

22.105(455B) Title V permit applications.

22.105(1) Duty to apply. For each source required to obtain a Title V operating permit, the owner or operator or designated representative, where applicable, shall, until December 31, 2022, present or mail a complete and timely permit application in accordance with this rule to the following locations: Iowa Department of Natural Resources, Air Quality Bureau, 502 East 9th Street, Des Moines, Iowa 50319 (one copy); and U.S. EPA Region VII, 11201 Renner Boulevard, Lenexa, Kansas 66219 (one copy); and, if applicable, the local permitting authority, which is either Linn County Public Health Department, Air Quality Division, Air Quality Branch, 1020 6th Street SE, Cedar Rapids, Iowa 52401 (one copy); or Polk County Public Works, Air Quality Division, 5885 NE 14th Street, Des Moines, Iowa 50313 (one copy). Application submission methods may include, but are not limited to, U.S. Postal Service, private parcel delivery services, or hand delivery. Applications are not required to be submitted by certified mail. Alternatively, an owner or operator may submit a complete and timely application through the electronic submittal format specified by the department. An owner or operator of a source required to obtain a Title V permit pursuant to subrule 22.101(1) shall submit all required fees as required in 567-Chapter 30.

On or after January 1, 2023, Title V operating permit applications, including the information referenced above and in rules 567-22.100(455B) through 567-22.116(455B), shall be submitted in the electronic format specified by the department, if electronic submittal is provided. An owner or operator of a source required to obtain a Title V permit pursuant to subrule 22.101(1) shall submit all required fees as required in 567-Chapter 30.

a. Timely application. Each owner or operator applying for a Title V permit shall submit an application as follows:

(1) Initial application for an existing source. The owner or operator of a stationary source that was existing on or before April 20, 1994, shall make the first time submittals of a Title V permit application to the department by November 15, 1994. However, the owner or operator may choose to defer submittal of Part 2 of the permit application until December 31, 1995. The department will mail notice of the deadline for Part 2 of the permit application to all applicants who have filed Part 1 of the application by October 17, 1995.

(2) Initial application for a new source. The owner or operator of a stationary source that commenced construction or reconstruction after April 20, 1994, or that otherwise became subject to the requirement to obtain a Title V permit after April 20, 1994, shall submit an application to the department within 12 months of becoming subject to the Title V permit requirements.

(3) Application related to 112(g), PSD or nonattainment. The owner or operator of a stationary source that is subject to Section 112(g) of the Act, that is subject to rule 567-22.4(455B) (prevention of significant deterioration (PSD)), or that is subject to rule 567-22.5(455B) (nonattainment area permitting) shall submit an application to the department within 12 months of commencing operation. In cases in which an existing Title V permit would prohibit such construction or change in operation, the owner or operator must obtain a Title V permit revision before commencing operation.

(4) Renewal application. The owner or operator of a stationary source with a Title V permit shall submit an application to the department for a permit renewal at least 6 months prior to, but not more than 18 months prior to, the date of permit expiration.

(5) Changes allowed without a permit revision (off-permit revision). The owner or operator of a stationary source with a Title V permit who is proposing a change that is allowed without a Title V permit revision (an off-permit revision) as specified in rule 567-22.110(455B) shall submit to the department a written notification as specified in rule 567-22.110(455B) at least 30 days prior to the proposed change.

(6) Application for an administrative permit amendment. Prior to implementing a change that satisfies the requirements for an administrative permit amendment as set forth in rule 567-22.111(455B), the owner or operator shall submit to the department an application for an administrative amendment as specified in rule 567-22.111(455B).

(7) Application for a minor permit modification. Prior to implementing a change that satisfies the requirements for a minor permit modification as set forth in rule 567-22.112(455B), the owner or operator shall submit to the department an application for a minor permit modification as specified in rule 567-22.112(455B).

