refining Operations Chemical Industries Paper and Allied Products Glass Industries	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operation.
	b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors, or malodorous substances.
	c. Maximum reduction of heat load demands for processing.
	d. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

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Source of Air Pollution	Control Action
<p>4. Manufacturing industries which require relatively short lead times for shutdown including the following classifications:</p> <p>Primary Metal Industries Chemical Industries Mineral Processing Industries Grain Industries</p>	<p>a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring, production and allied operations to the extent possible without causing injury to persons or damage to equipment.</p>
	<p>b. Elimination of air contaminants from trade waste disposal processes which emit solid particles, gases, vapors or malodorous substances.</p>
	<p>c. Maximum reduction of heat load demands for processing.</p>
	<p>d. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.</p>

TABLE V
 ABATEMENT STRATEGIES EMISSION REDUCTION ACTIONS
 EMERGENCY LEVEL

General

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.
2. The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.
3. All places of employment described below shall immediately cease operations:
 - a. Mining and quarrying of nonmetallic materials;
 - b. All construction work except that which must proceed to avoid emergent physical harm;

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c. All manufacturing establishments except those required to have in force an air pollution emergency plan;

d. All wholesale trade establishments, i.e., places of business primarily engaged in selling merchandise to retailers or industrial, commercial, institutional or professional users or to other wholesalers or those acting as agents in buying merchandise for or selling merchandise to such persons or companies, except those engaged in the distribution of drugs, surgical supplies and food;

e. All offices of local, county, and state government including authorities, joint meetings, and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county, or state government, authorities, joint meetings, and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this Ordinance.

f. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food;

g. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services, offices of insurance carriers, agents and brokers, and real estate offices;

h. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments, photographic studios, beauty shops, barber shops, shoe repair shops;

i. Advertising offices, consumer credit reporting, adjustment and collection agencies, duplicating, addressing, blueprinting, photocopying, mailing, mailing list and stenographic services, equipment rental services, and commercial testing laboratories;

j. Automotive repair, automobile services, and garages;

k. Establishments rendering amusement and recreational services including motion picture theaters;

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1. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

4. All commercial and manufacturing establishments not included in this Ordinance will institute such actions as will result in maximum reduction of air contaminants from their operations by ceasing, curtailing, or postponing operations which emit air pollutants to the extent possible without causing injury to persons or damage to equipment.

5. The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.

Source Curtailment

Any person responsible for the operation of a source of air contaminants listed below shall take all required control actions for this emergency level.

Sources of Air Pollution	Control Action
1. Coal or oil-fired electric power generating facilities.	a. Maximum reduction by utilization of fuels having lowest ash and sulfur content.
	b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	c. Maximum reduction by diverting electrical power generation to facilities outside of emergency area.
2. Coal and oil-fired process steam generating facilities.	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
	b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

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Sources of Air Pollution	Control Action
	c. Taking the action called for in emergency plan.
3. Manufacturing industries of the following classifications: Primary Metals Industries Petroleum Refining Operations Chemical Industries Paper and Allied Products Mineral Processing Industries Grain Industries	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. b. Elimination of air contaminants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

10.22 Enforcement

It shall be the duty of the Air Pollution Control Officer to enforce the provisions of this Ordinance. For the purpose of enforcement of this Ordinance, the Air Pollution Control Officer or his duly authorized representative, after presentation of his credentials, is hereby empowered to enter the premises of any dwelling, industry, or other public or private place now or hereafter established or located within Linn County, Iowa, for the purpose of determining whether or not said premises are operating in violation of this Ordinance. Specific powers and duties of the Air Pollution Control Officer related to this Ordinance shall include the power to:

1. Supervise the execution of this Ordinance pertaining to air pollution;
2. Institute complaints against all persons violating any provisions of this Ordinance; institute necessary legal

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proceedings to prosecute violations of this Ordinance; issue citations to persons committing county infractions and compel the prevention and abatement of air pollution or nuisance arising therefrom;

3. Approve or disapprove, in accordance with the requirements of this Ordinance, plans for fuel-burning and air pollution control equipment;

4. Make or supervise inspections and tests of existing and newly installed, constructed, reconstructed or altered fuel-burning or refuse-burning equipment and process control equipment to determine if there is compliance with the provisions of this Ordinance;

5. Prepare and present to the Board of Health and the Linn County Board of Supervisors for their approval or disapproval proposals for Ordinances and additions or revisions to this Ordinance or any ordinance pertaining to air pollution control;

6. Review those matters related to air pollution referred by other county, state, or federal agencies and make recommendations;

7. Submit monthly reports concerning permits and variances issued, status of air quality and other information of general interest required by state or federal law;

8. Do any and all acts which may be necessary for the successful enforcement of the provisions of this Ordinance.

10.23 Sealing

After three (3) notifications of the same violation of this Ordinance within a twelve (12) month period, in respect to the emission of air contaminants from the same source, a violator shall be notified by certified mail to show cause before the Linn County Board of Health within thirty (30) days why the offending equipment shall not be sealed. The notice shall be directed to the last address of the person to be notified, or if the person or his whereabouts is unknown, then the notice shall be posted on or near the premises at which the violations have occurred.

