

Polk County Board of Health Rules and Regulations

Chapter V-Air Pollution



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Chapter V. Air Pollution

TABLE OF CONTENTS

5-1. PURPOSE AND AMBIENT AIR QUALITY STANDARDS. -----	4
5-2. DEFINITIONS.-----	4
5-3. DUTIES OF THE HEALTH OFFICER. -----	26
5-4. POWERS OF THE HEALTH OFFICER. -----	26
5-5. INCINERATORS PROHIBITED.-----	29
5-6. INCINERATION – EMISSION STANDARDS.-----	29
5-7. OPEN BURNING PROHIBITED. -----	30
5-8. LIMITATION OF VISIBLE AIR CONTAMINANTS FROM SPECIFIC SOURCES. -----	34
5-9. GENERAL LIMITATION OF VISIBLE AIR CONTAMINANTS. -----	34
5-11. EMISSION OF AIR CONTAMINANTS FROM FUEL-BURNING EQUIPMENT - GENERALLY -----	36
5-12. EMISSION LIMITATIONS. -----	36
5-13 EXCEPTIONS. -----	37
5-14. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES - GENERALLY -----	38
5-15. GENERAL EMISSION STANDARDS. -----	38
TABLE I-----	39
5-16. SPECIFIC EMISSION STANDARDS. -----	40
5-17. EXCESS EMISSIONS.-----	54
5-18. TESTING AND SAMPLING OF NEW AND EXISTING EQUIPMENT. -----	57
5-19. TEST FACILITIES. -----	60
5-20. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR SOURCE CATEGORIES. -----	62
5-21 STANDARDS FOR MARIJUANA PRODUCTION AND MARIJUANA PROCESSING . -----	83
5-22 RESERVED. -----	85
5-23. FUGITIVE DUST - GENERALLY.-----	86
5-24. FUGITIVE DUST – PRECAUTIONS TO MINIMIZE AIR POLLUTION. -----	87
5-25. FUGITIVE DUST AIRBORNE MATERIAL PROHIBITED. -----	87
5-26. FUGITIVE DUST -EXCEPTIONS. -----	87
5-27. SULFUR DIOXIDE AND SULFURIC ACID MIST.-----	88
5-28. CONSTRUCTION PERMIT REQUIRED- AIR QUALITY DIVISION (AQD).-----	89
5-29. APPLICATION FOR A CONSTRUCTION PERMIT (AQD). -----	90
5-30. PROCESSING OF APPLICATIONS FOR CONSTRUCTION PERMITS (AQD).-----	90
5-31. ISSUANCE OF CONSTRUCTION PERMITS (AQD).-----	91
5-32. DENIAL OF CONSTRUCTION PERMIT (AQD).-----	92
5-33. EXEMPTIONS FROM CONSTRUCTION PERMIT REQUIREMENTS (AQD). -----	92
5-34. CONSTRUCTION PERMIT FILING AND REVIEW FEES (AQD). -----	99
5-35. ANNUAL OPERATING PERMIT REQUIRED (AQD).-----	100
5-36. APPLICATION FOR ANNUAL OPERATING PERMIT (AQD). -----	102
5-37. PROCESSING OF AN APPLICATION FOR ANNUAL OPERATING PERMITS (AQD). -----	103
5-38. PERFORMANCE TEST – ANNUAL OPERATING PERMIT (AQD). -----	104

5-39. EXEMPTIONS FROM ANNUAL OPERATING PERMIT REQUIREMENT.-----	104
5-39. EXEMPTIONS FROM ANNUAL OPERATING PERMIT REQUIREMENT (CONTINUED).-----	111
5-40. ISSUANCE OF ANNUAL OPERATING PERMIT (AQD).-----	111
5-41. DENIAL OF ANNUAL OPERATING PERMIT (AQD).-----	111
5-42. ANNUAL OPERATING PERMIT NOT TO EXCUSE VIOLATION.-----	112
5-43. INSPECTION-ANNUAL OPERATING PERMIT.-----	112
5-44. SUSPENSION OF ANNUAL OPERATING PERMIT (AQD).-----	112
5-45. TERMINATION OF SUSPENSION.-----	112
5-46. ADDITIONAL ANALYSIS.-----	113
5-47. SUBMISSION OF INFORMATION.-----	113
5-48. CIRCUMVENTION OF CHAPTER PROHIBITED.-----	113
5-49 TEMPORARY ELECTRICITY GENERATION FOR DISASTER SITUATIONS.-----	113
5-51 THROUGH 5-55 RESERVED.-----	115
5-56. COMPLIANCE SCHEDULES REQUIRED.-----	116
5-57. PROGRESS REPORTS REQUIRED.-----	117
5-58 SPECIAL REQUIREMENTS FOR NON-ATTAINMENT AREAS.-----	119
5-59 APPLICATION FOR VARIANCE.-----	120
5-60 PROCESSING OF APPLICATION FOR VARIANCE.-----	120
5-61 DECISION.-----	121
5-63. COMPLAINTS FILED.-----	122
5-64. SEALING – SEALING OF OFFENDING EQUIPMENT.-----	122
5-65. HEARING.-----	122
5-66. EFFECT OF COMPLAINT.-----	124
5-67. JUDICIAL REVIEW.-----	125
5-68. MONITORING DURING EMERGENCY AIR POLLUTION EPISODES.-----	126
5-69. NOTICE TO STATE OFFICIALS.-----	126
5-70. ACTION IN EMERGENCIES.-----	126
5-71. NOTICE OF COMPLIANCE.-----	126
5-72. AIR POLLUTION EPISODE WARNING TO RESIDENTS.-----	126
5-73. EMISSIONS IN EXCESS OF LIMITATIONS OF THIS CHAPTER DECLARED TO BE A PUBLIC NUISANCE.-----	127
5-74. NOTICE OF VIOLATION.-----	127
5-75. PENALTY.-----	127
5-76. ACTION TO ENJOIN.-----	130
5-77. SEVERABILITY.-----	131

ARTICLE I: IN GENERAL

5-1. Purpose and Ambient Air Quality Standards.

- (a) It is hereby declared that the purpose of this chapter is to establish standards for the control of air pollution in the county for the purpose of protecting the public health, safety and general welfare in accordance with 455B Code of Iowa.
- (b) Further, it is hereby declared that Polk County's ambient air quality standards shall be the national Primary and Secondary Ambient Air Quality Standards in 40 Code of Federal Regulations (C.F.R.) Part 50, as adopted by reference in 567 IAC 28.1 (455B) Statewide standards.
- (c) All references to 567 IAC Chapter 20 are amended through February 8, 2023.
All references to 567 IAC Chapter 21 are amended through April 6, 2022.
All references to 567 IAC Chapter 22 are amended through February 8, 2023.
All references to 567 IAC Chapter 23 are amended through February 8, 2023.
All References to 567 IAC Chapter 24 are amended through October 10, 2010.
All references to 567 IAC Chapter 25 are amended through February 3, 2023.
All references to 567 IAC Chapter 26 are amended through February 15, 2017.
All references to 567 IAC Chapter 28 are amended through February 8, 2023.
All references to 567 IAC Chapter 29 are amended through April 8, 1998.
All references to 567 IAC Chapter 33 are amended through June 17, 2020.
All references to 567 IAC Chapter 34 are amended through March 14, 2018.

5-2. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

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

"Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit as determined in accordance with paragraphs A through C of this definition.

- (A) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The reviewing authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
- (B) Lacking specific information to the contrary, the reviewing authority may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

ARTICLE I: IN GENERAL

- (C) For any emissions unit which has not begun normal operations on a particular date, actual emissions shall equal the potential to emit of the unit on that date.

"Administrator" means the Administrator of the Environmental Protection Agency (EPA) or an authorized representative.

"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.

"Air contaminant" means any gaseous, liquid, or particulate matter which, when present in the atmosphere, contributes to a condition of air pollution, including but not limited to dust, sooty mists, smoke, fumes, fly ash, cinders, gases, vapors, 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/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, and all stacks and other chimney outlets from any of the foregoing.

"Air pollution" means the presence in the atmosphere of one or more air contaminants in sufficient quantities and of such characteristic and duration which is injurious or tends to be injurious to the public health, safety or welfare, or injurious to animal or plant life, or property, or which interferes with the reasonable enjoyment of life or property or the conduct of business.

"Air pollution alert" means that action condition declared when the concentrations of air contaminants reach the level at which the first stage control actions are to begin.

"Air pollution emergency" means that action condition declared 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 forecast 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.

ARTICLE I: IN GENERAL

"Air pollution forecast" means an air stagnation advisory issued to the Local Program, the commission, and to appropriate air pollution control agencies by an authorized Air Stagnation Advisory Office of the National Weather Service predicting that meteorological conditions conducive to an air pollution episode may be imminent. This advisory may be followed by a prediction of the duration and termination of such meteorological conditions.

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

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

"Allowable emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

- (A) The applicable standards set forth in 40 CFR Part 60, 61 or 63 as amended in 567 IAC 23.1(2) and 23.1(3);
- (B) Any applicable State Implementation Plan emissions limitation including those with a future compliance date; or
- (C) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

"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.

"Anaerobic lagoon" means an impoundment, the primary function of which is to store and stabilize organic wastes. The impoundment is designed to receive wastes on a regular basis and the design waste loading rates are such that the predominant biological activity in the impoundment will be anaerobic.

An anaerobic lagoon does not include:

- a. A runoff control basin which collects and stores only precipitation induced runoff from an open feedlot feeding operation; or
- b. A waste slurry storage basin which receives waste discharges from confinement feeding operations and which is designed for complete removal of accumulated wastes from the basin at least semiannually; or
- c. Any anaerobic treatment system which includes collection and treatment facilities for all off gases.

"AQD" means the Air Quality Division of Polk County.

ARTICLE I: IN GENERAL

"ASME" means the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016-5990.

"ASTM" means the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania.

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

"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.

"Biodiesel Fuel" means a renewable, biodegradable, mono alkyl ester combustible liquid fuel derived from agricultural plant oils or animal fat such as, but not limited to, soybean oil. For purposes of this definition, "biodiesel fuel" must also meet the specifications of American Society for Testing and Material Specifications (ASTM) D 6751-02, "Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels", and be registered with the U.S. Environmental Protection Agency as a fuel and a fuel additive under Section 211(b) of the Clean Air Act, 42 U.S.C. Sections 7401, et seq. as amended through November 15, 1990.

"Bona Fide Training" means training that is conducted according to the National Fire Protection Association 143 Standard of Live Fire Training Evolutions (2002 Edition) or comparable training fire standard.

"Building structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same Major Group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

"Btu" means British Thermal Unit, the quantity of heat required to raise one pound of water from 59 degrees Fahrenheit to 60 degrees Fahrenheit.

"Carbonaceous fuel" means any form of combustible matter (whether solid, liquid, vapor, or gas) consisting primarily of carbon-containing compounds in either fixed or volatile form, and which is burned primarily for its heat content.

"Chimney or stack" means flue, conduit, or duct permitting the discharge or passage of air contaminants

ARTICLE I: IN GENERAL

into the atmosphere, or constructed or arranged for this purpose.

"COH/1,000 linear feet" means coefficient of haze per 1,000 linear feet, which is a measure of the optical density of a filtered deposit of particulate matter as given in ASTM Standard D-1704-61, and indicated by the following formula:

$$\text{COH/1,000 linear feet} = \frac{(\text{Area tape, ft}^2)(100,000)}{\text{log} \frac{100}{(\text{Volume of air sample, ft}^3) \% \text{ transmission}}}$$

"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.

"Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emission unit) which would result in a change in actual emissions.

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

"Country grain elevator" shall have the same definition as "country grain elevator" set forth in IAC 567—subrule 22.10(1).

"Criteria" means information used as guidelines for decisions when establishing air quality goals, air quality standards, and the various air quality levels, and which in no case is to be confused or used interchangeably with air quality goals or standards.

"Diesel Fuel" means a low sulfur fuel oil that complies with the specifications for grade 1-D or 2-D, as defined by the American Society of Testing and Materials (ASTM) D 975-02, "Standard Specification for Diesel Fuel Oils", grade 1-GT or 2-GT, as defined by ASTM D 2880-00, "Standard Specification for Gas Turbine Fuel Oils", or grade 1 or 2, as defined by ASTM D 396-02, "Standard Specification for Fuel Oils".

1. For purposes of the air quality rules contained in Title II of the Act, and unless otherwise specified, diesel fuel may contain a blend of up to 2.0 percent biodiesel fuel, by volume, as "biodiesel fuel" is defined in this chapter.
2. Polk County shall consider air pollutant emissions calculations for the biodiesel fuel blends specified in numbered paragraph "1" to be equivalent to the air pollutant emissions calculations for unblended diesel fuel.

ARTICLE I: IN GENERAL

3. Construction permits or operating permits issued under this chapter or under Iowa Administrative Code 567 – Chapter 22 which restrict equipment fuel use to diesel fuel shall be considered by Polk County to include the biodiesel fuel blends specified in numbered paragraph “1” unless otherwise specified in this chapter or in a permit issued under this chapter or under Iowa Administrative Code 567 – Chapter 22.

“Distillate oil” means fuel oil that complies with the specifications for fuel oil number 1 or fuel oil number 2, as defined by the American Society of Testing and Materials (ASTM D396-02, “Standard Specification for Fuel Oils”.

1. For purposes of the air quality rules contained in this chapter, and unless otherwise specified, number 1 or number 2 fuel oil may contain a blend of up to 2.0 percent biodiesel fuel, by volume, as “biodiesel fuel” is defined in this chapter.
2. Polk County shall consider air pollutant emissions calculations for the biodiesel fuel blends specified in numbered paragraph “1” to be equivalent to the air pollutant emissions calculations for unblended number 1 fuel oil or unblended number 2 fuel oil.
3. Construction permits or operating permits issued under this chapter or under the Iowa Administrative Code 567, Chapter 22, which restrict equipment fuel use to number 1 fuel oil or number 2 fuel oil shall be considered by Polk County to include the biodiesel fuel blends specified in numbered paragraph “1”, unless otherwise specified in this chapter; specified in Iowa Administrative Code 567, Chapter 22; specified in a permit issued under this chapter; or specified in a permit issued under Iowa Administrative Code 567, Chapter 22.

"Disaster" For purposes of this chapter, the definition of “disaster” shall be as defined in Iowa Code section 29C.2(1), and a disaster may occur before, with, or without a gubernatorial or federal disaster proclamation.

"Electric furnace" means furnace in which the melting and refining of metals are accomplished by means of electrical energy.

“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 outdoor atmosphere.

ARTICLE I: IN GENERAL

"Emissions allowable under the permit" means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

"Emission limitation" or "emission standard" means a requirement established by the State of Iowa, the Polk County Air Quality Division or the Administrator 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.

"Emissions unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the Act.

"EPA conditional method" means any method of sampling and analyzing for air pollutants that has been validated by the administrator but that has not been published as an EPA reference method. "EPA reference method" means the following methods used for performance tests and continuous monitoring systems:

1. Performance test (stack test). A stack test shall be conducted according to EPA reference methods specified in 40 CFR 51, Appendix M (as amended through August 30, 2016); 40 CFR 60, Appendix A (as amended through August 30, 2016); 40 CFR 61, Appendix B (as amended through August 30, 2016); and 40 CFR 63, Appendix A (as amended through August 30, 2016).
2. Continuous monitoring systems. Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, Appendix B (as amended through August 30, 2016); 40 CFR 60, Appendix F (as amended through August 30, 2016); 40 CFR 75, Appendix A (as amended through August 30, 2016); 40 CFR 75, Appendix B (as amended through August 30, 2016); and 40 CFR 75, Appendix F (as amended through August 30, 2016).

"Equipment" means equipment capable of emitting air contaminants to produce air pollution such as fuel burning, combustion, or process devices or apparatus including but not limited to, fuel-burning equipment, incinerator, or refuse-burning equipment used for the burning of fuel or other combustible material from which the products of combustion are emitted, and including, but not limited to, apparatus, equipment, or process devices which generate heat and may emit products of combustion, and manufacturing, chemical, metallurgical, or mechanical apparatus or process devices or control equipment which may emit smoke, particulate matter, or other air contaminants.

"Equipment, existing" means equipment, machines, devices, or installations that were in operation prior to January 1, 1972.

"Excess air" means that amount of air supplied in addition to the theoretical quantity necessary for complete combustion of all fuel or combustible waste material present.

"Excess emission" is any emission which exceeds the applicable emission standard prescribed in any section of these rules, or any emission limit specified in a permit or order.

ARTICLE I: IN GENERAL

"Federally Enforceable" means all limitations and conditions which are enforceable by the EPA Administrator, including those requirements developed pursuant to 40 CFR parts 60, 61 and 63, requirements within the Iowa State implementation plan, any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR part 51, subpart I, including operating permits issued under an EPA-approved program that is incorporated into the State implementation plan and expressly requires adherence to any permit issued under such program: and any construction, Title V or other federally approved operating permit conditions.