(8) Application for a significant permit modification. The owner or operator of a source that satisfies the requirements for a significant permit modification as set forth in rule 567-22.113(455B) shall submit to the department an application for a significant permit modification as specified in rule 567-22.113(455B) within three months after the commencing operation of the changed source. However, if the existing Title V permit would prohibit such construction or change in operation, the owner or operator shall not commence operation of the changed source until the department issues a revised Title V permit that allows the change.

22.105 (2) Standard application form and required information. To apply for a Title V permit, applicants shall, until December 31, 2022, complete the standard permit application form available only from the department and supply all information required by the filing instructions found on that form. Alternatively, an owner or operator may submit a complete and timely application through the electronic submittal format specified by the department.

On or after January 1, 2023, the standard application form shall be submitted in the electronic format specified by the department, if electronic submittal is provided.

The information submitted must be sufficient to evaluate the source and its application and to determine all applicable requirements and to evaluate the fee amount required by rule 567-30.4(455B). If a source is not a major source and is applying for a Title V operating permit solely because of a requirement imposed by paragraphs 22.101(1)"c" and "d," then the information provided in the operating permit application may cover only the emissions units that trigger Title V applicability. The applicant shall submit the information called for by the application form for each emissions unit to be permitted, except for activities which are insignificant according to the provisions of rule 567-22.103(455B). The applicant shall provide a list of all insignificant activities and specify the basis for the determination of insignificance for each activity.

Unless otherwise specified in subrule 22.128(4), nationally standardized forms shall be used for the acid rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the Act. The standard application form and any attachments shall require that the following information be provided:

a. Identifying information, including company name and address (or plant or source name if different from the company name), owner's name and agent, and telephone number and names of plant site manager/contact.

b. A description of the source's processes and products (by two-digit Standard Industrial Classification Code) including any associated with each alternate scenario identified by the applicant.

c. The following emissions-related information shall be submitted to the department on the emissions inventory portion of the application, unless the department notifies the applicant that the emissions-related information is not required because it has already been submitted:

(1) All emissions of pollutants for which the source is major, and all emissions of regulated air pollutants. The permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit except where such units are exempted. The source shall submit additional information related to the emissions of air

pollutants sufficient to verify which requirements are applicable to the source, and other information necessary to collect any permit fees owed under the approved fee schedule.

(2) Identification and description of all points of emissions in sufficient detail to establish the basis for fees and the applicability of any and all requirements.

(3) Emissions rates in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method, if any.

(4) The following information to the extent it is needed to determine or regulate emissions: fuels, fuel use, raw materials, production rates, and operating schedules.

(5) Identification and description of air pollution control equipment.

(6) Identification and description of compliance monitoring devices or activities.

(7) Limitations on source operations affecting emissions or any work practice standards, where applicable, for all regulated pollutants.

(8) Other information required by any applicable requirement (including information related to stack height limitations developed pursuant to Section 123 of the Act).

(9) Calculations on which the information in subparagraphs (1) to (8) above is based.

(10) Fugitive emissions from a source shall be included in the permit application in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

d. The following air pollution control requirements:

(1) Citation and description of all applicable requirements, and

(2) Description of or reference to any applicable test method for determining compliance with each applicable requirement.

e. Other specific information that may be necessary to implement and enforce other applicable requirements of the Act or of these rules or to determine the applicability of such requirements.

f. An explanation of any proposed exemptions from otherwise applicable requirements.

g. Additional information as determined to be necessary by the director to define alternative operating scenarios identified by the source pursuant to subrule 22.108(12) or to define permit terms and conditions relating to operational flexibility and emissions trading pursuant to subrule 22.108(11) and rule 567-22.112(455B).

h. A compliance plan that contains the following:

(1) A description of the compliance status of the source with respect to all applicable requirements.

(2) The following statements regarding compliance status: For applicable requirements with which the stationary source is in compliance, a statement that the stationary source will continue to comply with such requirements. For applicable requirements that will become effective during the permit term, a statement that the stationary source will meet such requirements on a timely basis. For requirements for which the stationary source is not in compliance at the time of permit issuance, a narrative description of how the stationary source will achieve compliance with such requirements.