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The violator or his agent or attorney may appear before the Linn County Board of Health and be heard. The Linn County Board of Health shall then determine whether or not to direct the Air Pollution Control Officer to seal the equipment until such time as corrective measures are taken.

It shall be unlawful for any person to break a seal that has been duly affixed by the Air Pollution Control Officer or his authorized representative unless authorized in writing by the Air Pollution Control Officer to do so after the corrective measures have been taken. Any equipment sealed under this section of the Ordinance shall remain sealed during any appeal process.

Nothing herein shall limit the Air Pollution Control Officer's power to enforce the penalty provisions of this ordinance in lieu of or in addition to sealing equipment which is being operated in violation of this Ordinance.

10.24 Penalty

A violation of any of the requirements of this ordinance are subject to the following penalties:

1. A violation of any provision of this ordinance or any code, rules, or regulations adopted herein by reference shall constitute a county infraction.

2. Open Burning Penalties.

a. Any person convicted of committing a county infraction based upon Section 10.10 (Open Burning) of this ordinance shall be fined as follows:

First offense: \$100

Second offense: \$200

Third and subsequent offense: according to the provisions of §10.24(3)

b. Notwithstanding § 10.24(2)(a) of this ordinance, any person convicted of committing a county infraction based upon Section 10.10 (Open Burning) of this ordinance shall be

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fined according to the provisions of §10.24(3) if the material contained in the open burning involves any of the following:

- 1) tires or other rubber materials
- 2) asphalt shingles or other asphalt materials
- 3) any material potentially containing asbestos, unless it was tested by an approved laboratory prior to the burning and proven to be negative
- 4) creosote treated wood
- 5) trade waste materials

c. Notwithstanding § 10.24(2)(a) of this ordinance, any person convicted of committing a county infraction based upon Section 10.10 (Open Burning) of this ordinance shall be fined according to the provisions of §10.24(3) if the burning involves commercially generated waste including, but not limited to, burning to avoid fees for proper disposal, burning in conjunction with scrapping or salvaging operations, or burning material hauled from other locations.

3. Pursuant to authority granted by §455B.146 of the Code of Iowa, any person charged with committing a county infraction based upon any section of this ordinance (except Section 10.10 as specifically exempted above) shall, upon conviction be subject to a civil penalty of not more than Ten Thousand Dollars (\$10,000) per day for each day of violation. Each day that a violation occurs or is permitted to exist by the violator shall constitute a separate offense.

4. The citation for a county infraction may be served by personal service or by certified mail return receipt requested. A copy of the citation shall be retained by the Air Pollution Control Officer and one copy shall be sent to the clerk of the district court.

5. A person found guilty of a county infraction is liable for the court costs and fees.

6. In addition to any civil penalty imposed for violation of this ordinance, the court may grant appropriate relief to abate or halt the violation.

7. If a violator willfully fails to pay the civil penalty or violates the terms of any other order imposed by the court, such failure shall constitute contempt.

8. Notwithstanding the provisions of §§10.24(1) and 10.24(3) any person found guilty of a violation of any of the provisions of this Ordinance may be subject to a criminal penalty pursuant to §455B.146A, Code of Iowa. Each day that a violation occurs or is permitted to exist by the violator shall constitute a separate offense.

9. The provisions of this Ordinance shall not preclude the bringing of a civil action by ordinary proceedings to enjoin or abate any nuisance.

10. Nothing herein shall preclude the Environmental Protection Agency administration's right of enforcement under any section of the Clean Air Act.

10.25 Jurisdiction

The provisions of this Ordinance shall apply throughout Linn County, Iowa.

10.26 Repealer

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

10.27 Severability Clause

If any section, provision, or other part of this ordinance shall be adjudged invalid or unconstitutional said adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or other part thereof not adjudged invalid or unconstitutional.

10.28 When Effective

This ordinance became effective on March 1, 2005.