"Fireplace", for the purpose of Article III, Section 5-7, means a structure, with an open recess at the base or a chimney or stack, with a grate for food preparation and provisions for under-fire air, for holding an outdoor fire off the ground.

"Foundry cupola" means a stack-type furnace used for melting of metals consisting, but not limited to the furnace proper, tuyeres, fans or blowers, tapping spout, charging equipment, gas cleaning devices and other auxiliaries.

"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, and the like, 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 substance to the products of combustion.

"Fugitive dust" means solid airborne particulate matter emitted from any source other than a flue or stack.

"Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent 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.

"Gas cleaning device" means a facility designed to remove air contaminants from gases exhausted from equipment as defined herein.

"Goal" means a level of air quality which is expected to be obtained.

"Grain processing" means the equipment, or the combination of different types of equipment, used in the processing of grain to produce a product primarily for wholesale or retail sale for human or animal consumption, including the processing of grain for production of biofuels, except for "feed mill equipment," as "feed mill equipment" is defined in rule 567—22.10(455B).

ARTICLE I: IN GENERAL

“Grain storage elevator” means any plant or installation at which grain is unloaded, handled, cleaned, dried, stored, or loaded and that is located at any wheat flour mill, wet corn mill, dry corn mill (human consumption), rice mill, or soybean oil extraction plant which has a permanent grain storage capacity (grain storage capacity which is inside a building, bin, or silo) of more than 35,200 m³ (ca. 1 million U.S. bushels).

“Greenhouse gas” means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

“Grill”, for the purpose of Article III, Section 5-7, means a cooking utensil with a grate for food preparation and provisions for under-fire air, for holding an outdoor fire off the ground.

"Hazardous air pollutant" means asbestos, beryllium, mercury, benzene, coke oven emissions, radionuclides, and vinyl chloride; any of the air pollutants listed in Section 112 of the Act; other non-criteria air pollutants, including those which have any type of toxicity or are known or suspected carcinogens or mutagens, which may reasonably be expected to cause or contribute to irreversible illness or death.

“Health Officer” means the Polk County Air Quality Manager/Engineer, or his or her authorized representative, including all employees of the Air Quality Division of Polk County.

"Heating value" means the heat released by combustion of one pound of waste or fuel measured in Btu's on an as-received basis. For solid fuels, the heating value shall be determined by use of ASTM standard D2015-66.

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

"Initiation of construction, installation or alteration" means significant permanent modification of a site to install equipment, control equipment or permanent structures. Not included are activities incident to preliminary engineering, environmental studies or acquisition of a site for a facility.

"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.

"Level" means a certain specified degree, quality or characteristic.

“Local Program” refers to the Polk County Public Works Department, Air Quality Division

“Local Program Director or his designee” means the director of the Public Works Department or a person designated, either specifically or generally, by virtue of his/her job responsibilities, to act in the director’s behalf.

ARTICLE I: IN GENERAL

“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 operations, lack of an adequate maintenance program, or any other preventable upset condition or preventable equipment breakdown shall not be considered a malfunction.

"Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Act.

- (A) Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone.
- (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 sections 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 pursuant to the Federal Power Act;
 - (3) Use of an alternative fuel by reason of an order or rule under section 125 of the Act;
 - (4) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
 - (5) Use of an alternative fuel or raw material by a stationary source which:
 - (i) The source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR subpart I or & 51.166, or
 - (ii) The source is approved to use under any permit issued under 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.166;
 - (6) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after January 6, 1975 pursuant to 40 CFR 52.21 or regulations approved pursuant to 40 CFR part 51 subpart I or 40 CFR 51.166.
 - (7) Any change in ownership at a stationary source.
- (C) The provisions of this definition do not apply to a source or a modification that would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and such source does not belong to any following categories:

ARTICLE I: IN GENERAL

1. Coal cleaning plants (with thermal dryers);
2. Kraft pulp mills;
3. Portland cement plants;
4. Primary zinc smelters;
5. Iron and steel mills;
6. Primary aluminum ore reduction plants;
7. Primary copper smelters;
8. Municipal incinerators capable of charging more than 250 tons of refuse per day;
9. Hydrofluoric, sulfuric, or nitric acid plants;
10. Petroleum refineries;
11. Lime plants;
12. Phosphate rock processing plants;
13. Coke oven batteries;
14. Sulfur recovery plants;
15. Carbon black plants (furnace process);
16. Primary lead smelters;
17. Fuel conversion plants;
18. Sintering plants;
19. Secondary metal production plants;
20. Chemical process plants;
21. Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
22. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
23. Taconite ore processing plants;
24. Glass fiber processing plants;
25. Charcoal production plants;
26. Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
27. Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Clean Air Act, 42 U.S.C. §§7401 et seq.

"Major stationary source" means any stationary source (or any group of stationary sources located on one or more contiguous or adjacent properties and under common control of the same person or of persons under common control) belonging to a single major industrial group that is any of the following:

- A. Any of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation (including any major source of fugitive emission of any such pollutant) under this chapter: Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants (with thermal dryers), primary copper smelters, municipal incinerators capable of

ARTICLE I: IN GENERAL

charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants (which does not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 31140), fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants;

- B. Notwithstanding the stationary source size specified in paragraph (A) of this definition, 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 this chapter; or
- C. Any physical change that would occur at a stationary source not qualifying under subparagraph 1, 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.
- E. The fugitive emissions of a stationary source shall not be included in determining for purposes of this chapter whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:
 - (1) Coal cleaning plants (with thermal dryers);
 - (2) Kraft pulp mills;
 - (3) Portland cement plants;
 - (4) Primary zinc smelters;
 - (5) Iron and steel mills;
 - (6) Primary aluminum ore reduction plants;
 - (7) Primary copper smelters;
 - (8) Municipal incinerators capable of charging more than 250 tons of refuse per day;
 - (9) Hydrofluoric, sulfuric, or nitric acid plants;
 - (10) Petroleum refineries;
 - (11) Lime plants;
 - (12) Phosphate rock processing plants;
 - (13) Coke oven batteries;
 - (14) Sulfur recovery plants;
 - (15) Carbon black plants (furnace process);
 - (16) Primary lead smelters;
 - (17) Fuel conversion plants;
 - (18) Sintering plants;

ARTICLE I: IN GENERAL

- (19) Secondary metal production plants;
- (20) Chemical process plants
- (21) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (22) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (23) Taconite ore processing plants;
- (24) Glass fiber processing plants;
- (25) Charcoal production plants;
- (26) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; and
- (27) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Clean Air Act, 42 U.S.C. §§7401 et seq..

- F. A major source of hazardous air pollutants according to Section 112 of the Act as follows: For pollutants other than radionuclides, any stationary source or group or stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 ton per year or more of any hazardous air pollutant which has been listed pursuant to Section 112(b) of the act or 25 ton per year or more of any combination of such hazardous air pollutants. Notwithstanding, emissions from any oil or gas exploration or production well (with its associated equipment) and emission from any pipeline compressor or pump station shall not be aggregated with emission from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources.
- G. For radionuclides, "Major Source" shall have the meaning specified by the administrator by rule as of January 18, 1994.

"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.

"Manually operated equipment" means a machine or tool that is handheld, such as a handheld circular saw or compressed air chisel; a machine or tool for which the work piece is held or manipulated by hand, such as a bench grinder; a machine or tool for which the tool or bit is manipulated by hand, such as a lathe or drill press; and any dust collection system which is part of such machine or tool; but not including any machine or tool for which the extent of manual operation is to control power to the machine or tool and not including any central dust collection system serving more than one machine or tool.

"Maximum achievable control technology (MACT)" means the following regarding regulated hazardous air pollutant sources:

1. For existing sources, the emissions limitation reflecting the maximum degree of reduction in emissions that the administrator or the Local Program, taking into consideration the cost of

ARTICLE I: IN GENERAL

achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by sources in the category of stationary sources, that shall not be less stringent than the MACT floor.

2. For new sources, the emission limitation which is not less stringent than the emission limitation achieved in practice by the best-controlled similar source and which reflects the maximum degree of reduction in emissions that the administrator or the Local Program, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by the affected source.

“Maximum achievable control technology (MACT) floor” means the following:

1. For existing sources, the average emission limitation achieved by the best 12 percent of the existing sources in the United States (for which the administrator or the Local Program has or could reasonably obtain emissions information), excluding those sources that have, within 18 months before the emission standard is proposed or within 30 months before such standard is promulgated, whichever is later, first achieved a level of emission rate or emission reduction which complies, or would comply if the source is not subject to such standard, with the lowest achievable emission rate applicable to the source category and prevailing at the time, for categories and subcategories of stationary sources with 30 or more sources in the category or subcategory, or the average emission limitation achieved by the best-performing five sources in the United States (for which the administrator or the Local Program has or could reasonably obtain emissions information), for a category or subcategory of stationary sources with fewer than 30 sources in the category or subcategory.
2. For new sources, the emission limitation achieved in practice by the best-controlled similar source.

“Mobile Internal Combustion Engine” means a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers).

"Multiple-chamber incinerator" means any incinerator or refuse-burning equipment consisting of two or more refractory-lined combustion furnaces in series, physically separated by refractory walls, interconnected by flue gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

"Natural gas" means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is petroleum (LP) gas, as defined by the American Society for Testing and Materials in ASTM D1835-97, Standard Specification for Liquefied Petroleum (LP) Gases.

"Net emissions increase" means the amount by which the sum of the following exceeds zero:

- (A) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and

ARTICLE I: IN GENERAL

- (B) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.
- (1) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs within a reasonable period before the date that the increase from the particular change occurs. The period begins on the date 5 years before construction commences on the proposed modification. It ends on the date the emissions increase from the proposed modification occurs.
 - (2) An increase or decrease in actual emissions is creditable only if the reviewing authority has not relied on it in issuing a permit for the source under regulations approved pursuant to this chapter which permit is in effect when the increase in actual emissions from the particular change occurs.
 - (3) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides which occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.
 - (4) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
 - (5) A decrease in actual emissions is creditable only to the extent that:
 - (a) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
 - (b) It is federally enforceable at and after the time that actual construction on the particular change begins; and
 - (c) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
 - (6) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

"New equipment" means except for any equipment or modified equipment to which VI 5-16(n) 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.

"Nuisance" means whatever is injurious to health, indecent, or offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property.

"Objective" means a certain specified degree, quality, or characteristic expected to be obtained.

"Odor" means that which produces a response of the human sense of smell to an odorous substance.

ARTICLE I: IN GENERAL

"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 the burning of any material wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purpose of this definition, a chamber shall be regarded as enclosed, when during the time combustion takes place, only such apertures, ducts, stacks, flues or chimneys as are necessary to provide combustion air and to permit the escape of exhaust gases are open.

"Particulate matter" (except for the purposes of New Source Performance Standards as defined in 40 CFR Part 60) means any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions and includes gaseous emissions that condense to liquid or solid form as measured by EPA approved reference methods.

"Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods or an equivalent or alternative method, specified in this chapter, or by a test method specified in an approved State implementation plan.

"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 Health Officer, which govern the operation or emissions of a particular permitted air pollution source.

"Person" means an individual, partnership co-partnership, co-operative, firm, company, public or private corporation, political subdivision, agency of the state, trust, estate, joint stock company, or any other legal entity, or their legal representative, agent or assigns.

"Plan documents" means the reports, proposals, preliminary plans, survey and basis of design data, general and detail construction plans, profiles, specifications, and all other information pertaining to equipment.

"PM 2.5" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by an EPA-approved reference or equivalent method.

"PM 2.5 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified in this chapter or by a test method specified in the Iowa State implementation plan.

ARTICLE I: IN GENERAL

"PM 10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by an EPA-approved reference or equivalent method.

"PM 10 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified in this chapter or by a test method specified in the Iowa State implementation plan.

"Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air 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, the provisions set forth in 567—subrule 22.10(2) shall apply.

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

1. 500 hours of operation annually, if the generator has actually been operated less than 500 hours per year for the past five years;
2. 8,760 hours of operation annually, if the generator has actually been operated more than 500 hours in one of the past five years; or
3. The number of hours specified in a county, 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.

"Privileged communication" means information other than air pollutant emissions data, the release of which would tend to affect adversely the competitive position of the owner or operator of the equipment.

"Process" means any action, operation or treatment, and all methods and forms of manufacturing or processing, that may emit smoke, particulate matter, gaseous matter, or other air contaminant.

"Process weight" means the total weight of all materials introduced into any source operation. Solid fuels charged shall be considered as part of the process weight, but liquid and gaseous fuels and combustion air shall not.

"Process weight rate" means continuous or long-run steady-state source operation, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof; or for a cyclical or batch source operation, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the number of hours of actual process operation during such a period. 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

ARTICLE I: IN GENERAL

definition, the interpretation that results in the minimum value for allowable emission shall apply.

“Recreational Fire” means open fires burning charcoal or untreated seasoned wood for cooking, recreation and ceremonies located within a geographic area designated as a neighborhood, community, county or state park.

“Regulated NSR pollutant” means the following:

1. Any pollutant for which a National Ambient Air Quality Standard has been promulgated and any constituents or precursors for such pollutants identified by the Administrator (e.g., Volatile Organic Compounds and NO_x are precursors for ozone);
2. Any pollutant that is subject to any standard promulgated under Section 111 of the Act;
3. Any Class I or Class II substance subject to a standard promulgated under or established by Title VI of the Act; or
4. Any pollutant that otherwise is subject to regulation under the Act; as defined by the definition of “subject to regulation.”

5. Notwithstanding paragraphs “1” through “4,” the definition of “regulated NSR pollutant” shall not include any or all hazardous air pollutants either listed in Section 112 of the Act, or added to the list pursuant to Section 112(b)(2) of the Act, and which have not been delisted pursuant to Section 112(b)(3) of the Act, unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under Section 108 of the Act.

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

“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 element, but excludes garbage, tires, trade wastes, and any locally recyclable goods or plastics.

"Residual oil" means crude oil, fuel oil that does not comply with the specifications under the definition of distillate oil, and all fuel oil numbers 4, 5 and 6, as defined by the American Society for Testing and Materials in ASTM D396-78, "Standard Specification for Fuel Oils".

“Responsible official” means one of the following:

1. For a corporation: a president, secretary, treasurer, or vice-president 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 a duly authorized representative of such person if the

ARTICLE I: IN GENERAL

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 gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or the delegation of authority to such representative is approved in advance by the local program.

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 officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a regional administrator of EPA); or

4. For Title IV affected sources: 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.

"Rubbish" means all waste materials of nonputrescible nature.

"Salvage operations" means any business, industry, or trade engaged wholly or in part in salvaging or reclaiming any product or material, including but not limited to, chemicals, drums, metals, motor vehicles, or shipping containers.

"Seal for sealing equipment or premises" means a device installed by the health officer so as to prevent the illegal use of the process, fuel-burning, refuse-burning, or control equipment or premises.

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

Pollutant Emission Rate Federally Regulated PSD Pollutant	Tons/Year
Particulate Matter (PM)	25
PM ₁₀	15
Sulfur Dioxide (SO ₂)	40
Nitrogen Oxide (NO _x)	40
Ozone	40, of volatile organic compounds
Carbon Monoxide (CO)	100
Lead (Elemental)	0.6
Fluorides	3
H ₂ SO ₄ Mist	7

ARTICLE I: IN GENERAL

Reduced Sulfur	10
Hydrogen Sulfide (H ₂ S)	10
Municipal Waste Combustor (MWC) Acid Gases	40
MWC Metals	15
MWC Organics	3.5 X 10. ⁶
CFC's (11, 12, 112, 114 and 115) Halons (1211, 1301, and 2402) Any Other Non & 112 Regulated Pollutant	Any Emission Rate Until Significant Levels are Developed

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

"Shutdown" means the cessation of operation of any control equipment or process equipment or process for any purpose.

"Smoke" means gas-borne particles 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.

"Smoke monitor" means a device using a light source and a light detector which can automatically measure and record the light-obscuring power of smoke at a specific location in the flue or stack of a source.

"Solid waste" means useless, unwanted, or discarded materials resulting from commercial, industrial, domestic and agricultural operations and other normal community activities. Wastes which are solid or semi-solid containing insufficient liquid to be free-flowing are considered to be solid wastes. Solid wastes shall include but not be limited to the following: garbage, rubbish, ashes and other residue of incineration, street refuse or sweepings, dead animals, solid animal waste, decrepit automobiles and parts thereof, agricultural, commercial and industrial wastes, construction and demolition wastes, and sewage treatment solid residue.

"Source operation" means the last operation preceding the emission of an air contaminant which results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, but precedes control equipment.

"Standard conditions" means a gas temperature of 293 Kelvin (68 degrees Fahrenheit) and a gas pressure of 101.3 kilopascals (29.92 inches of mercury) or 14.7 pounds per square inch absolute.