(3) A compliance schedule that contains the following:

1. For applicable requirements with which the stationary source is in compliance, a statement that the stationary source will continue to comply with such requirements. For applicable requirements that will become effective during the permit term, a statement that the stationary source will meet such requirements on a timely basis. A statement that the stationary source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.

2. A compliance schedule for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the stationary source will be in noncompliance at the time of permit issuance.

3. This compliance schedule shall resemble and be at least as stringent as any compliance schedule contained in any judicial consent decree or administrative order to which the source is subject. Any compliance schedule shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

(4) A schedule for submission of certified progress reports no less frequently than every six months for sources required to have a compliance schedule in the permit.

i. Requirements for compliance certification, including the following:

(1) A certification of compliance for the prior year with all applicable requirements certified by a responsible official consistent with subrule 22.107(4) and Section 114(a)(3) of the Act.

(2) A statement of methods used for determining compliance, including a description of monitoring, record keeping, and reporting requirements and test methods.

(3) A schedule for submission of compliance certifications for each compliance period (one year unless required for a shorter time period by an applicable requirement) during the permit term, which shall be submitted annually, or more frequently if required by an underlying applicable requirement or by the director.

(4) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the Act.

(5) Notwithstanding any other provisions of these rules, for the purposes of submission of compliance certifications, an owner or operator is not prohibited from using monitoring as required by subrules 22.108(3), 22.108(4) or 22.108(5) and incorporated into a Title V operating permit in addition to any specified compliance methods.

j. The compliance plan content requirements specified in these rules shall apply and be included in the acid rain portion of a compliance plan for a Title IV affected source, except as specifically superseded by regulations promulgated under Title IV of the Act, with regard to the schedule and method(s) the source shall use to achieve compliance with the acid rain emissions limitations.

22.105(3) *Hazardous air pollutant early reduction application.* Anyone requesting a compliance extension from a standard issued under Section 112(d) of the Act must submit with its Title V permit application information that complies with the requirements established in 567-paragraph 23.1(4) "d."

22.105(4) *Acid rain application content.* The acid rain application content shall be as prescribed in the acid rain rules found at rules 567-22.128(455B) and 567-22.129(455B).

22.105(5) *More than one Title V operating permit for a stationary source.* Following application made pursuant to subrule 22.105(1), the department may, at its discretion, issue more than one Title V operating permit for a stationary source, provided that the owner or operator does not have, and does not propose to have, a sourcewide emission limit or a sourcewide alternative operating scenario.

EPA Rulemakings

CFR: 40 C.F.R. 70, Appendix A, Iowa (a)
 FRM: 60 FR 45671 (9/1/95)
 PRM: 60 FR 20465 (4/26/95)
 State Submission: 8/17/94
 State Proposal: N/A
 State Final: IAC 3/16/94 (Effective 4/20/94)
 APDB File: IA-36
 Description: The EPA promulgated interim approval of the Title V operating permits program and approved the state's program for receiving delegation of section 112 standards. Interim approval expires October 1, 1997.

CFR: 40 C.F.R. 70, Appendix A, Iowa (a)
 FRM: 60 FR 45671 (9/1/95)
 PRM: 60 FR 20465 (4/26/95)
 State Submission: 8/23/95
 State Proposal: IAB 3/15/95 (ARC 5487A)
 State Final: IAB 6/7/95 (ARC 5660A) (Effective 7/12/95)
 APDB File: IA-36
 Description: This revision amended subparagraph 22.105(1)a(5) by adding a requirement for a Title V permit revision and amended subrule 22.105(3) by changing the date October 27, 1993, to March 8, 1995.

