

22.3(455B) Issuing permits.

22.3(1) *Stationary sources other than anaerobic lagoons.* In no case shall a construction permit which results in an increase in emissions be issued to any facility which is in violation of any condition found in a permit involving PSD, NSPS, NESHAP or a provision of the Iowa state implementation plan. If the facility is in compliance with a schedule for correcting the violation and that schedule is contained in an order or permit condition, the department may consider issuance of a construction permit. A construction permit shall be issued when the director concludes that the preceding requirement has been met and:

a. That the required plans and specifications represent equipment which reasonably can be expected to comply with all applicable emission standards, and

b. That 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 specified in 567-Chapter 28, and

c. That the applicant has not relied on emission limits based on stack height that exceeds good engineering practice or any other dispersion techniques as defined in 567-subrule 23.1(6), and

d. That the applicant has met all other applicable requirements.

22.3(2) *Anaerobic lagoons.* A construction permit for an industrial anaerobic lagoon shall be issued when the director concludes that the application for permit represents an approach to odor control that can reasonably be expected to comply with the criteria in 567-subrule 23.5(2). A construction permit for an animal feeding operation using an anaerobic lagoon shall be issued when the director concludes that the application has met the requirements of rule 567-65.15 (455B).

22.3(3) *Conditions of approval.* A permit may be issued subject to conditions which shall be specified in writing. Such conditions may include but are not limited to emission limits, operating conditions, fuel specifications, compliance testing, continuous monitoring, and excess emission reporting.

a. Each permit shall specify the date on which it becomes void if work on the installation for which it was issued has not been initiated.

b. Each permit shall list the requirements for notifying the department of the dates of intended startup, start of construction and actual equipment startup. All notifications shall be in writing and include the following information:

(1) The date or dates required by 22.3(3) "b" for which the notice is being submitted.

(2) Facility name.

(3) Facility address.

(4) DNR facility number.

(5) DNR air construction permit number.

(6) The name or the number of the emission unit or units in the notification.

(7) The emission point number or numbers in the notification.

(8) The name and signature of a company official.

(9) The date the notification was signed.

c. Each permit shall specify that no review has been undertaken on the various engineering aspects of the equipment other than the potential of the equipment for reducing air contaminant emissions.

d. Rescinded.

e. If changes in the final plans and specifications are proposed by the permittee after a construction permit has been issued, a supplemental permit shall be obtained.

f. A permit is not transferable from one location to another or from one piece of equipment to another unless the equipment is portable. When portable equipment for which a permit has been issued is to be transferred from one location to another, the department shall be notified in writing at least 7 days prior to the transfer of the portable equipment to the new location. Written notification shall be submitted to the department through one of the following methods: electronic mail (e-mail), mail delivery service (including U.S. Mail), hand delivery, facsimile (fax), or by electronic format specified by the department (at such time as an Internet-based submittal system or other, similar electronic submittal system becomes available). However, if the owner or operator is relocating the portable equipment to an area currently classified as

nonattainment for ambient air quality standards or to an area under a maintenance plan for ambient air quality standards, the owner or operator shall notify the department at least 14 days prior to transferring the portable equipment to the new location. A list of nonattainment and maintenance areas may be obtained from the department, upon request, or on the department's Internet Website. The owner or operator will be notified by the department at least 10 days prior to the scheduled relocation if said relocation will prevent the attainment or maintenance of ambient air quality standards and thus require a more stringent emission standard and the installation of additional control equipment. In such a case, the owner or operator shall obtain a supplemental permit prior to the initiation of construction, installation, or alteration of such additional control equipment.

g. The issuance of a permit (approval to construct) shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the state implementation plan and any other requirement under local, state or federal law.

22.3(4) *Denial of a permit.*

a. When an application for a construction permit is denied the applicant shall be notified in writing of the reasons therefor. A denial shall be without prejudice to the right of the applicant to file a further application after revisions are made to meet the objections specified as reasons for the denial.

b. The department may deny an application based upon the applicant's failure to provide a signed statement of the applicant's legal entitlement to install and operate equipment covered by the permit application on the property identified in the permit application.

22.3(5) *Modification of a permit.* The director may, after public notice of such decision, modify a condition of approval of an existing permit for a major stationary source or an emission limit contained in an existing permit for a major stationary source if necessary to attain or maintain an ambient air quality standard.

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(The following subsection, 22.3(6), is approved under Title V and section 112(1) and has not been approved as part of the SIP.)

22.3(6) *Limits on hazardous air pollutants.* The department may limit a source's hazardous air pollutant potential to emit, as defined at 567—22.100(455B), in the source's construction permit for the purpose of establishing federally enforceable limits on the source's hazardous air pollutant potential to emit.