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

"Standard metropolitan statistical area (SMSA)" means an area which has at least one city with a population of at least 50,000 and such surrounding areas as geographically defined by the U.S. Bureau of the Budget (Department of Commerce).

ARTICLE I: IN GENERAL

"Startup" means the setting into operation of any control equipment or process equipment or process for any purpose.

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

"Subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act, or a nationally applicable regulation codified by the Administrator in 40 CFR Subchapter C (Air Programs) that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity, except that:

1. Greenhouse gases (GHGs), the air pollutant defined in 40 CFR §86.1818-12(a) (as amended on May 7, 2010) as the aggregate group of six greenhouse gases that includes carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation unless, as of July 1, 2011, the GHG emissions are at a stationary source emitting or having the potential to emit 100,000 tpy CO₂ equivalent emissions.
2. The term "tpy CO₂ equivalent emissions (CO₂e)" shall represent an amount of GHGs emitted and shall be computed by multiplying the mass amount of emissions (tpy) for each of the six greenhouse gases in the pollutant GHGs by the associated global warming potential of the gas published at 40 CFR Part 98, Subpart A, Table A-1, "Global Warming Potentials," (as amended on December 24, 2014) and summing the resultant value for each to compute a tpy CO₂e.

For purposes of this definition, prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material originating from plants, animals, or micro-organisms (including products, by-products, residues and waste from agriculture, forestry and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material).

"Theoretical air" means the exact amount of air required to supply the required oxygen for complete combustion of a given quantity of a specific fuel or waste.

"Total suspended particulate" means particulate matter as measured by an EPA approved reference method the method described in Appendix B of 40 CFR Part 50.

"Trade waste" means all solid or liquid material or rubbish resulting from building operations, construction, demolition operations, or the conduct of any business industry, governmental or institutional activity, or trade, including, but not limited to, chemicals, cinders, grease, paint, plastic products, and other forms of liquid or solid waste materials, whether or not for profit.

ARTICLE I: IN GENERAL

“Training Fire” is a fire set for the purposes of conducting a “bona fide training” of public or industrial employees in firefighting methods.

“Twelve 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.

“Urban area” means any Iowa city of 100,000 or more population in the current census and all Iowa cities contiguous to such city.

"Untreated" as it applies to wood or wood products, seeds, pellets, and other vegetative matter. Untreated wood includes only wood or wood products that have not been treated with compounds such as, but not limited to, paint, pigment-stain, adhesive, varnish, lacquer, or resin, or that have not been pressure treated with compounds such as, but not limited to, chromate copper acetate, pentachlorophenol, or creosote. Untreated pellets, seeds, or vegetative matter includes only pellets, seeds, or other vegetative matter that has not been treated with pesticide or fungicide.

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

“Volatile organic compounds” or “VOC” means any compound included in the definition of “volatile organic compounds” found at 40 CFR Section 51.100(s) as amended through August 1, 2016, as adopted by reference in 567 IAC 20.2.

“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.

ARTICLE II. AUTHORITY

5-3. Duties of the Health Officer.

- (a) It shall be the duty of the health officer to make investigations and to take affirmative action within the scope of his power and within the range of this chapter to prevent and abate air pollution and air contaminant emissions.
- (b) No information supplied to the health officer shall be considered confidential unless a request for determination of confidentiality is submitted with the mentioned information. The person requesting confidential treatment for information submitted to the health officer shall have the responsibility of demonstrating to the health officer that the information in question would disclose a trade secret or other privileged communication such as but not limited to production figures. More specifically, privileged communication is information, other than air pollutant emissions data, the release of which would tend to adversely affect the competitive position of the owner or operator of the equipment. The health officer shall provide written notification to any person whose request for confidentiality has been denied. Upon receipt of such notification, the person shall have 30 days to appeal this decision to the health officer. Such an appeal shall be filed with the health officer. If the health officer denies a request for confidentiality, the information in question shall be held confidential for sufficient time to allow the petitioner to institute the necessary legal proceedings to sustain the confidentiality claim. Information submitted with a request for confidential treatment shall be treated as confidential until final determination of such request. Information on trade secrets or other privileged communication will be so designated when submitted by the health officer to the federal government in accordance with federal law or regulation and will then be subject to applicable federal regulations as to confidentiality. The provision of this section shall not apply to air contaminant emissions data.

5-4. Powers of the Health Officer.

Specific powers of the health officer shall include the following:

- (1) Make or require the owner or operator to make such inspections and tests, including stack sampling and analytical determinations of existing and new fuel or refuse-burning equipment, process equipment, and control equipment, as are deemed necessary to evaluate compliance with the provisions of this chapter. When needed, sampling holes, safe scaffolding, and pertinent allied facilities, but not instruments or sensing devices, shall be requested in writing by the health officer and shall be provided by and at the expense of the owner of the installation at such points as specified in the health officer's request.
- (2) In addition to those required record keeping requirements mandated by 40CFR Part 60, Section 60.7 as amended in 567 IAC 23.1(2), New Source Performance Standards, require the person responsible for the existing equipment to provide information on fuel use, materials processed, air contaminants emitted, estimated rate of emissions, periods of emission or other air pollution information to the health officer upon his written request for use in compiling and maintaining an

ARTICLE II. AUTHORITY

emissions inventory for evaluation of the air pollution situation in the county. The information requested shall be submitted on forms supplied by the health officer. All information in regard to both actual and allowable emissions shall be public records and any publication of such data shall be limited to actual and allowable air contaminant emissions.

- (i) Emission data obtained from owners and operators of stationary sources under the provisions of this section will be correlated with applicable emission limitations and other control measures.
 - (ii) All such emission data and correlations will be available during normal business hours at the office of the health officer. The health officer may designate one or more additional places where such data and correlations will be available for public inspection.
- (3) Investigate all complaints of violation of this chapter and issue written notices and orders granting a reasonable time to comply with the provisions of this chapter.
 - (4) Request the county attorney to bring the appropriate legal action in a court of competent jurisdiction in order to prosecute violations of this chapter and to compel the prevention and abatement of air pollution or nuisances arising there from.
 - (5) Examine the plans for fuel and refuse-burning equipment, process equipment, and control equipment to be installed, constructed, reconstructed, added to, or altered, to assure that they are in accordance with the requirements of this chapter.
 - (6) Require a permit to be obtained from the health officer for any person planning to construct, alter, reconstruct, or install any equipment or related control equipment prior to the initiation of construction, installation, or alteration of any portion of stationary source. The permit will not be required if the alterations to the equipment will not change the emissions from that equipment. However, a review of the project plans may be required in order to substantiate the permit exemption.
 - (7) Advise planning and zoning agencies regarding air pollution aspects of planning and zoning functions in order to prevent land use conflicts resulting in air pollution problems.
 - (8) Make recommendations regarding needed revisions or additions in this chapter pertaining to air pollution control.
 - (9) Collect and disseminate information on air pollution control.
 - (10) Carry out a continuing program of outdoor air monitoring to evaluate the air quality in the jurisdictional area of the health officer.

ARTICLE II. AUTHORITY

- (11) Review those matters having a bearing upon air pollution, referred by other departments such as plan and zoning, building, and fire departments, and make reports and recommendations where necessary.
- (12) Encourage the voluntary cooperation of civic, technical, scientific, and educational societies to achieve the purposes of this chapter in restoring and preserving a reasonable quality of air in the jurisdictional area of the health officer.
- (13) Require each owner or operator of any equipment, as defined herein, upon notification from the health officer, to maintain records of the nature and amounts of air contaminant emissions from such source and any other information as may be deemed necessary by the health officer, to determine whether such source is in compliance with the applicable emission limitations or other control measures.
 - (i) The information recorded shall be summarized and reported monthly to the health officer on forms furnished by the health officer. The initial reporting period shall commence 60 days from the date the health officer issued notification of the record keeping requirements.
 - (ii) Information recorded by the owner or operator and copies of the summarizing reports submitted to the health officer shall be retained by the owner or operator for five years after the date on which the pertinent report is submitted.
- (14) Evaluate existing or proposed sources of hazardous or toxic emissions and require control equipment as needed to protect public health.
- (15) Determine the characteristics of a violation, recommend civil penalties for violations of this Chapter in accordance with Subsection 5-75(b) and demand payment of the applicable civil penalty from the owner or operator of equipment in violation or any other person who has violated this Chapter.

ARTICLE III. INCINERATION AND OPEN BURNING

5-5. Incinerators Prohibited.

It shall be unlawful for any person, as defined in this chapter, to sell within the county, or to install within the county, any device intended for use as a refuse burner or incinerator, except when the owner or operator of such device has met the provisions herein and those specified in article X of this chapter.

5-6. Incineration – Emission Standards.

(a) General provisions.

- (1) The burning capacity of an incinerator shall be manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the health officer in accordance with good engineering practice. In case of conflict, the findings of the health officer shall govern.
- (2) No incinerator shall be used for the burning of refuse, unless such incinerator is a multiple chamber incinerator. Also, no incinerator or multiple chamber incinerator shall be used for the burning of garbage unless the incinerator can demonstrate compliance with applicable emission standards. Existing incinerators which are not multiple chamber incinerators may be altered, modified, or rebuilt as may be necessary to meet this requirement. The health officer may approve any other alteration or modification to an existing incinerator if such be found by him to be equally effective for the purpose of air pollution control as a modification or alteration which would result in a multiple chamber incinerator.
- (3) Within ten days after the date on which construction or alteration of an incinerator located at a business or firm as defined in section 5-2 of this chapter, is completed and can meet the requirements as specified in section 5-18 (a) of this chapter, the owner or operator shall notify the health officer stating the exact time a performance test will be scheduled and said test must be scheduled and performed within 60 days after notification of the health officer.

(b) Restriction of emission from incinerator.

- (1) No person may cause or permit the emission of particulate matter from the chimney, stack, or vent of any incinerator in excess of the following:
 - (i) The mass emission rate of particulate matter from any incinerator with a manufacturer's rated capacity of 1000 pounds or greater per hour shall be limited to 0.19 grains per standard cubic foot of exhaust gas adjusted to 12% (12 percent), carbon dioxide (CO₂) unless more stringent standards apply. The mass emission rate of particulate matter from any incinerator with a manufacturer's rated capacity of less than 1000 pounds per hour shall be limited to 0.20 pounds

ARTICLE III. INCINERATION AND OPEN BURNING

per 100 pounds of refuse burned, based upon the incinerators rated capacity, or other findings as specified in subsection (a) of this section.

- (ii) Compliance with emission restrictions shall be determined from performance test data, as specified herein and in sections 5-18 and 5-19 of this chapter.
- (2) Visible emissions. No person shall allow, cause or permit the operation of an incinerator in a manner such that it produces visible air contaminants which have an opacity equal to or greater than 20 percent or that level specified in a construction or operating permit. Opacity shall be determined in accordance with 40 CFR Part 60, Appendix A, Method 9 as adopted in 567 IAC Chapter 29.
- (c) Compliance schedule for existing incinerators. The owner or operator of an existing incinerator which is not a multiple chamber incinerator and which does not otherwise so meet the requirements of subsection (b) of this section, shall be required to submit a compliance schedule as provided for in section 5-56 of this chapter.
- (d) Compliance schedule for new incinerators. All new incinerators as specified by paragraph 5-2 of this chapter shall conform to the provisions as set forth in subsection (a) (3) of this section and the owner or operator of such new incinerator shall be required to obtain an annual permit as provided for in Article X of this chapter.
- (e) Unlawful operation. Any operation of incinerators on or after January 1, 1972, which is not authorized as above provided shall be unlawful.

5-7. Open Burning Prohibited.

- (a) Prohibition.

No person shall allow, cause or permit open burning of combustible materials within Polk County except as provided in 5.7(1-9).

For purposes of this Section, a person shall be deemed to have permitted the open burning if that person permits the setting or use of open burning for the disposal of refuse, rubbish, garbage or other combustible material under his control, on land under his control, or by employees or other persons under his control.

It shall be unlawful for any person to open burn or to permit open burning of any landscape waste within Polk County from any industrial source, commercial source, or multiple dwelling containing two or more apartment units.

It shall be unlawful for any person to open burn or to permit open burning of any refuse, rubbish, garbage, landscape waste or other combustible material within the cities of Des Moines, West Des Moines, Clive, Windsor Heights, Urbandale, and Pleasant Hill from any source from and after September 21, 1983.

ARTICLE III. INCINERATION AND OPEN BURNING

In all other areas of Polk County, it shall be unlawful to open burn or permit open burning of any refuse, rubbish, garbage, landscape waste, or other combustible material, except that, unless prohibited by local ordinance, on any land site where the land use is for single-family dwelling or agricultural operations, open burning may be used to dispose of landscape waste originating on or growing on the same site. In all other areas of Polk County, it shall be unlawful to open burn or permit open burning of any refuse, rubbish, garbage, landscape waste, or other combustible material, except on any land site where the land use is for single-family dwelling or agricultural operations. On any land site where the land use is for single-family dwelling or agricultural operations, open burning may be used to dispose of landscape waste originating on or growing on the same site, unless prohibited by local ordinance.

The controlled burning of a demolished building is prohibited within Polk County.

The controlled burning of agricultural structures is prohibited within Polk County.

(b) Burn Permits.

Upon receipt of a written request on a form provided by the Local Program, the Health Officer is authorized to issue a permit for an open fire for the following purposes. Such permit may contain conditions and is subject to the provisions set forth in this chapter.

- (1) 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. Burning any structures or demolished structures shall be conducted in accordance with 40 CFR Section 61.145 amended through January 16, 1991 as adopted in 567 IAC Chapter 23, which is the "Standard for Demolition and Renovation" of the asbestos National Emission Standard for Hazardous Air Pollutants.
- (2) Tree and tree trimmings. The open burning of trees and tree trimmings not originating 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. However, when the open burning of trees and tree trimmings causes air pollution as defined in section 455B.131(3) Code of Iowa, the Health Officer may take appropriate action to secure relocation of the burning operation. Rubber tires shall not be used to ignite trees and tree trimmings.
- (3) Flare stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with Article IV.
- (4) Landscape waste. The disposal by open burning of landscape waste originating on or growing on the same land site only where permitted in this section. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas

ARTICLE III. INCINERATION AND OPEN BURNING

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.

- (5) Training fires.
- For purposes of this section, a “training fire” is a fire set for the purposes of conducting bona fide training of public or industrial employees in firefighting methods. For purposes of this paragraph, “bona fide training” means training that is conducted according to the National Fire Protection Association 1403 Standard of Live Fire Training Evolutions (2002 Edition) or a comparable training fire standard. A training fire may be conducted, provided that all of the following conditions are met:
- (a) A training fire on a building is conducted with the building structurally intact.
 - (b) The training fire does not include the controlled burn of a demolished building.
 - (c) If the training fire is to be conducted on a building, written notification must be provided to the Local Program and Iowa Department of Natural Resources (IDNR) on DNR Form 542-8010 and is postmarked or delivered to the Local Program at least ten working days before such action commences.
 - (d) Notification shall be made to the Local Program and IDNR in accordance with 40 CFR Section 61.145, “Standard for Demolition and Renovation” of the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), as amended through January 16, 1991.
 - (e) All asbestos-containing materials shall be removed prior to the training fire.
 - (f) Asphalt roofing may be burned in the training fire only if notification to the Local Program contains testing results indicating that none of the layers of asphalt roofing contain asbestos. During each calendar year, each fire department may conduct no more than two training fires on buildings where asphalt roofing has 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.
 - (g) Rubber tires shall not be burned during a training fire.
- (6) Paper or plastic pesticide containers and seed corn bags. Open burning as specified in Chapter 567 IAC 23.2(3)“h” only where permitted by this section.
- (7) For public gatherings under the legitimate sponsorship of civic fraternal, religious, education or similar organization.
- (8) Crews operating under the authority of any political subdivision, only where permitted by this section.
- (9) Prairie re-establishment and maintenance at sites which are publicly owned or normally open to the general public.

ARTICLE III. INCINERATION AND OPEN BURNING

Authorization to permit an open fire will not be granted by the health officer when such conditions arise that would deem such fires to be a safety hazard.

Permit fees may be established by resolution of the Polk County Board of Supervisors.

(c) Exemptions.

1. Fireplaces or grills. This section shall not apply to outdoor fireplaces or grills burning untreated wood or charcoal, used solely for the non-commercial preparation of food or recreation. Such outdoor fireplaces or grills shall not be used for the burning of refuse, rubbish, or garbage.

2. Outdoor patio heaters. This section shall not apply to outdoor patio heaters burning only natural gas, propane, or alcohol. Such outdoor patio heaters shall not be used for the burning of wood, refuse, rubbish, vegetative matter or garbage.

3. Recreational bonfires, fireplaces and grills. Open fires burning charcoal or untreated seasoned wood for cooking, recreation and ceremonies located within a geographic area designated as a neighborhood, community, county or state park; unless prohibited by local authority, ordinance or regulation, provided they comply with Article IV, Section 5-9. Such fires shall not be used for the burning of refuse, rubbish, or garbage

(d) Variance application.