CFR: 40 C.F.R. 52.820(c)(61)(i)(A)
 FRM: 60 FR 55198 (10/30/95)
 PRM: 60 FR 32639 (6/23/95)
 State Submission: 10/18/94
 State Proposal: IAB 6/22/94 (ARC 4885A)
 State Final: IAB 10/12/94 (ARC 5168A) (Effective 11/16/94)
 APDB File: IA-48
 Description: This revision amended 22.105(2)i by adding a new subparagraph (5). This revision incorporated subparagraph 22.105(2)i(5) into the SIP to meet the requirement that enhanced monitoring provisions be included in the SIP. Only subparagraph (5) of this rule is included in the SIP.

CFR: 40 C.F.R. 70, Appendix A, Iowa (b)
 FRM: 62 FR 37514 (7/14/97)
 PRM: 62 FR 37533 (7/14/97)
 State Submission: 4/3/97
 State Proposal: N/A
 State Final: N/A
 APDB File: IA-62
 Description: The EPA granted final full approval to the Title V operating permit program for the purpose of meeting the requirements of 40 C.F.R. Part 70. This fulfills the conditions of the interim approval granted on September 1, 1995, which required the state to submit a revised workload analysis describing how the operating permit program would be implemented.

CFR: 40 C.F.R. 70, Appendix A, Iowa (c)
 FRM: 67 FR 9594 (03/04/2002)
 PRM: 67 FR 9641 (03/04/2002)
 State Submission: 08/07/2000, 01/29/2001
 State Final: IAB 09/09/1998
 APDB File: IA-79
 Description: This revision adds clarifying language and changes the reference in rule 22.105(3) from 40 C.F.R. 63, Subpart D to Rule 567-paragraph 23.1(4)"d".

CFR: 40 C.F.R. 70, Appendix A, Iowa (f)
 FRM: 68 FR 54173 (09/16/2003)
 PRM: 68 FR 54195 (09/16/2003)
 State Submission: 03/11/2002
 State Final: IAB 01/09/2002
 State Effective: 02/13/2002
 APDB File: IA-96
 Description: This revision changes the deadline for application submittal to no later than 3 months after commencing operation of the changed source, if the change is not prohibited by the current permit.

CFR: 40 C.F.R. 70, Appendix A, Iowa (h)
 FRM: 70 FR 75399 (12/20/2005)
 PRM: 70 FR 75440 (12/20/2005)
 State Submission: 07/14/2005
 State Final: IAB 06/08/2005; effective 07/13/2005
 APDB File: IA-106; EPA-R07-OAR-2005-IA-0006

Description: This revision reduces the maximum number of copies required from four copies to three copies and also specifies to which office each copy of the application should be sent.

CFR: 40 C.F.R. 70, Appendix A, Iowa (i)
 FRM: 72 FR 58535 (10/16/2007)
 PRM: 72 FR 58571 (10/16/2007)
 State Submission: 04/26/2007
 State Final: IAB 02/28/2007; effective 04/04/2007
 APDB File: IA-122; EPA-R07-OAR-2007-0718
 Description: This revision to 22.105(2) corrects cross references to rules for Title V permits, Acid Rain permits, and permits by rule for small sources.

CFR: 40 C.F.R. 70, Appendix A, Iowa (k)
 FRM: 74 FR 68692 (12/29/2009)
 PRM: 74 FR 68761 (12/29/2009)
 State Submission: 11/18/2008
 State Final: IAB 9/10/2008, effective 10/15/2008
 APDB File: IA-131 and IA 134; EPA-R07-OAR-2008-0895
 Description: This revision clarifies the requirements for submitting different types of Title V applications for both existing and new major stationary sources, and allows more than one Title V permit for one stationary source (22.105(5)).

CFR: 40 C.F.R. 70, Appendix A, Iowa (n)
 FRM: 78 FR 63887 (10/25/2013)
 PRM: 78 FR 63937 (10/25/13)
 State Submission: 3/7/2008, 1/11/2010, 3/1/2011
 State Final: ARC 8215B, IAB 10/7/2009 effective 11/11/2009
 APDB File: IA-141 and IA 143; EPA-R07-OAR-2012-0410 (effective 12/24/13)
 Description: This revision amends the postal code (zip code) for IDNR's mailing address, and in 22.105(1) removes (9) and (b) hard copy (paper copy) of acid rain permit and application to EPA.