22.3(7) *Revocation of a permit.* The department may revoke a permit upon obtaining knowledge that a permit holder has lost legal entitlement to use the property identified in the permit to install and operate equipment covered by the permit, upon notice that the property owner does not wish to have continued the operation of the permitted equipment, or upon notice that the owner of the permitted equipment no longer wishes to retain the permit for future operation.

22.3(8) *Ownership change of permitted equipment.* The new owner shall notify the department in writing no later than 30 days after the change in ownership of equipment covered by a construction permit pursuant to 567-22.1(455B). The notification to the department shall be mailed to the Air Quality Bureau, Iowa Department of Natural Resources, 502 East 9th Street, Des Moines, Iowa 50319, and shall include the following information:

a. The date of ownership change;

b. The name, address and telephone number of the responsible official, the contact person and the owner of the equipment both before and after ownership change; and

c. The construction permit number of the equipment changing ownership.

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

EPA Rulemakings

CFR: 40 C.F.R. 52.820(b)
 FRM: 37 FR 10842 (5/31/72)
 PRM: None
 State Submission: 1/27/72
 State Proposal: Unknown
 State Final: Effective 4/1/72
 APDB File: IA-00
 Description: This rule was approved as part of the original SIP.

CFR: 40 C.F.R. 52.820(c) (11)
 FRM: 40 FR 15879 (4/8/75)
 PRM: 39 FR 25502 (7/11/74)
 State Submission: 5/4/72
 State Proposal: Unknown
 State Final: Effective 12/11/73
 APDB File: IA-00
 Description: This revision requires the evaluation of a new or modified direct source be impacted on the attainment and maintenance of the NAAQS and not on the effect of life and property.

CFR: 40 C.F.R. 52.820(c) (43)
 FRM: 50 FR 37176 (9/12/85)
 PRM: 49 FR 45761 (11/20/84)
 State Submission: 7/18/84
 State Proposal: None
 State Final: 7/1/83
 APDB File: IA-19
 Description: Recodification of the regulations from Chapter 3 of the Iowa Department of Environmental Quality into Department 900, Title II, Chapters 20-39 of the Iowa Department of Water, Air and Waste Management (IDWAWM).

CFR: 40 C.F.R. 52.820(c) (44) (i) (ii)
 FRM: 50 FR 37176 (9/12/85)
 PRM: 49 FR 45761 (11/20/84)
 State Submission: 7/18/84
 State Proposal: 6/22/83
 State Final: 7/17/84
 APDB File: IA-19
 Description: The EPA approved Chapter 22 regulations (preconstruction review procedures), with the exception of 3 subrules 22.5(4) g, i, and j, on emission offsets.

CFR: 40 C.F.R. 52.820(c) (45) (a) (ii)
 FRM: 51 FR 25199 (7/11/86)
 PRM: None
 State Submission: 12/31/85
 State Proposal: IAB 7/17/85 (ARC 5692)
 State Final: 12/17/85
 APDB File: IA-19
 Description: This revision approves incorporation by reference for an April 22, 1986, letter from Iowa to submit stack height regulations by May 30, 1986.

CFR: 40 C.F.R. 52.820(c) (46) (i) (B)
 FRM: 52 FR 23981 (6/26/87)
 PRM: None
 State Submission: 3/9/87
 State Proposal: 12/3/86 (ARC 7188)
 State Final: 4/15/87
 APDB File: IA-26
 Description: This revision incorporated by reference a letter dated April 22, 1987, from Iowa committing to implement its stack height regulation in a manner consistent with the EPA's stack height regulations with respect to NSR/PSD regulations.

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CFR: 40 C.F.R. 52.820 (47) (i) (A)
 FRM: 53 FR 41600 (10/24/88)
 PRM: 52 FR 33437 (9/3/87)
 State Submission: 5/20/86
 State Proposal: 1/15/86 (ARC 6280)
 State Final: 4/22/86 (ARC 6566) (Effective 6/25/86)
 APDB File: IA-25
 Description: This revision limited the amount of dispersion credit allowed for facilities employing stack heights that exceed GEP guidelines.

CFR: 40 C.F.R. 52.820(c) (52) (i) (B)
 FRM: 55 FR 26690 (6/29/90)
 PRM: None
 State Submission: 5/7/90
 State Proposal: IAB 11/15/89 (ARC 412A)
 State Final: IAB 2/7/90 (ARC 658A) (Effective 3/14/90)
 APDB File: IA-32
 Description: This rulemaking recodified Chapters 20-29. It was Water, Air and Waste Management (900) and is now Environmental Protection Commission (567).

CFR: 40 C.F.R. 52.820(c) (57) (i) (A)
 FRM: 58 FR 27939 (5/12/93)
 PRM: None
 State Submission: 1/5/93
 State Proposal: IAB 9/16/92 (ARC 3350A)
 State Final: IAB 1/20/93 (ARC 3694A) (Effective 2/24/93)
 APDB File: IA-37
 Description: This revision adds a restriction which requires the state to withhold issuance of a construction or conditional permit if a source is in violation of a permit condition or compliance schedule.