1. Any person wishing to conduct open burning of materials prohibited in section 5-7 (a), meeting the permit requirements in section 5-7 (b) or not exempted in section 5-7 (c) may make application for a variance as specified in section 5-59.

2. In addition to requiring the information specified in section 5-59, the health officer may require any person applying for a variance from the open burning rules to submit adequate documentation to allow the health officer to assess whether granting the variance will hinder attainment or maintenance of a National Ambient Air Quality Standard (NAAQS).

ARTICLE IV. RESTRICTIONS ON EMISSION OF VISIBLE AIR CONTAMINANTS FROM EQUIPMENT

5-8. Limitation of Visible Air Contaminants from Specific Sources.

From the following sources, no person shall cause, permit or allow the emission of visible air contaminants into the outdoor atmosphere of an opacity equal to or greater than 40 percent except as provided below:

- (1) No person shall cause, permit or allow the emission of visible air contaminants from gasoline-powered motor vehicles for longer than five consecutive seconds.
- (2) No person shall cause, permit or allow the emission of visible air contaminants from diesel-powered motor vehicles of an opacity equal to or greater than 40 percent for longer than five consecutive seconds.
- (3) No person shall cause, permit or allow the emission of visible air contaminants from diesel-powered locomotives of an opacity equal to or greater than 40 percent except for a maximum period of 40 consecutive seconds during acceleration under load, or for a period of four consecutive minutes when a locomotive is loaded after a period of idling.
- (4) 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 are exempt.

5-9. General Limitation of Visible Air Contaminants.

From any single source not covered by the provisions of section 5-8 of this chapter, no person shall cause, permit or allow the emission of visible air contaminants into the outdoor atmosphere of an opacity equal to or greater than 20 percent or a lesser level as specified in a construction or operating permit, except as provided below:

- (1) Where the presence of uncombined water is the only reason for failure of air contaminants to meet the requirements of this chapter, and where such uncombined water does not constitute a nuisance or safety hazard; or
- (2) Where the source of emission is a fire ignited for the purpose of training firemen or for research in fire protection and prevention, provided that the health officer shall have previously been notified by the person responsible for the fire; or
- (3) Where the emissions result from an unavoidable breakdown or malfunction of equipment and the condition is reported to the health officer as specified in section 5-17 of this chapter; or
- (4) Where the source of emission is a charcoal or similar fire being used for non-commercial preparation of food or recreational purposes; or
- (5) Where the source of emissions is a stove in a family dwelling burning untreated wood or coal;

ARTICLE IV. RESTRICTIONS ON EMISSION OF
VISIBLE AIR CONTAMINANTS FROM EQUIPMENT

(6) Where the source of emissions is a fireplace in a family dwelling burning untreated wood or coal.

5-10. Methodology and Qualified Observer (Method 9).

The federal method for visual determination of opacity of emissions and requirements for qualified observers as defined in Method 9, 40 CFR Part 60, Appendix A, as amended through March 12, 1996 in 567 IAC 29.1 is adopted by reference.

To qualify as an observer, an individual must meet the requirements of 567-29.1 of the Iowa Administrative Code.

ARTICLE V. EMISSION OF AIR CONTAMINANTS FROM FUEL-BURNING EQUIPMENT

5-11. Emission of Air Contaminants from Fuel-Burning Equipment - Generally

- (a) The emission standards specified in this section shall be considered as operation standards rather than design standards.
- (b) The emission standards in this section shall apply to installations unless the federal standards of performance for new stationary sources (new source performance standards) specified in section 5-16 of this chapter are applicable.
- (c) This article shall apply to installations in which fuel is burned for the primary purpose of producing steam, hot water, or hot air or other indirect heating of liquids, gases, or solids and in the course of doing so, the products of combustion do not come in direct contact with process materials. Fuels include those such as coal, coke, lignite, coke breeze, gas, fuel oil, and wood, but do not include refuse. When any products or by-products of a manufacturing process are burned for the same purpose 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 as specified in section 5-12 (1) of this chapter.
- (d) For purposes of this article, 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 input of all fuel burning units at a plant or on a premise, shall be used for determining the maximum allowable amount of particulate matter which may be emitted.
- (e) The amount of particulate matter emitted shall be measured according to the method specified in section 5-18 of this chapter.

5-12. Emission Limitations.

Unless a more restrictive limit applies pursuant to Section 5-16, SPECIFIC EMISSION STANDARDS, no person shall cause, allow or permit the emission of particulate matter in excess of the specified in the following schedule:

- (1) 0.60 pounds for each million Btu per hour input if the equipment has a capacity rating of ten million or less. If the capacity rating of the fuel-burning equipment is more than ten million, the amount of particulate matter which may be emitted for each million Btu input shall decrease as the capacity rating of the fuel-burning equipment increases, as follows:
 - (i) No more than 0.41 pounds for each million Btu input from equipment having a capacity rating of 50 million;
 - (ii) No more than 0.35 pounds for each million Btu input from equipment having a capacity rating of 100 million;

ARTICLE V. EMISSION OF AIR CONTAMINANTS FROM
FUEL-BURNING EQUIPMENT

- (iii) No more than 0.24 pounds for each million Btu input from equipment having a capacity rating of 500 million;
 - (iv) No more than 0.21 pounds for each million Btu input from equipment having a capacity rating of 1,000 million;
 - (v) No more than 0.17 pounds for each million Btu input from equipment having a capacity rating of 2,000 million;
 - (vi) No more than 0.14 pounds for each million Btu input from equipment having a capacity rating of 5,000 million;
 - (vii) No more than 0.13 pounds for each million Btu input from equipment having a capacity rating of 7,500 million;
 - (viii) No more than 0.12 pounds for each million Btu input from equipment having a capacity rating of 10,000 million or more.
- (2) The amount of particulate matter which may be emitted from fuel burning equipment having an intermediate capacity rating shall be determined either by linear interpolation, or by use of the following equation: $\log Y = -0.2330 \log X + 0.0111$
where X represents each million Btu input and Y represents the allowable pounds of emission

5-13 Exceptions.

Any excess emissions resulting from the operation of fuel-burning equipment covered under Section 5-12, shall also report such excess emission periods as specified in Section 5-17.

ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES

5-14. Emission of Air Contaminants from Industrial Processes - Generally

- (a) The emission standards specified in this article shall be considered as operation standards rather than design standards.
- (b) For sources constructed, modified, or reconstructed on or after July 21, 1999, the emission of particulate matter from any process shall not exceed 0.10 grain per dry standard cubic foot of exhaust gas, except as provided in Chapter V – Article XIV, Article VI, - Section 5-16, Article VI – Section 5-17, and Article VIII.
- (c) This section shall apply to any operation, process, or activity except the following:
 - (1) The burning of fuel for indirect heating in which the products of combustion do not come into direct contact with process materials,
 - (2) The burning of refuse, and
 - (3) The processing of salvageable material by burning.
- (d) Process weight means the total weight of all materials introduced into a source operation, including solid fuels, but excluding liquids and gases used solely as fuels, and excluding air introduced for purposes of combustion. Process weight rate means a rate established as follows:
 - (1) For continuous or long-run steady state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.
 - (2) For cyclical or batch source operations, the total process weight for a period which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such period.

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 section, that interpretation which results in the minimum value for allowable emission shall apply.

- (e) Emission tests relating to this section shall be made in accordance with sections 5-18 and 5-19 of this chapter.

5-15. General Emission Standards.

- (a) The general emission standards contained in the following table shall apply to each source operation unless a specific emission standard for the process involved is prescribed in this article or chapter, in which case the specific standard shall apply. No person shall permit, cause, suffer,

ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES

or allow the emission into the outdoor atmosphere of particulate matter from any source in excess of the emission standards specified hereunder.

TABLE I
ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE*

Process Weight Rate		Emission Rate	Process Weight Rate		Emission Rate
Lb/Hr	Tons/Hr	Lb/Hr	Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.55	16,000	8.00	16.5
200	0.10	0.88	18,000	9.00	17.9
400	0.20	1.40	20,000	10.00	19.2
600	0.30	1.83	30,000	15.00	25.2
800	0.40	2.22	40,000	20.00	30.5
1,000	0.50	2.58	50,000	25.00	35.4
1,500	0.75	3.38	60,000	30.00	40.0
2,000	1.00	4.10	70,000	35.00	41.3
2,500	1.25	4.76	80,000	40.00	42.5
3,000	1.50	5.38	90,000	45.00	43.6
3,500	1.75	5.96	100,000	50.00	44.6
4,000	2.00	6.52	120,000	60.00	46.3
5,000	2.50	7.58	140,000	70.00	47.8
6,000	3.00	8.56	160,000	80.00	49.0
7,000	3.50	9.49	200,000	100.00	51.2
8,000	4.00	10.4	1,000,000	500.00	69.0
9,000	4.50	11.2	2,000,000	1,000.00	77.6
10,000	5.00	12.0	6,000,000	3,000.00	92.7
12,000	6.00	13.6			

*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

$$E = 55.0 P^{0.11-40},$$

where E = rate of emission in lb/hr, and

P = process weight in tons/hr

(b) For the purpose of this section, Iowa Administrative Code subrule 567--23.3(2) b. Combustion for indirect heating, is adopted by reference and is incorporated herein as fully as though set forth in its entirety.

ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES

5-16. Specific Emission Standards.

General. The provisions of this section shall not apply to those facilities for which performance standards are specified in (n), new source performance standards.

- (a) Asphalt batching plants. No person shall cause, permit, or allow the operation of an asphalt batching plant in a manner such that the particulate matter discharged into the atmosphere exceeds 0.15 grain per standard cubic foot of exhaust gas.
- (b) 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, cement kilns shall not cause, permit or allow particulate matter discharged from such kilns to exceed 0.10 grain per standard cubic foot of exhaust gas.
- (c) Cement plants. No person shall cause, permit or allow the operation of a cement manufacturing plant in a manner such that the particulate matter discharged into the atmosphere exceeds 0.10 grain per standard cubic foot of exhaust gas from the following equipment:
 - (1) Clinker cooler exhaust.
 - (2) Coal grinding mills.
 - (3) Finish cement mills.
 - (4) Storage silos.
- (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 specified in Subsection 5-14(b) except as specified in Section 5-17. The emissions 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 1 of section 5-15 of this chapter, except as provided in section 5-17 of this chapter.
- (e) Existing small cupolas. The emissions 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 the following table, except as provided in section 5-17 of this chapter.

ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES

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
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
16,000	21.60
18,000	23.40
20,000	25.10

- (f) Electric furnaces for metallurgical melting. The emissions of particulate matter into the atmosphere from electric furnaces used for metallurgical melting shall not exceed 0.10 grain per standard cubic foot of exhaust gas.
- (g) Grain processing, feed grinding, and mixing plants. No person shall cause, permit or allow the operation of equipment for the handling, drying, grinding, mixing, processing, or blending of grain, grain products or grain by-products, for use as food for human consumption, as animal food, or food supplement such that the particulate matter discharged to the atmosphere exceeds 0.10 grain per standard cubic foot of exhaust gas. This subsection shall not apply to portable equipment used only on farms and ranches for agricultural purposes.
- (h) Lime kilns. No person shall cause, permit or allow the operation of a kiln for the processing of limestone such that the particulate matter in the gas discharged to the atmosphere exceeds 0.10 grain per standard cubic foot of exhaust gas.
- (i) Meat smokehouses. No person shall cause, permit or allow the operation of a meat smokehouse, or a group of meat smokehouses, which consume more than ten pounds of wood, sawdust, or other material per hour such that the particulate matter discharged to the atmosphere exceeds 0.20 grain per standard cubic foot of exhaust gas.

ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES

- (j) Phosphate processing plants. No person shall cause, permit or allow the operation of equipment for the processing of phosphate, ore, rock, or other phosphatic material including, but not limited to, phosphoric acid in a manner that the unit emissions of fluoride exceed 0.40 pound of fluoride per ton of phosphorous pentoxide or its equivalent, but not more than 100 pounds per day. 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.
- (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 phosphorus 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 pound of fluoride per ton of phosphorus pentoxide or equivalent.
 - (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 allow, cause 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 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 phosphorous 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.
 - (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 concrete batching plants. No person shall cause, permit or allow the operation of a portland cement concrete batching plant such that the particulate matter discharged to the atmosphere exceeds 0.10 grain per standard cubic foot of exhaust gas.

ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES

- (l) Sand handling and surface finishing operations in metal processing. This section shall apply to any new foundry or metal processing operation not properly termed a combustion, melting, baking or pouring operation. For purposes of this section, a new process is any process which has not started operation, or the construction of which has not 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 manner that particulate matter discharged from any stack exceeds 0.05 grain per dry standard cubic foot of exhaust gas, regardless of the types and number of operations that discharge from the stack.

- (m) Painting and surface coating operations. All repair, painting, and bodywork activities shall take place within a building. No person shall cause, permit or allow 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.

- (n) New source performance standards. The Federal Standards of Performance for New Stationary Sources, 40 Code of Federal Regulations Part 60 as amended or corrected through September 14, 2016, are adopted by reference except 40 CFR 60.530 through 60.539b and shall apply to, but not be limited to, the following affected facilities. The corresponding 40 CFR Part 60 subpart designation is in parentheses. Reference test methods (Appendix A), performance specifications (Appendix B), Determination of emission rate change (Appendix C), Quality assurance procedures (Appendix F) and the general provisions (Subpart A) of 40 CFR Part 60 also apply to the affected facilities as amended in 567 IAC 23.1(2).
 - (1) Fossil fuel-fired steam generators. A fossil fuel-fired steam generating unit of more than 250 million Btu per hour heat input for which construction started after August 17, 1971. Any facility covered under paragraph "26" is not covered under this paragraph. (Subpart D)
 - (2) Incinerators. An incinerator of more than 50 tons per day charging rate. (Subpart E)
 - (3) Portland cement plants. Any of the following in a portland cement plant: kiln; clinker cooler; raw mill system; finish mill system; raw mill dryer; raw material storage; clinker storage; finished product storage; conveyor transfer points; bagging and bulk loading and unloading systems. (Subpart F)
 - (4) Nitric acid plants. A nitric acid production unit. (Subpart G)
 - (5) Sulfuric acid plants. A sulfuric acid production unit. (Subpart H)
 - (6) Hot mix asphalt plants. (Subpart I)

ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES

- (7) Petroleum refineries. (Subpart J) Rescinded.
- (8) Secondary lead smelters.
(Subpart L) Rescinded.
- (9) Secondary brass and bronze ingot production plants. Any of the following at a secondary brass or bronze ingot production plant: Reverberatory and electric furnaces of 1000 kilograms (2205 pounds) or greater production capacity and blast (cupola) furnaces of 250 kilograms per hour (550 pounds per hour) or greater production capacity. (Subpart M)
- (10) Iron and steel plants. A basic oxygen process furnace. (Subpart N)
- (11) Sewage treatment plants. An incinerator which burns the sludge produced by municipal sewage treatment plants. (Subpart O of 40 CFR 60 and Subpart E of 40 CFR 503)
- (12) Steel plants. Either of the following at a steel plant: Electric arc furnaces and dust-handling equipment constructed after October 21, 1974, and on or before August 17, 1983. (Subpart AA)
- (13) Primary copper smelters. (Subpart P) Rescinded.
- (14) Primary zinc smelters. (Subpart Q) Rescinded.
- (15) Primary lead smelter. (Subpart R) Rescinded
- (16) Primary aluminum reduction plants. (Subpart S) Rescinded.
- (17) Wet process phosphoric acid plants in the phosphate fertilizer industry. A wet process phosphoric acid plant, which includes any combination of the following: Reactors, filters, evaporators and hotwells. (Subpart T)
- (18) Superphosphoric acid plants in the phosphate fertilizer industry. A superphosphoric acid plant, which includes any combination of the following: Evaporators, hotwells, acid sumps, and cooling tanks. (Subpart U)
- (19) Diammonium phosphate plants in the phosphate fertilizer industry. A granular diammonium phosphate plant, which includes any combination of the following: Reactors, granulators, dryers, coolers, screens and mills. (Subpart V)
- (20) Triple superphosphate plants in the phosphate fertilizer industry. A triple superphosphate plant, which includes any combination of the following: Mixers,

ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES

curing belts (dens), reactors, granulators, dryers, coolers, screens, mills and facilities which store run-of-pile triple superphosphate. (Subpart W)