CFR: 40 C.F.R. 70, Appendix A, Iowa (q)
 FRM: 81 FR 62387 (9/9/16); correction 82 FR 15301 (3/28/17)
 PRM: 81 FR 62426 (9/9/16)
 State Submission: 3/31/15
 State Final: ARC 2352C, IAB 1/6/16, effective 12/16/15
 APDB File: IA IA-174 eff. 11/8/16; IA-174a EPA-R07-OAR-2014-0165 effective 3/28/17
 Description: This revision amends subrules 22.105(1) and 22.105(2). 22.105(1) Duty to apply. The last sentence is added: An owner or operator of a source required to obtain a Title V permit pursuant to subrule 22.101(1) shall submit all required fees as required in 567-Chapter 30. 22.105(2) Standard application form and required information. To apply for a Title V permit, applicants shall complete the standard permit application form available only from the department and supply all information required by the filing instructions found on that form. The information submitted must be sufficient to evaluate the source and its application and to determine all applicable requirements and to evaluate the fee amount required by 567-30.4(455B). *The remainder of this paragraph remains the same.*

CFR: 40 C.F.R. 70 Appendix A, Iowa (r)
 FRM: 82 FR 43303 (9/15/17)
 PRM: 82 FR 43315 (9/15/17)
 State Submission: 5/9/17
 State Final: ARC 2949C, IAB 2/15/17, effective 3/22/17
 APDB File: IA-177 eff. 11/14/17; EPA-R07-OAR-2017-0470
 Description: Updated the EPA address and added that facilities that submitted a Title V application with a previously-submitted annual emissions inventory need not resubmit the emissions inventory unless the department notifies the applicant.

CFR: 40 C.F.R. 52.820(c)
 FRM: 83 FR 49300 (10/1/18)
 PRM: 83 FR 35451 (7/26/18)
 State Submission: rec'd 1/9/18
 State Final: ARC 3440C, IAB 11/8/17, effective 12/13/17
 APDB File: IA-179 eff. 10/1/18; EPA-R07-OAR-2018-0536 effective 10/31/18
 Description: These revisions clarify the types of mailing services that may be used for submitting operating permit applications, and clarify that applications are not required to be submitted by certified mail. This action includes a revised requirement that only one copy of a permit application is required. This action makes minor grammatical corrections.

CFR: 40 C.F.R. 52.820 (c)
 FRM: 85 FR 33023 (06/01/2020)
 PRM: 85 FR 10357 (02/24/2020)
 State Submission: 4/18/2019
 State Final: IAB 3/13/19; effective 04/17/2019
 APDB File: IA-185; e-docket No. R07-OAR-2020-0059

567-22.105

Description: This revision corrects the address for the IDNR's Air Quality Bureau.

CFR: 40 C.F.R. 52.820(c)
FRM: 86 FR 33544 (6/25/21)
PRM: 86 FR 21254 (4/22/21)
State Submission: 11/4/2008
State Final: IAB 6/4/08; effective 04/17/2019
APDB File: IA-187; e-docket No. R07-OAR-2021-0266
Description: This revision adopts electronic submittal format language in 22.105(1).

CFR: 40 C.F.R. 52.820(c)
FRM: 88 FR 20408 (4/6/23)
PRM: 88 FR 4118 (1/24/23)
State Submission: 6/3/22
State Final: IAB 3/15/22; effective 5/11/22
APDB File: IA-189; e-docket No. R07-OAR-2022-0959
Description: This revision amends subrules 22.105(1) and 22.105(2) to require Title V operating permit applications to be submitted in electronic format after January 1, 2023, if electronic submittal is provided.

Difference Between the State and EPA-Approved Regulation

Subrule 22.105(1) ``a'' subparagraph (9) is not approved.