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: 6/23/95
 State Proposal: N/A
 State Final: IAC 6/7/95 (Effective 10/18/95)
 APDB File: IA-36
 Description: This revision adds subrule 22.3(6) which limits a source's hazardous air pollutant potential to emit.

CFR: N/A
 FRM: 62 FR 55172 (10/23/97)
 PRM: 61 FR 39375 (7/29/96)
 State Submission: 2/16/96
 State Proposal: IAB 12/21/94 (ARC 5322A)
 State Final: IAB 6/7/95 (ARC 5659A) (Effective 7/12/95)
 APDB File: IA-53
 Description: The EPA approved subrule 22.3(6) under section 112(1) which gives the IDNR the authority to limit a source's hazardous air pollutant potential to emit in the source's air construction permit.

CFR: 40 C.F.R. 52.820(c)
 FRM: 67 FR 9591 (03/04/2002)
 PRM: 67 FR 9640 (03/04/2002)
 State Submission: 07/18/2001, 12/21/2001
 State Final: IAB 07/15/1998, IAB 02/07/2001
 APDB File: IA-79
 Description: This revision corrects a rule citation pertaining to calculation of emission limits based on stack height; adds new subrules which pertain to change of ownership of equipment (22.3(8)) and provisions for denying a permit (22.3(4)b); and changes subrule 22.3(7) which pertains to revocation of a permit.

CFR: 40 C.F.R. 52.820(c)
 FRM: 67 FR 62889 (10/09/2002)
 PRM: 67 FR 62926 (10/09/2002)
 State Submission: 11/26/2001
 State Final: IAB 04/07/1999
 APDB File: IA-89
 Description: This revision amends subrule 22.3(2). Criteria in subrule 23.5(2) and Iowa rule 567-65.15 (455B) should be used in determining when to issue a construction permit for industrial anaerobic lagoon and for animal feeding operations using an anaerobic lagoon.

CFR: 40 C.F.R. 52.820 (c)
 FRM: 68 FR 10969 (03/07/2003)
 PRM: 68 FR 11023 (03/07/2003)
 State Submission: 04/25/2002
 State Final: IAB 03/20/2002
 APDB File: IA-87
 Description: This revision amends subrule 22.3(3)"b" pertaining to intended startup and actual startup of permitted equipment.

CFR: 40 C.F.R. 52.820 (c)
 FRM: 70 FR 22599 (05/02/2005)
 PRM: 70 FR 22623 (05/02/2005)
 State Submission: 12/15/2004
 State Final: IAB 11/10/2004; effective 12/15/2004
 APDB File: IA-104; E-docket No. R07-OAR-2005-IA-0002
 Description: This revision adds a comma to subrule 22.3(3) for clarity.

CFR: 40 C.F.R. 52.820 (c)
 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 amends paragraph 22.3(3) "f". It reduces the notification requirement for portable plant relocations from 30 days prior to relocation to 14 days prior to relocation. Facility relocations in non-attainment areas or maintenance areas were not changed (remain at 30 days).

CFR: 40 C.F.R. 52.820(c)
 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: 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.

CFR: 40 C.F.R. 52.820(c)
 FRM: 79 FR 2787 (1/16/2014)
 PRM: 79 FR 2808 (1/16/2014)
 State Submission: 11/26/12
 State Final: ARC 0330C; IAB 9/19/12, state effective 10/24/12
 APDB File: IA-155; EPA-R07-OAR-2013-0483 (effective 3/17/14)
 Description: This revision amends 22.3(3)"f" to allow flexibility and reduce regulatory burden for owners and operators that need to relocate portable plant equipment quickly and allows for email notification that must also be submitted as written notification.

CFR: 40 C.F.R. 52.820(c)
 FRM: 80 FR 33192 (6/11/2015) correction 81 FR 64349 (9/20/16)
 PRM: 80 FR 33222 (6/11/2015)
 State Submission: 11/20/14, 5/4/2015
 State Final: IAB 10/7/2009, effective 11/11/2009
 APDB File: IA-169 and IA 170; EPA-R07-OAR-2015-0358 (effective 8/20/15)
 Description: This revision removes the reference to conditional permits @22.3(1); 22.3(3)"g"; and 22.3(4)"a". Paragraph 22.3(3)"d" is rescinded and reserved.

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

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

Difference Between the State and EPA-Approved Regulation

Subrule 22.3(6) has not been approved as part of the SIP.

Title V and 112(l) Approval

Subrule 22.3(6), Limits on Hazardous Air Pollutants, has been approved under Title V and section 112(l). The remainder of the rule has not been approved pursuant to Title V and section 112(l).