- (21) Granular triple superphosphate storage facilities in the phosphate fertilizer industry. A granular triple superphosphate storage facility, which includes any combination of the following: Storage or curing piles, conveyors, elevators, screens and mills. (Subpart X)
- (22) Coal preparation plants. Any of the following facilities (at a coal preparation plant) which processes more than 200 tons per day: Thermal dryers; pneumatic coal cleaning equipment (air tables); coal processing and conveying equipment (including breakers and crushers); coal storage systems; and coal transfer and loading systems. (Subpart Y)
- (23) Ferroalloy production. Any of the following electric submerged arc furnaces which produce silicon metal, ferrosilicon, calcium silicon, silicomanganese zirconium, ferrochrome silicon, silvery iron, high-carbon ferrochrome, charge chrome standard ferromanganese, silicomanganese, ferromanganese silicon, or calcium carbide; and dust-handling equipment. (Subpart Z)
- (24) Kraft Pulp Mills any of the following in a Kraft Pulp Mill: Digester system; brown stock washer system; multiple effect evaporator system; recovery furnace; smelt dissolving tank; lime kiln; and condensate system. In pulp mills where kraft pulping is combined with neutral sulfite semichemical pulping, the provisions of the standard of performance are applicable when any portion of the material charged to an affected facility is produced by the Kraft pulping operation. (Subpart BB)
- (25) Lime Manufacturing Plants. A rotary lime kiln used in the manufacture of lime at other than a kraft pulp mill. (Subpart HH)
- (26) Electric utility steam generating units. An electric utility steam generating unit that is capable of combusting more than 250 million Btu's per hour (73 megawatts) heat input of fossil fuel for which construction or modification or reconstruction is commenced after September 18, 1978, or an electric utility combined cycle gas turbine that is capable of combusting more than 250 million Btu's per hour (73 megawatts) heat input. "Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW net-electrical output to any utility power distribution system for sale. Also, any steam supplied to a steam distribution system for the purpose of providing steam to a steam electric generator that would produce electrical energy for sale is considered in determining the electrical energy output capacity of the affected facility. (Subpart Da)

ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES

- (27) Stationary Gas Turbines. Any simple cycle gas turbine, regenerative cycle gas turbine or any gas turbine portion of a combined cycle steam/electric generating system that is not self-propelled. It may, however, be mounted on a vehicle for portability. (Subpart GG)
- (28) Petroleum storage vessels. Any storage vessel for petroleum liquids for which the construction, reconstruction, or modification commenced after June 11, 1973, and prior to May 19, 1978, having a storage capacity greater than 151,416 liters (40,000 gallons). (Subpart K)
- (29) Petroleum storage vessels. Any storage vessel for petroleum liquids for which the construction, reconstruction, or modification commenced after May 18, 1978, and prior to July 23, 1984, having a storage capacity greater than 151,416 liters (40,000 gallons). (Subpart Ka)
- (30) Glass Manufacturing Plants. Any glass melting furnace. (Subpart CC)
- (31) Automobile and Light-Duty Truck Surface Coating Operations. Any of the following in an automobile or light-duty truck assembly plant: Prime coat operations, guide coat operations, and topcoat operations. (Subpart MM)
- (32) Ammonium Sulfate Manufacture. Any of the following in the ammonium sulfate industry: ammonium sulfate dryers in the caprolactam by-product, synthetic, and coke oven by-product sectors of the industry. (Subpart PP)
- (33) Surface coating of metal furniture. Any metal furniture surface coating operation in which organic coatings are applied. (Subpart EE)
- (34) Lead-acid battery manufacturing plants. Any lead-acid battery manufacturing including (1) Grid casting facility. (2) Paste mixing facility. (3) Three-process operation facility. (4) Lead Oxide manufacturing facility. (5) Lead reclamation facility. (6) Other lead-emitting operations. (Subpart KK)
- (35) Phosphate rock plants. Any phosphate rock plant which has a maximum plant production capacity greater than 4 tons per hour including the following: Dryers, calciners, grinders, and ground rock handling and storage facilities, except those facilities producing or preparing phosphate rock solely for consumption in elemental phosphorus production. (Subpart NN)
- (36) Graphic arts industry: Publication rotogravure printing. Any publication rotogravure printing press except proof presses. (Subpart QQ)
- (37) Industrial surface coating-large appliances. Any surface coating operation in a large appliance surface coating line. (Subpart SS)

ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES

- (38) Metal coil surface coating. Any of the following at a metal coil surface operation: Prime coat operation, finish coat operation, and each prime and finish coat operation combined when the finish coat is applied wet on wet over the prime coat and both coatings are cured simultaneously. (Subpart TT)
- (39) Asphalt processing and asphalt roofing manufacturing. Any saturator, mineral handling and storage facility at asphalt roofing plants; and any asphalt storage tank and any blowing still at asphalt processing plants, petroleum refineries, and asphalt roofing plants. (Subpart UU)
- (40) Equipment leaks of volatile organic compounds (VOC) in the synthetic organic chemicals manufacturing industry. Standards for affected facilities in the synthetic organic chemicals manufacturing industry (SOCMI) that commenced construction, reconstruction, or modification after January 5, 1981, and on or before November 7, 2006, are set forth in Subpart VV. Standards for affected SOCMI facilities that commenced construction, reconstruction or modification after November 7, 2006, are set forth in Subpart VVa. The standards apply to pumps, compressors, pressure relief devices, sampling systems, open-ended valves or lines (OEL), valves, and flanges or other connectors which handle VOC. (Subpart VV and Subpart VVa)
- (41) Beverage can surface coating. Any beverage can surface coating operations for two-piece steel or aluminum containers in which soft drinks or beer are packaged. (Subpart WW)
- (42) Bulk gasoline terminals. The total of all loading racks at bulk gasoline terminals which deliver liquid product into gasoline tank trucks. (Subpart XX)
- (43) Pressure sensitive tape and label surface coating operations. Any coating line used in the tape manufacture of pressure sensitive tape and label materials. (Subpart RR)
- (44) Metallic mineral processing plants. Any ore processing and handling equipment. (Subpart LL)
- (45) Synthetic fiber production facilities. Any solvent-spun synthetic fiber process that produces more than 500 megagrams of fiber per year. (Subpart HHH)
- (46) Equipment leaks of VOC in petroleum refineries. A compressor and all equipment (defined in 40 C.F.R., Part 60.591) within a process unit constructed after January 4, 1983. (Subpart GGG)
- (47) Flexible vinyl and urethane coating and printing. Each rotogravure printing line used to print or coat flexible vinyl or urethane products. (Subpart FFF)

ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES

- (48) Petroleum dry cleaners. Petroleum dry cleaning plant with a total manufacturer's rated dryer capacity equal to or greater than 38 kilograms (84 pounds): Petroleum solvent dry cleaning dryers, washers, filters, stills, and settling tanks. (Subpart JJJ)
- (49) Electric arc furnaces and argon-oxygen decarburization vessels constructed after August 7, 1983. Steel plants that produce carbon, alloy, or specialty steels: Electric arc furnaces, argon-oxygen decarburization vessels, and dust handling systems. (Subpart AAa)
- (50) Wool fiberglass insulation manufacturing plants. Rotary spin wool fiberglass manufacturing line. (Subpart PPP)
- (51) Iron and steel plants. Secondary emissions from basic oxygen process steelmaking facilities for which construction, reconstruction, or modification commenced after January 20, 1983. (Subpart Na)
- (52) Equipment leaks of VOC from on-shore natural gas processing plants. A compressor and all equipment defined in 40 C.F.R., Part 60.631, for which construction, reconstruction, or modification commenced after January 20, 1984. (Subpart KKK)
- (53) On-shore natural gas processing: SO₂ emissions. Unless exempted by the E.P.A. Administrator, each sweetening unit and each sweetening unit followed by a sulfur recovery unit for which construction, reconstruction, or modification commenced after January 20, 1984. (Subpart LLL)
- (54) Nonmetallic mineral processing plants. Unless exempted by the E.P.A. Administrator, each crusher, grinder mill, screening operation, bucket elevator, belt conveyor, bagging operating, storage bin, enclosed truck or rail car loading station in fixed or portable nonmetallic mineral processing plants for which construction, reconstruction, or modification commenced after August 31, 1983. (Subpart OOO)
- (55) Industrial-commercial-institutional steam generating units. Unless exempted by the E.P.A. Administrator, each steam generating unit for which construction, reconstruction, or modification commenced after June 19, 1984, and which has a heat input capacity of more than 100 million Btu/hour. (Subpart Db)
- (56) Volatile organic liquid storage vessels. Unless exempted by the E.P.A. Administrator, volatile organic liquid storage vessels for which construction, reconstruction, or modification commenced after July 23, 1984. (Subpart Kb)
- (57) Rubber tire manufacturing plants. Unless exempted by the E.P.A. Administrator, each undertread cementing operation, each sidewall cementing operation, each tread end cementing operation, each bead cementing operation, each green tire spraying operation, each Michelin-A operation, each Michelin-B operation, and each Michelin-C automatic operation that commences construction or modification after January 20, 1983. (Subpart

ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES

BBB)

- (58) Industrial surface coating; Surface coating of plastic parts for business machines. Each spray booth in which plastic parts for use in the manufacture of business machines receive prime coats, color coats, texture coats, or touch-up coats for which construction, modification, or reconstruction begins after January 8, 1986. (Subpart TTT)
- (59) VOC emissions from petroleum refinery waste water systems. Each individual drain system, each oil-water separator, and each aggregate facility for which construction, modification or reconstruction is commenced after May 4, 1987. (Subpart QQQ)
- (60) Magnetic tape coating facilities. Unless exempted, each coating operation and each piece of coating mix preparation equipment for which construction, modification, or reconstruction is commenced after January 22, 1986. (Subpart SSS)
- (61) Polymeric coating of supporting substrates. Unless exempted, each coating operation and any on-site coating mix preparation equipment used to prepare coatings for the polymeric coating of supporting substrates for which construction, modification, or reconstruction begins after April 30, 1987. (Subpart VVV)
- (62) VOC emissions from synthetic organic chemical manufacturing industry air oxidation unit processes. Unless exempted, any air oxidation reactor, air oxidation reactor and recovery system or combination of two or more reactors and the common recovery system used in the production of any of the chemicals listed in 40 CFR 60.617 for which construction, modification or reconstruction commenced after October 21, 1983. (Subpart III)
- (63) VOC emissions from synthetic organic chemical manufacturing industry distillation operations. Unless exempted, any distillation unit, distillation unit and recovery system or combination of two or more distillation units and the common recovery system used in the production of any of the chemicals listed in 40 CFR 60.667 for which construction, modification or reconstruction commenced after December 30, 1983. (Subpart NNN)
- (64) Small industrial-commercial-institutional steam generating units. Each steam generating unit for which construction, modification, or reconstruction is commenced after June 9, 1989, and that has a maximum design heat input capacity of 100 million Btu per hour or less, but greater than or equal to 10 million Btu per hour. (Subpart Dc)
- (65) VOC emissions from the polymer manufacturing industry. All equipment used in the manufacture of polypropylene and polyethylene; equipment used in the material recovery section of polystyrene manufacturing using a continuous process; equipment used in the polymerization reaction section of poly(ethylene terephthalate) manufacturing using a continuous process; equipment used in the material recovery section of poly(ethylene terephthalate) manufacturing using a continuous process that uses dimethyl terephthalate; equipment used in the raw material section of poly(ethylene

ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES

terephthalate) manufacturing using a continuous process that uses terephthalic acid; and fugitive emissions equipment associated with any process unit in the manufacturing of polypropylene, polyethylene, or polystyrene. The applicability dates for construction, modification or reconstruction for polystyrene and poly(ethylene terephthalate) affected facilities and some polypropylene and polyethylene affected facilities is September 30, 1987. For the other polypropylene and polyethylene affected facilities the applicability date for these regulations is January 10, 1989. (Subpart DDD)

- (66) Municipal waste combustors. Unless exempted, a municipal waste combustor with a capacity greater than 225 megagrams per day of municipal solid waste for which construction is commenced after December 20, 1989, and on or before September 20, 1994, and modification or reconstruction is commenced after December 20, 1989, and on or before June 19, 1996. (Subpart Ea)
- (67) Grain elevators. A grain terminal elevator or any grain storage elevator except as provided under 40 CFR 60.304(b), August 31, 1993. A grain terminal elevator means any grain elevator which has a permanent storage capacity of more than 2.5 million U.S. bushels except those located at animal food manufacturers, pet food manufacturers, cereal manufacturers, breweries, and livestock feedlots. A grain storage elevator means any grain elevator located at any wheat flour mill, wet corn mill, dry corn mill (human consumption), rice mill, or soybean oil extraction plant which has a permanent grain storage capacity of 1 million bushels. Any construction, modification, or reconstruction after August 3, 1978, is subject to this paragraph. (Subpart DD)
- (68) Mineral processing plants. Each calciner and dryer at a mineral processing plant unless excluded for which construction, modification, or reconstruction is commenced after April 23, 1986. (Subpart UUU)
- (69) VOC emissions from synthetic organic chemical manufacturing industry reactor processes. Unless exempted, each affected facility that is part of a process unit that produces any of the chemicals listed in 40 CFR 60.707 as a product, co-product, by-product, or intermediate for which construction, modification, or reconstruction commenced after June 29, 1990. Affected facility is each reactor process not discharging its vent stream into a recovery system, each combination of a reactor process and the recovery system into which its vent stream is discharged, or each combination of two or more reactor processes and the common recovery system into which their vent streams are discharged. (Subpart RRR)
- (70) Municipal solid waste landfills, as defined by 40 CFR 60.75(1). Each municipal solid waste landfill that commenced construction, reconstruction or modification or began accepting waste on or after May 30, 1991, must comply. (Subpart WWW as amended through April 10, 2000)

ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES

- (71). Municipal waste combustors. Unless exempted, a municipal waste combustor with a combustion capacity greater than 250 tons per day of municipal solid waste for which construction, modification or reconstruction is commenced after September 20, 1994, or for which modification or reconstruction is commenced after June 19, 1996 (Subpart Eb)
- (72) Hospital/medical/infectious waste incinerators. Unless exempted, a hospital/medical/infectious waste incinerator for which construction is commenced after June 20, 1996, or for which modification is commenced after March 16, 1998. (Subpart Ec) *As of November 24, 2010, the adoption by reference of Part 60 Subpart Ec is rescinded.
- (73) New small municipal waste combustion units. Unless exempted, this standard applies to a small municipal waste combustion unit that commenced construction after August 30, 1999, or small municipal waste combustion units that commenced reconstruction or modification after June 6, 2001. (Part 60, Subpart AAAA)
- (74) Commercial and industrial solid waste incineration. Unless exempted, this standard applies to units for which construction is commenced after November 30, 1999, or for which modification or reconstruction is commenced on or after June 1, 2001, as amended through December 1, 2000 (Part 60, Subpart CCCC)
- (75) Other solid waste incineration (OSWI) units. Unless exempted, this standard applies to other solid waste incineration (OSWI) units for which construction is commenced after December 9, 2004, or for which modification or reconstruction is commenced on or after June 16, 2006. (Part 60, Subpart EEEE)
- (76) Reserved.
- (77) Stationary compression ignition internal combustion engines. Unless otherwise exempted, these standards apply to each stationary compression ignition internal combustion engine whose construction, modification or reconstruction commenced after July 11, 2005. (Part 60, Subpart IIII)
- (78) Stationary spark ignition internal combustion engines. These standards apply to each stationary spark ignition internal combustion engine whose construction, modification or reconstruction commenced after June 12, 2006. (Part 60, Subpart JJJJ)
- (79). Stationary combustion turbines. Unless otherwise exempted, these standards apply to stationary combustion turbines with a heat input at peak load equal to or greater than 10 MMBtu per hour, based on the higher heating value of the fuel, that commence construction, modification, or reconstruction after February 18, 2005. (Part 60, Subpart KKKK)

ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES

- (80) Nitric acid plants. Unless otherwise exempted, these standards apply to any nitric acid production unit that commenced construction, reconstruction or modification after October 14, 2011. (Part 60, Subpart Ga)
- (81) Sewage sludge incineration units. Each sewage sludge incineration (SSI) unit for which construction or reconstruction commenced after October 14, 2010, or for which modification commenced after September 21, 2011, must comply. (Subpart LLLL)

5-16(o). Emission Guidelines.

Emission guidelines which are contained in Iowa Administrative Code subrule 567.23.1(5), and represent the State of Iowa's 111(d) plan as submitted to the EPA, are adopted by reference.

5-16(p). Emission standards for hazardous air pollutants.

The federal standards for emissions of hazardous air pollutants adopted by reference in 567 IAC 23.1(3) and found at 40 Code of Federal Regulations Part 61 as amended or corrected through August 30, 2016, and 40 CFR Part 503 as amended through August 4, 1999 are adopted by reference, except 40 CFR §61.20 to §61.26, §61.90 to §61.97, §61.100 to §61.108, §61.120 to §61.127, §61.190 to §61.193, §61.200 to §61.205, §61.220 to §61.225, and §61.250 to §61.256, and shall apply to the following affected pollutants and facilities and activities listed below. The corresponding 40 CFR Part 61 subpart designation is in parentheses. Reference test methods (Appendix B), compliance status information requirements (Appendix A), quality assurance procedures (Appendix C) and the general provisions (Subpart A) of Part 61 also apply to the affected activities or facilities.

- (1) Asbestos. Any of the following involving asbestos emission: asbestos mills, surfacing of roadways, manufacturing operations, and spraying applications. Demolition and renovation emissions as stated in 40 CFR 61.145 through 61.147 are not included. (Subpart M)
- (2) Beryllium. (Subpart C) Rescinded.
- (3) Beryllium rocket motor firing. (Subpart D) Rescinded.
- (4) Mercury. Any of the following involving mercury emissions: mercury ore processing facilities, mercury cell chlor-alkali plants, sludge incineration plants, sludge drying plants, and a combination of sludge incineration plants and sludge drying plants. (Subpart E)
- (5) Vinyl chloride. Ethylene dichloride purification and the oxychlorination reactor in ethylene dichloride plants. Vinyl chloride formation and purification in vinyl chloride plants. Any of the following involving polyvinyl chloride plants: reactor; stripper; mixing, weighing and holding containers; monomer recovery system; sources following the stripper(s). Any of the following involving ethylene dichloride, vinyl chloride, and polyvinyl chloride plants: Relief valve discharge and fugitive emission sources. (Subpart F)

ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES

- (6) Equipment leaks of benzene (fugitive emission sources). Any pumps, compressors, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, flanges and other connectors, product accumulator vessels, and control devices or systems which handle benzene. (Subpart J)
- (7) Equipment leaks of volatile hazardous air pollutants (fugitive emissions sources). Any pumps, compressors, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, flanges and other connectors, product accumulator vessels, and control devices or systems which handle volatile hazardous air pollutants. (Subpart V)
- (8) Inorganic arsenic emissions from arsenic trioxide and metallic arsenic production facilities. Each metallic arsenic production plant and each arsenic trioxide plant that processes low-grade arsenic bearing materials by a roasting condensation process. (Subpart P) Rescinded.
- (9) Inorganic arsenic emissions from glass manufacturing plants. Each glass melting furnace (except pot furnaces) that uses commercial arsenic as a raw material. (Subpart N)
- (10) Inorganic arsenic emissions from primary copper smelters. (Subpart O) Rescinded.
- (11) Benzene emissions from coke by-product recovery plants. Each of the following sources at furnace and foundry coke by-product recovery plants; tar decanters, tar storage tanks, tar-intercepting sumps, flushing-liquor circulation tanks, light-oil sumps, light-oil condensers, light-oil decanters, wash-oil decanters, wash-oil circulation tanks, naphthalene processing, final coolers, final-cooler cooling towers, and the following equipment that is intended to operate in benzene service: pumps, valves, exhausters, pressure relief devices, sampling connection systems, open-ended valves or lines, flanges or other connectors, and control devices or systems required by 40 CFR 61.135.
The provisions of Paragraph 11 also apply to benzene storage tanks BTX storage tanks, light-oil storage tanks and excess ammonia-liquor storage tanks at furnace coke by-product recovery plants. (Subpart L)
- (12) Benzene emissions from benzene storage vessels. Unless exempted, each storage vessel that is storing benzene having a specific gravity within the range of specific gravities specified in ASTM D 836-84 for Industrial Grade Benzene ASTM D 835-85 for Refined Benzene-485 ASTM D 2359 85a for Refined Benzene-535, and ASTM D 4734-87 for Refined Benzene-545. These specifications are incorporated by reference as specified in 40 CRF 61.18. (Subpart Y)
- (13) Benzene emissions from benzene transfer operations. Unless exempted, the total of all loading racks at which benzene is loaded into tank trucks, rail cars, or marine vessels at each benzene production facility and each bulk terminal. (Subpart BB)

ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES

- (14) Benzene waste operations. Unless exempted, the provisions of this subrule apply to owners and operators of chemical manufacturing plants, coke by-product recovery plants, petroleum refineries and facilities at which waste management units are used to treat, store or dispose of waste generated by any of these listed facilities. (Subpart FF)

5-17. Excess Emissions.

- (a) Excess Emission During Periods of Startup or Shutdown. Excess emission during a period of startup or shutdown is not a violation of the emission standard if the startup or shutdown is accomplished expeditiously and in a manner consistent with good practice for minimizing emissions.
- (b) Initial Report of Excess Emissions. An incident of excess emission shall be reported to the Air Quality Division (AQD) of Polk County within eight hours of, or at the start of the first working day following the onset of the incident. Initial reporting does not relieve the owner or operator of a source with continuous monitoring equipment of the obligation of submitting reports required in Section 5-18(b)(4).

An initial report of excess emission is not required for a source with operational continuous monitoring equipment (as specified in Section 5-18 (b)) if the incident of excess emission continues for less than 30 minutes and does not exceed the applicable emission standard by more than 10 percent or the applicable visible emission standard by more than 10 percent opacity.

The initial report shall be made by electronic mail (e-mail), 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 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 as a follow-up to all required initial reports to the AQD within seven days of the onset of the upset condition 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 duration of the excess emission.

ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES

- (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 malfunction, documentation to support this claim.
- (d) Excess Emissions. An incident of excess emission is a violation. 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 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 emissions 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. 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 health officer shall, upon investigation, reasonably determine that continued operation constitutes an unjustifiable environmental hazard and issue an order that such operation is not in the public interest and require a process shutdown to commence immediately.
- (e) Subsections (a) through (d) notwithstanding, a fossil fuel-fired steam generator to which 5-16(n)(1), 5-16(n)(26), or 5-16(n)(55) applies shall comply with 5-16(n)(1), 5-16(n)(26), or 5-16(n)(55).

ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL PROCESSES

5-17.1 Maintenance and Repair Requirements.

- (a) Maintenance and Repair. The owner or operator of any 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 emissions 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 Section 5-17(b)(3).
 - (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 health 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 the 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 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.

ARTICLE VII PERFORMANCE TEST FOR STACK EMISSION TEST

5-18. Testing and Sampling of New and Existing Equipment.

(a) When stack emission tests are required, the following conditions must be satisfied.

(1) Tests by owner. The owner of new or existing equipment or the owner's authorized agent shall conduct emission tests to determine compliance with applicable rules in accordance with these requirements.

a. General. The owner of new or existing equipment or the owner's authorized agent shall notify the Local Program in writing not less than 30 days before a required test or before a performance evaluation of a continuous emission monitor to determine compliance with applicable requirements of Chapter V or a permit condition. Such notice shall include the time, the place, the name of the person who will conduct the tests and other information as required by the Local Program. If the owner or operator does not provide timely notice to the Local Program, the Local Program may not consider the test results or performance evaluation results to be a valid demonstration of compliance with applicable rules or permit conditions. Upon written request, the Local Program may allow a notification period of less than 30 days. Unless specifically waived by the Local Program, a pretest meeting shall be held not later than fifteen (15) days prior to conducting the compliance demonstration. The Local Program may accept a testing protocol in lieu of the pretest meeting. A representative of the Local Program shall be permitted to witness the tests. Results of the tests shall be submitted in writing to the Health Officer in the form of a comprehensive report within six weeks of the completion of the testing. Results shall be accompanied with the appropriate fee as established by the Polk County Board of Supervisors.

b. New equipment. Unless otherwise specified by the Local Program, all new equipment shall be tested by the owner or the owner's authorized agent to determine compliance with applicable emission limits. Tests conducted to demonstrate compliance with the requirements of the rules or a permit shall be conducted within 60 days of achieving maximum production but no later than 180 days of startup, unless a shorter time frame is specified in the permit.

c. Existing equipment. The Local Program Director may require the owner or the owner's authorized agent to conduct an emission test on any equipment if the Local Program Director has reason to believe that the equipment does not comply with applicable requirements. Grounds for requiring such a demonstration of compliance include a modification of control or process equipment, age of equipment, or observation of opacities or other parameters outside the range of those indicative of properly maintained and operated equipment. Testing may be required as necessary to determine actual emissions from a source where that source is believed to have a significant impact on the public health or ambient air quality of an area. The Local Program Director shall provide the owner or agent not less than 30 days to perform the compliance demonstration and shall provide written notice of the requirement.

d. Testing procedures. The equipment being tested shall be operated in a normal manner. For

ARTICLE VII PERFORMANCE TEST FOR STACK EMISSION TEST

compliance demonstrations, the equipment being tested shall be operated at a rate of at least 90% of either its maximum continuous output as rated by the manufacturer, or its permitted maximum operating rate. For testing other than compliance demonstrations, the equipment being tested shall be operated at a rate demonstrable by production records of the source, to be equal to or greater than the normal production rate of the source. The “normal” production rate of the source shall be defined as the total annual production volume divided by the number of hours the source or process has operated during the previous 12 months. Each test shall consist of at least three (3) separate test runs. Unless otherwise specified by the Local Program, compliance shall be assessed on the basis of the arithmetic mean of the emissions measured in the three (3) test runs.

(2) Performance test (stack test) and associated analytical methods used to evaluate compliance with emission limitations of this Chapter or a permit condition shall be as follows:

a. Performance test (stack test). A stack test shall be conducted according to EPA reference methods as specified in 40 CFR 51, Appendix M (as amended through August 30, 2016); 40 CFR 60, Appendix A (as amended through August 30, 2016); 40 CFR 61, Appendix B (as amended through August 30, 2016); and 40 CFR 63, Appendix A (as amended through August 30, 2016). The owner of the equipment or the owner’s authorized agent may use an alternative methodology if delegated to and approved by the Iowa DNR in writing prior to testing.

b. Continuous monitoring systems. Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, Appendix B (as amended through August 30, 2016); 40 CFR 60, Appendix F (as amended through August 30, 2016); 40 CFR 75, Appendix A (as amended through August 30, 2016); 40 CFR 75, Appendix B (as amended through August 30, 2016); and 40 CFR 75, Appendix F (as amended through August 30, 2016). The owner of the equipment or the owner’s authorized agent may use an alternative methodology for continuous monitoring systems if delegated to and approved by the Iowa DNR in writing prior to conducting the minimum performance specification and quality assurance procedures.

c. Permit and compliance demonstration requirements. All stack sampling and associated analytical methods used to evaluate compliance with emission limitations of Chapter V, or required in a permit issued by this Local Program, shall be conducted using the methodology referenced in 567 IAC Chapter 25.

(3) The performance test specified in section 5-6 (a) (3) of this chapter may be required on any incinerator, and shall be required on each new or modified incinerator.

(b) The following sets out requirements for continuous monitoring of certain specified sources of air contaminants:

(1) Continuous monitoring of opacity from coal-fired steam generating units. The owner or

ARTICLE VII PERFORMANCE TEST FOR STACK EMISSION TEST

operator of any coal-fired or coal-gas-fired steam generating unit with a rated capacity of greater than 250 million Btu's 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 section 5-18 (a) (2) of this chapter, and shall be operational by January 20, 1979.

The health 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.

- (2) 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 section 5-18 (a) (2) of this chapter and shall be operational on or before January 20, 1979.
- (3) Maintenance of records of continuous monitors. The owner or operator of any facility which is required by sections 5-18 (b) (1) and 5-18 (b) (2) of this chapter 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 must 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 the applicable standard), performance evaluations, calibrations and zero checks, and records of all malfunctions of monitoring equipment or source and repair procedures performed.
- (4) Reporting of continuous monitoring information. The owner or operator of any source affected by 5-18 (b) (1) and 5-18 (b) (2) of this chapter shall provide quarterly reports to the health officer, no later than 30 calendar days following the end of the calendar quarter. All periods of recorded emissions in excess of the applicable standard(s), the results of all calibrations and zero checks and 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 shall be included in the report.

ARTICLE VII PERFORMANCE TEST FOR STACK EMISSION TEST

- (5) Exemptions from continuous monitoring requirements. The owner or operator of any source affected by sections 5-18 (b) (1) and 5-18 (b) (2) of this chapter is exempt if it can be demonstrated that any of the conditions set forth in this subsection is met with the provision that periodic recertification of the existence of these conditions can be requested.
 - (i) An affected source is subject to a new source performance standard promulgated in 40 C.FR Part 60 as amended through September 28, 2007, as adopted in 567 IAC Chapter 25.
 - (ii) 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 of the projected use of the unit indicates the annual capacity factor will not be increased above 30 percent in the future.
 - (iii) An affected steam generator is scheduled to be retired from service on or before July 20, 1982.
 - (iv) The health 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 health officer that the malfunction was unavoidable and is being repaired as expeditiously as practical.
- (6) Extensions. The owner or operator of any source affected by sections 5-18 (b) (1) and 5-18 (b) (2) of this chapter may request an extension of time provided for installation of the required monitor by demonstrating to the health officer that good faith efforts have been made to obtain and install the monitor in the prescribed time.
- (7) Continuous emission monitoring under the acid rain program. The continuous emission monitoring requirements for affected units under the acid rain program as provided in 40 CFR 75 as adopted February 13, 2008, are adopted in 567 IAC 25.2 are adopted by reference and are incorporated herein as fully as though set forth in their entirety.

5-19. Test Facilities.

- (a) Within sixty days after being notified by the health officer, it shall be the responsibility of the person having control over the operation of any equipment to be tested under this chapter to provide at his expense, but subject to the approval of the health officer, the initial and annual performance or stack emission tests by an independent testing organization or by any other qualified person. The performance or stack emission test may be observed by the health officer or his designated representative. Performance test review fees may be established by resolution of the Polk County Board of Supervisors.

ARTICLE VII PERFORMANCE TEST FOR STACK EMISSION TEST

- (b) It shall be the responsibility of the person having control over the operation of any equipment to be tested under this chapter to provide at his expense reasonable and necessary openings in the system or stack and safe and easy access thereto in order to permit technically valid samples and measurements to be taken for the purposes of this chapter. All new potential sources of air contaminants erected after the effective date of this chapter shall at the time of construction be provided with adequate openings in the system or stack, and safe and easy access thereto in order to permit technically valid samples and measurements to be taken under this chapter and the plans therefore shall show such openings.

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

5-20. National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories.

The federal standards for emissions of hazardous air pollutants for source categories, 40 Code of Federal Regulations Part 63 as amended or corrected through September 14, 2016, as adopted in 567 IAC 23.1(4), are adopted by reference, except those provisions which cannot be delegated to the states. The corresponding 40 CFR Part 63 subpart designation is in parentheses. An earlier date for adoption by reference may be included with the subpart designation in parentheses. 40 CFR Part 63, Subpart B, incorporates the requirements of Clean Air Act Sections 112(g) and 112(j) and does not adopt standards for a specific affected facility. Test methods (Appendix A), sources defined for early reduction provisions (Appendix B), and determination of the fraction biodegraded (F_{bio}) in the biological treatment unit (Appendix C) of Part 63 also apply to the affected activities or facilities. For the purposes of this subrule, “hazardous air pollutant” has the same meaning found in 567—22.100(455B). For the purposes of this subrule, a “major source” means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless a lesser quantity is established, or in the case of radionuclides, where different criteria are employed. For the purposes of this subrule, an “area source” means any stationary source of hazardous air pollutants that is not a “major source” as defined in this chapter.

- (a) General provisions. General provisions apply to owners or operators of affected activities or facilities except when otherwise specified in a particular subpart or in a relevant standard. (Subpart A).
- (b) Requirements for control technology determinations for major sources in accordance with Clean Air Act Sections 112 (g) and 112 (j). The owner or operator of a new or existing major source of hazardous air pollutants which includes one or more stationary sources included in a source category or subcategory for which the U.S. Environmental Protection Agency has failed to promulgate an emission standard within 18 months of the deadline established under 112(d) must submit an application for a Title V permit or an application for a significant permit modification or for an administrative amendment, whichever is applicable. The application must be made in accordance with procedures established under Title V, by the section 112(j) deadline. In addition, the owner or operator of a new emission unit may submit an application for a Notice of MACT Approval before construction. (Subpart B).
- (c) Reserved.
- (d) Compliance extensions for early reductions of hazardous air pollutants. Compliance extensions for early reductions of hazardous air pollutants are available to certain owners or operators of an existing source who wish to obtain a compliance extension from a standard issued under Section 112(d) of the Act. (Subpart D).

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

- (e) Reserved
- (f) Emissions standards for organic hazardous air pollutants from the synthetic chemical manufacturing industry. These standards apply to chemical manufacturing process units that are part of a major source. These standards include applicability provisions, definitions and other general provisions that are applicable to Subparts F, G, and H of 40 CFR 63. (Subpart F).
- (g) Emission standards for organic hazardous air pollutants from the synthetic organic chemical manufacturing industry for process vents, storage vessels, transfer operations, and wastewater. These standards apply to all process vents, storage vessels, transfer racks, and wastewater streams within a source subject to Subpart F of 40 CFR 63. (Subpart G).
- (h) Emission standards for organic hazardous air pollutants for equipment leaks. These standards apply to emissions of designated organic hazardous air pollutants from specified processes that are located at a plant site that is a major source. Affected equipment includes: pumps, compressors, agitators, pressure relief devices, sampling connection systems, open ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, instrumentation systems and control devices or systems required by this subpart that are intended to operate in organic hazardous air pollutant service 300 hours or more during the calendar year within a source subject to the provisions of a specific subpart in 40 CFR Part 63. In organic hazardous air pollutant or in organic HAP service means that a piece of equipment either contains or contacts a fluid (liquid or gas) that is at least 5 percent by weight of total organic HAP's as determined according to the provisions of 40 CFR Part 63.161. The provisions of 40 CFR Part 63.161 also specify how to determine that a piece of equipment is not in organic HAP service. (Subpart H).
- (i) Emission standards for organic hazardous air pollutants for certain processes subject to negotiated regulation for equipment leaks. These standards apply to emissions of designated organic hazardous air pollutants from specified processes (defined in 40 CFR 63.190) that are located at a plant site that is a major source. Subject equipment includes pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, and instrumentation systems at certain source categories. These standards establish the applicability of Subpart H for sources that are not classified as synthetic organic chemical manufacturing industries. (Subpart I)
- (j) Emission standards for hazardous air pollutants for polyvinyl chloride and copolymers production. (Part 63, Subpart J) Rescinded.
- (k) Reserved.
- (l) Emission standards for coke oven batteries. These standards apply to existing coke oven

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

batteries, including by-product and nonrecovery coke oven batteries and to new coke oven batteries, or as defined in this subpart. (Subpart L).

- (m) Perchloroethylene air emission standards for dry cleaning facilities (40 CFR Part 63, Subpart M). These standards apply to the owner or operator of each dry cleaning facility that uses perchloro-ethylene (also known as perc). The specific standards applicable to dry cleaning facilities, including the compliance deadlines, are set out in the federal regulations contained in Subpart M. In general, dry cleaning facilities must meet the following requirements, which are set out in greater detail in Subpart M:
- (1) New and existing major source dry cleaning facilities are required to control emissions to the level of the maximum achievable control technology (MACT).
 - (2) New and existing area source dry cleaning facilities are required to control emissions to the level achieved by generally available control technologies (GACT) or management practices.
 - (3) New area sources that are located in residential buildings and that commence operation after July 13, 2006, are prohibited from using perc.
 - (4) New area sources located in residential buildings that commenced operation between December 21, 2005, and July 13, 2006, must eliminate all use of perc by July 27, 2009.
 - (5) Existing area sources located in residential buildings must eliminate all use of perc by December 21, 2020.
 - (6) New area sources that are not located in residential buildings are prohibited from operating transfer machines.
 - (7) Existing area sources that are not located in residential buildings are prohibited from operating transfer machines after July 27, 2008.
 - (8) All sources must comply with the requirements in Subpart M for emissions control, equipment specifications, leak detection and repair, work practice standards, record keeping and reporting. (Subpart M)
- (n) Emission standards for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks. These standards limit the discharge of chromium compound air emissions from existing and new hard chromium electroplating, and chromium anodizing tanks at major and area sources. (Subpart N).
- (o) Emission standards for hazardous air pollutants for ethylene oxide commercial sterilization and fumigation operations. New and existing major source ethylene oxide commercial sterilization and fumigation operations are required to control emissions to the level of the maximum achievable control technology (MACT). New and existing area source ethylene oxide commercial sterilization and fumigation operations are required to control emissions to the level achieved by generally available control technologies (GACT). Certain sources are exempt as described in 40 CFR 63.360. (Subpart O).
- (p) Emission standards for primary aluminum reduction plants. (Subpart LL) Rescinded.

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

- (q) Emission standards for hazardous air pollutants for industrial process cooling towers. These standards apply to all new and existing industrial process cooling towers that are operated with chromium-based water treatment chemicals on or after September 8, 1994, and are either major sources or are integral parts of facilities that are major sources. (Subpart Q).
- (r) Emission standards for hazardous air pollutants for gasoline distribution. (Stage 1). These standards apply to all existing and new bulk gasoline terminals and pipeline breakout stations that are major sources of hazardous air pollutants or are located at plant sites that are major sources. Bulk gasoline terminals and pipeline breakout stations located within a contiguous area or under common control with a refinery complying with 40 CFR Subpart CC are not subject to 40 CFR Subpart R standards. (Subpart R)
- (s) Emission standards for hazardous air pollutants for pulp and paper (noncombustion). These standards apply to pulping and bleaching process sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills. Affected sources include pulp mills and integrated mills (mills that manufacture pulp and paper/paperboard) that chemically pulp wood fiber (using kraft, sulfite, soda, or semichemical methods); pulp secondary fiber; pulp nonwood fiber; and mechanically pulp wood fiber. (Subpart S)
- (t) Emission standards for hazardous air pollutants: Halogenated solvent cleaning. These standards require batch solvent cleaning machines and in-line solvent cleaning machines to meet emission standards reflecting the application of maximum achievable control technology (MACT) for major and area sources; area source batch cold cleaning machines are required to achieve generally available control technology (GACT). The subpart regulates the emissions of the following halogenated hazardous air pollutant solvents: methylene chloride, perchloroethylene, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, and chloroform. (Subpart T).
- (u) Emission standards for hazardous air pollutants: Group I polymers and resins. Applicable to existing and new major sources that emit organic HAP during the manufacture or one or more elastomers including but not limited to procucers or butyl rubber, halobutyl rubber, epichlorohydrin elastomers, ethylene propylene rubber, Hypalon, neoprene, nitrile butadiene rubber, nitrile butadiene latex, polybutadiene rubber/styrene butadiene rubber by solution, polysulfide rubber, styrene butadiene rubber by emulsion, and styrene butadiene latex. MACT is required for major sources. (Subpart U).
- (v) Reserved.
- (w) Emission standards for hazardous air pollutants for epoxy resins production and nonnylon polyamides production. These standards apply to all existing, new and reconstructed manufacturers of basic liquid epoxy resins and manufacturers of wet strength resins that are located at a plant site that is a major source. (Subpart W).

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

- (x) National emission standards for hazardous air pollutants from secondary lead smelting. (Subpart X). Rescinded
- (y) Emission standards for marine tank vessel loading operations. This standard requires existing and new major sources to control emissions using maximum achievable control technology (MACT) to control hazardous air pollutants (HAP). (Subpart Y).
- (z) Reserved.
- (aa) Emission standards for hazardous air pollutants for phosphoric acid manufacturing. These standards apply to all new and existing major sources of phosphoric acid manufacturing. Affected processes include, but are not limited to, wet process phosphoric acid process lines, superphosphoric acid process lines, phosphate rock dryers, phosphate rock calciners, and purified phosphoric acid process lines. (Subpart AA)
- (bb) Emission standards for hazardous air pollutants for phosphate fertilizers production. These standards apply to all new and existing major sources of phosphate fertilizer production plants. Affected processes include, but are not limited to, diammonium and monoammonium phosphate process lines, granular triple superphosphate process lines, and granular triple superphosphate storage buildings. (Subpart BB)
- (cc) National emission standards for hazardous air pollutants from petroleum refineries. (Subpart CC). Rescinded.
- (dd) Emission standards for hazardous air pollutants for off-site waste and recovery operations. This rule applies to major sources or HAP emissions which receive certain wastes, used oil, and used solvents from off-site locations for storage, treatment, recovery, or disposal at the facility. Maximum achievable control technology (MACT) is required to reduce HAP emissions from tanks, surface impoundments, containers, oil-water separators, individual drain systems and other material conveyance systems, process vents, and equipment leaks. Regulated entities include but are not limited to businesses that operate any of the following: hazardous waste treatment, storage, and disposal facilities; Resource Conservation and Recovery Act (RCRA) exempt hazardous wastewater treatment facilities other than publicly owned treatment works; used solvent recovery plants; RCRA exempt hazardous waste recycling operations; used oil re-refineries. The regulations also apply to federal agency facilities that operate any of the waste management or recovery operations. (Subpart DD).
- (ee) Emission standards for hazardous air pollutants from magnetic tape manufacturing operations. These standards apply to major sources performing magnetic tape manufacturing operations. (Subpart EE).
- (ff) Reserved.

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

- (gg) National emission standards for hazardous air pollutants from: aerospace manufacturing and rework facilities. These standards apply to major sources involved in the manufacture, repair, or rework of aerospace components and assemblies, including but not limited to airplanes, helicopters, missiles, and rockets for civil, commercial, or military purposes. Hazardous air pollutants regulated under this standard include chromium, cadmium, methylene chloride, toluene, xylene, ethylene glycol, and glycol ethers. (Subpart GG).
- (hh) Emission standards for hazardous air pollutants for oil and natural gas production. These standards apply to all new and existing major sources of oil and natural gas production. Affected sources include, but are not limited to, processing of liquid or gaseous hydrocarbons, such as ethane, propane, butane, pentane, natural gas, and condensate extracted from field natural gas. (Subpart HH)
- (ii) Emission standards for hazardous air pollutants for shipbuilding and ship repair (surface coating) operations. (Subpart II). Rescinded.
- (jj) National emission standards for hazardous air pollutants from wood furniture manufacturing operations. These standards apply to each facility that is engaged, either in part or in whole, in the manufacture of wood furniture or wood furniture components and that is located at a plant site that is a major source. (Subpart JJ).
- (kk) Emission standards for hazardous air pollutants for the printing and publishing industry. Existing and new major sources are required to control hazardous air pollutants (HAP) using the maximum achievable control technology (MACT). Affected units are publication rotogravure, product and packaging rotogravure, and wide-web flexographic printing. (Subpart KK).
- (ll) Emission standards for hazardous air pollutants for primary aluminum reduction plants. (Subpart LL). Rescinded.
- (mm) Emission standards for hazardous air pollutants for chemical recovery combustion sources at Kraft, Soda, Sulfitic, and Stand-alone Semicemical pulp mills. (Subpart MM).
- (nn) Reserved
- (oo) Emission standards for tanks – level 1. These provisions apply when another paragraph under this rule references the use of this paragraph for such air emission control. These air emission standards are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions of paragraph 23.1(4)“a,” general provisions (Subpart A), do not apply to this paragraph except as specified in a referencing paragraph. (Part 63, Subpart OO)

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

- (pp) Emission standards for containers. These provisions apply when another paragraph under this rule references the use of this paragraph for such air emission control. These air emission standards are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions of paragraph 23.1(4)“a,” general provisions (Subpart A), do not apply to this paragraph except as specified in a referencing paragraph. (Part 63, Subpart PP)
- (qq) Emission standards for surface impoundments. These provisions apply when another paragraph under this rule references the use of this paragraph for such air emission control. These air emission standards are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions of paragraph 23.1(4)“a,” general provisions (Subpart A), do not apply to this paragraph except as specified in a referencing paragraph. (Part 63, Subpart QQ)
- (rr) Emission standards for individual drain systems. These provisions apply when another paragraph under this rule references the use of this paragraph for such air emission control. These air emission standards are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions of paragraph 23.1(4)“a,” general provisions (Subpart A), do not apply to this paragraph except as specified in a referencing paragraph. (Part 63, Subpart RR)
- (ss) Emission standards for closed vent systems, control devices, recovery devices and routing to a fuel gas system or a process. These provisions apply when another paragraph under this rule references the use of this paragraph for such air emission control. These air emission standards are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions of paragraph 5-20 (a) General provisions (Subpart A) do not apply to this paragraph except as specified in a referencing paragraph. (Subpart SS)
- (tt) Emission standards for equipment leaks-control level 1. These provisions apply to the control of air emissions from equipment leaks for which another paragraph under this rule references the use of this paragraph for such air emission control. These air emission standards for equipment leaks are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions of paragraph 5-20 (a) General provisions (Subpart A) do not apply to this paragraph except as specified in a referencing paragraph (Subpart TT).
- (uu) Emission standards for equipment leaks-control level 2 standards. These provisions apply to the control of air emissions from equipment leaks for which another paragraph under this rule references the use of this paragraph for such air emission control. These air emission standards for equipment leaks are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions of paragraph 5-20 (a) General provisions (Subpart A) do not

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

apply to this paragraph except as specified in a referencing paragraph (Subpart UU).

- (vv) Emission standards for oil–water separators and organic–water separators. These provisions apply when another paragraph under this rule references the use of this paragraph for such air emission control. These air emission standards are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions of paragraph 23.1(4)“a,” general provisions (Subpart A), do not apply to this paragraph except as specified in a referencing paragraph. (Part 63, Subpart VV)
- (ww) Emission standards for storage vessels (tanks)-control level 2. These provisions apply to the control of air emissions from storage vessels for which another paragraph under this rule references the use of this paragraph for such air emission control. These air emission standards for equipment leaks are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions of paragraph 5-20 (a) General provisions (Subpart A) do not apply to this paragraph except as specified in a referencing paragraph (Subpart WW).
- (xx) Emission standards for ethylene manufacturing process units: heat exchange systems and waste operations. This standard applies to hazardous air pollutants (HAPs) from heat exchange systems and waste streams at new and existing ethylene production units. (Part 63, Subpart XX)
- (yy) Emission standards for hazardous air pollutants: generic maximum achievable control technology (Generic MACT). These standards apply to new and existing major sources of acetal resins (AR) production, acrylic and modacrylic fiber (AMF) production, hydrogen fluoride (HF) production and polycarbonate (PC) production. Affected processes include, but are not limited to, producers of homopolymers and copolymers of alternating oxymethylene units, acrylic fiber, modacrylic fiber synthetics composed of acrylonitrile (AN) units, hydrogen fluoride and polycarbonate (Subpart YY).
- (zz) Reserved.
- (aaa) to (bbb) Reserved.
- (ccc) Emission standards for hazardous air pollutants for steel pickling-HCL process facilities and hydrochloric acid regeneration plants. (Subpart CCC). Rescinded.
- (ddd) Emission standards for hazardous air pollutants for mineral wool production. These standards apply to all new and existing major sources of mineral wool production. Affected processes include, but are not limited to, cupolas and curing ovens (Subpart DDD).
- (eee) Emission standards for hazardous air pollutants from hazardous waste combustors. These standards apply to all hazardous waste combustors: hazardous waste incinerators, hazardous

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

waste burning cement kilns, hazardous waste burning lightweight aggregate kilns, hazardous waste solid fuel boilers, hazardous waste liquid fuel boilers, and hazardous waste hydrochloric acid production furnaces, except as specified in Subpart EEE. Both area sources and major sources are subject to this subpart as of April 19, 1996, and are subject to the requirement to apply for and obtain a Title V permit. (Part 63, Subpart EEE)

- (fff) Reserved.
- (ggg) Emission standards for hazardous air pollutants for pharmaceutical manufacturing. These standards apply to producers of finished dosage forms of drugs, for example, tablets, capsules, and solutions, that contain an active ingredient generally, but not necessarily, in association with inactive ingredients. Pharmaceuticals include components whose intended primary use is to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the body of humans or other animals. The regulations do not apply to research and development facilities (Subpart GGG).
- (hhh) Emission standards for hazardous air pollutants for natural gas transmission and storage. These standards apply to all new and existing major sources of natural gas transmission and storage. Natural gas transmission and storage facilities are those that transport or store natural gas prior to its entering the pipeline to a local distribution company. Affected sources include, but are not limited to, mains, valves, meters, boosters, regulators, storage vessels, dehydrators, compressors and delivery systems (Subpart HHH).
- (iii) Emission standards for hazardous air pollutants for flexible polyurethane foam production. These standards apply to producers of slabstock, molded, and rebond flexible polyurethane foam. The regulations do not apply to processes dedicated exclusively to the fabrication (i.e., gluing or otherwise bonding foam pieces together) of flexible polyurethane foam or to research and development (Subpart III).
- (jjj) Emission standards for hazardous air pollutants: Group IV polymers and resins. Applicable to existing and new major sources that emit organic HAP during the manufacture of the following polymers and resins: acrylonitrile butadiene styrene resin (ABS), styrene acrylonitrile resin (SAN), methyl methacrylate acrylonitrile butadiene styrene resin (MABS), methyl methacrylate butadiene styrene resin (MBS), polystyrene resin, poly (ethylene terephthalate) resin (PET), and nitrile resin. MACT is required for major sources (Subpart JJJ).
- (kkk) Reserved.
- (III) Emission standards for hazardous air pollutants for Portland cement manufacturing operations. These standards apply to all new and existing major and area sources of Portland cement manufacturing unless exempted. Cement kiln dust (CKD) storage

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

facilities, including CKD piles and landfills are excluded from this standard. Affected processes include, but are not limited to, all cement kilns and in-line kiln/raw mills, unless they burn hazardous waste (Subpart LLL).

- (mmm) Emission standards for hazardous air pollutants for pesticide active ingredient production. These standards apply to all new and existing major sources of pesticide active ingredient production that manufacture organic pesticide active ingredients (PAI), including herbicides, insecticides, and fungicides. Affected processes include, but are not limited to, processing equipment, connected piping and ducts, associated storage vessels, pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves and connectors. Exempted sources include research and development facilities, storage vessels already subject to another 40 CFR Part 63 NESHAP, production or ethylene, storm water from segregated sewers, water from fire-fighting and deluge systems (including testing of such systems) and various spills (Subpart MMM).
- (nnn) Emission standards for hazardous air pollutants for wool fiberglass manufacturing. These standards apply to all new and existing major sources of wool fiberglass manufacturing. Affected processes include, but are not limited to, all glass-melting furnaces, rotary spin (RS) manufacturing lines that produce bonded building insulation, flame attenuation (FA) manufacturing lines producing bonded pipe insulation and new FA manufacturing lines producing bonded heavy-density products (Subpart NNN).
- (ooo) Emission standards for hazardous air pollutants for amino/phenolic resins production. These standards apply to new or existing facilities that own or operate an amino or phenolic resins production unit (Subpart OOO).
- (ppp) Emission standards for hazardous air pollutants for polyether polyols production. These standards apply to all new and existing major sources of polyether polyols. Polyether polyols are compounds formed through polymerization of ethylene oxide, propylene oxide or other cyclic ethers with compounds having one or more reactive hydrogens to form polyethers. Affected processes include, but are not limited to, storage vessels, process vents, heat exchange systems, equipment leaks and wastewater operations (Subpart PPP).
- (qqq) Emission standards for hazardous air pollutants for primary copper smelting (Subpart QQQ). Rescinded.
- (rrr) Emission standards for hazardous air pollutants for secondary aluminum production. Regulated entities include, but are not limited to, secondary smelting and alloying of aluminum facilities, secondary aluminum production facility affected sources that are collocated at: primary aluminum production facilities, aluminum sheet, plate, and foil manufacturing facilities, aluminum extruded product manufacturing facilities, other aluminum rolling and drawing facilities, aluminum die casting facilities, and aluminum foundry facilities (Subpart RRR).

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

- (sss) Reserved.
- (ttt) Emission standards for hazardous air pollutants for primary lead smelting. (Subpart TTT). Rescinded.
- (uuu) Emission standards for hazardous air pollutants for petroleum refineries: catalytic cracking units, catalytic reforming units, and sulfur recovery units. This standard applies to a new or existing petroleum refinery that is located at a major source of hazardous air pollutants (HAPs) emissions. (Part 63, Subpart UUU) Rescinded.
- (vvv) Emission standards for hazardous air pollutants for publicly owned treatment works (POTW) (Subpart VVV).
- (www) Reserved.
- (xxx) Emission standards for hazardous air pollutants for ferroalloys production: ferromanganese and silicomanganese. These standards apply to all new and existing major sources of ferroalloys production of ferromanganese and silicomanganese. Affected processes include, but are not limited to, submerged arc furnaces, metal oxygen refining (MOR) processes, crushing and screening operations, and fugitive dust sources (Subpart XXX) Rescinded.
- (yyy) to (zzz) Reserved.
- (aaaa) Emission standards for hazardous air pollutants: municipal solid waste landfills. This standard applies to existing and new municipal solid waste (MSW) landfills. (Part 63, Subpart AAAA)
- (bbbb) Reserved.
- (cccc) Emission standards for hazardous air pollutants for manufacturing of nutritional yeast (Subpart CCCC).
- (dddd) Emission standards for hazardous air pollutants for plywood and composite wood products (formerly plywood and particle board manufacturing). These standards apply to new and existing major sources with equipment used to manufacture plywood and composite wood products. This equipment includes dryers, refiners, blenders, formers, presses, board coolers, and other process units associated with the manufacturing process. This also includes coating operations, on-site storage and wastewater treatment. However, only certain process units (defined in the federal rule) are subject to control or work practice requirements. (Part 63, Subpart DDDD)

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

- (eeee) Emission standards for hazardous air pollutants for organic liquids distribution (non-gasoline). These standards apply to new and existing major source organic liquids distribution (non-gasoline) operations, which are carried out at storage terminals, refineries, crude oil pipeline stations, and various manufacturing facilities. (Part 63, Subpart EEEE)
- (ffff) Emission standards for hazardous air pollutants for miscellaneous organic chemical manufacturing (MON). These standards establish emission limits and work practice standards for new and existing major sources with miscellaneous organic chemical manufacturing process units, wastewater treatment and conveyance systems, transfer operations, and associated ancillary equipment. (Part 63, Subpart FFFF)
- (gggg) Emission standards for hazardous air pollutants for solvent extraction for vegetable oil production. Regulated entities include, but are not limited to cottonseed oil mills, soybean oil mills, other vegetable oil mills, excluding soybeans and cotton seed mills, prepared feeds and feed ingredients for animals and fowls, excluding dogs and cats, Flour and other grain mill product mills, and wet corn milling (Subpart GGGG).
- (hhhh) Emission standards for hazardous air pollutants for wet-formed fiberglass mat production. This standard applies to wet-formed fiberglass mat production plants that are major sources of hazardous air pollutants. These plants may be stand-alone facilities or located with asphalt roofing and processing facilities. (Part 63, Subpart HHHH)
- (iiii) Emission standards for hazardous air pollutants for surface coating of automobiles and light-duty trucks. These standards apply to new, reconstructed, or existing affected sources, as defined in the standard, that are located at a facility which applies topcoat to new automobile or new light-duty truck bodies or body parts for new automobiles or new light-duty trucks and that is a major source, is located at a major source, or is part of a major source of emissions of hazardous air pollutants. Additional applicability criteria and exemptions from these standards may apply. (Part 63, Subpart IIII)
- (jjjj) Emission standards for hazardous air pollutants for paper and other web coating. Regulated entities include, but are not limited to those facilities with web coating operations that coat substrate used in products including, but not limited to: corrugated and solid fiber boxes; folding paperboard boxes, including sanitary; flexible packaging (packing paper and plastics film, coated and laminated paper, not elsewhere classified (nec); plastics, foil, and coated paper bags; uncoated paper and multiwall; die-cut paper and board; converted paper and paperboard products, nec (gift wrap, paper wallpaper, cigarette paper); commercial printing, gravure; manifold business forms; plastic profile shapes; abrasive products; laminated aluminum (metal) foil and leaf, flexible packaging; photographic equipment and supplies; carbon paper and inked ribbons; linoleum asphalted-felt base, and other hard surface floor coverings (Subpart JJJJ).

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

- (kkkk) Emission standards for hazardous air pollutants for surface coating of metal cans. These standards apply to a metal can surface coating operation that uses at least 5,700 liters (1,500 gallons (gal)) of coatings per year and is a major source, is located at a major source, or is part of a major source of hazardous air pollutant emissions. Coating operations located at an area source are not subject to this rule. Additional applicability criteria and exemptions from these standards may apply. (Part 63, Subpart KKKK)
- (llll) Reserved.
- (mmmm) Emission standards for hazardous air pollutants for surface coating of miscellaneous metal parts and products. These standards apply to miscellaneous metal parts and products surface coating facilities that are a major source, are located at a major source, or are part of a major source of hazardous air pollutant emissions. A miscellaneous metal parts and products surface coating facility that is located at an area source is not subject to this standard. Certain sources are exempt as described in the standard. (Part 63, Subpart MMMM)
- (nnnn) Emission standards for hazardous air pollutants: surface coating of large appliances. This standard applies to a facility that applies coatings to large appliance parts or products, and is a major source, is located at a major source, or is part of a major source of emissions of hazardous air pollutants (HAPs). The large appliances source category includes facilities that apply coatings to large appliance parts or products. Large appliances include “white goods” such as ovens, refrigerators, freezers, dishwashers, laundry equipment, trash compactors, water heaters, comfort furnaces, electric heat pumps and most HVAC equipment intended for any application. (Part 63, Subpart NNNN)
- (oooo) Emission standards for hazardous air pollutants for printing, coating, and dyeing of fabrics and other textiles. These standards apply to new and existing facilities with fabric or other textile coating, printing, slashing, dyeing, or finishing operations, or group of such operations, that are a major source of hazardous air pollutants or are part of a facility that is a major source of hazardous air pollutants. Coating, printing, slashing, dyeing, or finishing operations located at an area source are not subject to this standard. Several exclusions from this source category are listed in the standard. (Part 63, Subpart OOOO)
- (pppp) Emission standards for surface coating of plastic parts and products. These standards apply to new and existing major sources with equipment used to coat plastic parts and products. The surface coating application process includes drying/curing operations, mixing or thinning operations, and cleaning operations. Coating materials include, but are not limited to, paints, stains, sealers, topcoats, basecoats, primers, inks, and adhesives. (Part 63, Subpart PPPP)
- (qqqq) Emission standards for hazardous air pollutants for surface coating of wood building products. These standards establish emission limitations, operating limits, and work practice requirements for wood building products surface coating facilities that use at least 1,100 gallons of coatings per year and are a major source, are located at a major source, or are part

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

of a major source of hazardous air pollutant emissions. Wood building products surface coating facilities located at an area source are not subject to this standard. Several exclusions from this source category are listed in the standard. (Part 63, Subpart QQQQ)

- (rrrr) Emission standards for hazardous air pollutants: surface coating of metal furniture. This standard applies to a metal furniture surface coating facility that is a major source, is located at a major source, or is part of a major source of HAP emissions. A metal furniture surface coating facility is one that applies coatings to metal furniture or components of metal furniture. Metal furniture means furniture or components that are constructed either entirely or partially from metal. (Part 63, Subpart RRRR)
- (ssss) Emission standards for hazardous air pollutants: surface coating of metal coil. This standard requires that all new and existing “major” air toxics sources in the metal coil coating industry meet specific emission limits. Metal coil coating is the process of applying a coating (usually protective or decorative) to one or both sides of a continuous strip of sheet metal. Industries using coated metal include: transportation, building products, appliances, can manufacturing, and packaging. Other products using coated metal coil include measuring tapes, ventilation systems for walls and roofs, lighting fixtures, office filing cabinets, cookware, and sign stock material. (Part 63, Subpart SSSS)
- (tttt) Emission standards for hazardous air pollutants for leather finishing operations This standard applies to a new or existing leather finishing operation that is a major source of hazardous air pollutants (HAPs) emissions or that is located at, or is part of, a major source of HAP emissions. In general, a leather finishing operation is a single process or group of processes used to adjust and improve the physical and aesthetic characteristics of the leather surface through multistage application of a coating comprised of dyes, pigments, film-forming materials, and performance modifiers dissolved or suspended in liquid carriers. (Subpart TTTT).
- (uuuu) Emission standards for hazardous air pollutants for cellulose products manufacturing. Regulated entities include, but are not limited to those facilities with operations that include Caroxymethylcellulose Production, Cellulose Ethers Production, Cellulose Food Casing Manufacturing, Cellophane Production, Methylcellulose Production, and Rayon Production (Subpart UUUU).
- (vvvv) Emission standards for hazardous air pollutants for boat manufacturing. Regulated entities include, but are not limited to those facilities that perform fiberglass production operations or aluminum coating operations; shipbuilding and repair facilities that perform fiberglass production operations; and federally owned facilities (e.g. Navy shipyards) that perform fiberglass production operations (Subpart VVVV).

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

- (www) Emission standards for hazardous air pollutants: reinforced plastic composites production. This standard applies to a new or an existing reinforced plastic composites production facility that is located at a major source of HAP emissions. (Part 63, Subpart WWWW)
- (xxxx) Emission standards for hazardous air pollutants: rubber tire manufacturing. This standard applies to a rubber tire manufacturing facility that is located at, or is a part of, a major source of hazardous air pollutant (HAP) emissions. Rubber tire manufacturing includes the production of rubber tires and/or the production of components integral to rubber tires, the production of tire cord, and the application of puncture sealant. (Part 63, Subpart XXXX)
- (yyyy) Emission standards for hazardous air pollutants for stationary combustion turbines. These standards apply to stationary combustion turbines which are located at a major source of hazardous air pollutant emissions. Several subcategories have been defined within the stationary combustion turbine source category. Each subcategory has distinct requirements as specified in the standards. These standards do not apply to stationary combustion turbines located at an area source of hazardous air pollutant emissions. (Part 63, Subpart YYYY)
- (zzzz) Emission standards for stationary reciprocating internal combustion engines. These standards apply to new and existing major sources with stationary reciprocating internal combustion engines (RICE). For purposes of these standards, stationary RICE means any reciprocating internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile. (Part 63, Subpart ZZZZ, as amended through January 30, 2013).
- (aaaaa) Emission standards for hazardous air pollutants for lime manufacturing plants. These standards regulate hazardous air pollutant emissions from new and existing lime manufacturing plants that are major sources, are colocated with major sources, or are part of major sources. Additional applicability criteria and exemptions from these standards may apply. (Part 63, Subpart AAAAA)
- (bbbbb) Emission standards for hazardous air pollutants: semiconductor manufacturing. These standards apply to new and existing major sources with semiconductor manufacturing. (Part 63, Subpart BBBB)
- (cccc) Emission standards for hazardous air pollutants for coke ovens: pushing, quenching, and battery stacks. This standard applies to a new or existing coke oven battery at a plant that is a major source of HAP emissions. (Part 63, Subpart CCCC)
- (dddd) Emission standards for industrial, commercial and institutional boilers and process heaters. These standards apply to new and existing major sources with industrial, commercial or institutional boilers and process heaters. (Part 63, Subpart DDDDD)* As of April 15, 2009, the adoption by reference of Part 63, Subpart DDDDD, is rescinded. On July

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

30, 2007, the United States Court of Appeals for the District of Columbia Circuit issued its mandate vacating 40 CFR Part 63, Subpart DDDDD, in its entirety, and requiring EPA to repromulgate final standards for industrial, commercial or institutional boilers and process heaters at new and existing major sources.

- (eeee) Emission standards for hazardous air pollutants for iron and steel foundries. These standards apply to each new or existing iron and steel foundry that is a major source of hazardous air pollutant emissions. A new affected source is an iron and steel foundry for which construction or reconstruction began after December 23, 2002. An existing affected source is an iron and steel foundry for which construction or reconstruction began on or before December 23, 2002. (Part 63, Subpart EEEEE)

- (ffff) Emission standards for hazardous air pollutants for integrated iron and steel manufacturing. These standards apply to affected sources at an integrated iron and steel manufacturing facility that is, or is part of, a major source of hazardous air pollutant emissions. The affected sources are each new or existing sinter plant, blast furnace, and basic oxygen process furnace (BOPF) shop at an integrated iron and steel manufacturing facility that is, or is part of, a major source of hazardous air pollutant emissions. (Part 63, Subpart FFFFF)

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

- (ggggg) Emission standards for hazardous air pollutants: site remediation. These standards apply to new and existing major sources with certain types of site remediation activity on the source's property or on a contiguous property. These standards control hazardous air pollutant (HAP) emissions at major sources where remediation technologies and practices are used at the site to clean up contaminated environmental media (e.g., soil, groundwater, or surface water) or certain stored or disposed materials that pose a reasonable potential threat to contaminate environmental media. Some site remediations already regulated by rules established under the Comprehensive Environmental Response and Compensation Liability Act (CERCLA) or the Resource Conservation and Recovery Act (RCRA) are not subject to these standards, as specified in Subpart GGGGG. There are also exemptions for short-term remediation and for certain leaking underground storage tanks, as specified in Subpart GGGGG. (Part 63, Subpart GGGGG)
- (hhhhh) Emission standards for hazardous air pollutants for miscellaneous coating manufacturing. These standards establish emission limits and work practice requirements for new and existing miscellaneous coating manufacturing operations, including, but not limited to, process vessels, storage tanks, wastewater, transfer operations, equipment leaks, and heat exchange systems. (Part 63, Subpart HHHHH)
- (iiii) Emission standards for mercury emissions from mercury cell chlor-alkali plants. These standards apply to the chlorine production source category. This source category contains the mercury cell chlor-alkali plant subcategory and includes all plants engaged in the manufacture of chlorine and caustic in mercury cells. These standards define two affected sources: mercury cell chlor-alkali production facilities and mercury recovery facilities. (Part 63, Subpart IIIII)
- (jjjj) Emission standards for hazardous air pollutants for brick and structural clay products manufacturing. These standards apply to new and existing brick and structural clay products manufacturing facilities that are, are located at, or are part of a major source of hazardous air pollutant emissions. The brick and structural clay products manufacturing source category includes those facilities that manufacture brick including, but not limited to, face brick, structural brick, and brick pavers; clay pipe; roof tile; extruded floor and wall tile; or other extruded, dimensional clay products. Additional applicability criteria and exemptions from these standards are contained in the applicable subpart. (Part 63, Subpart JJJJ) Rescinded.
- (kkkk) . Emission standards for hazardous air pollutants for clay ceramics manufacturing. These standards apply to clay ceramics manufacturing facilities that are, are located at, or are part of a major source of hazardous air pollutant emissions. The clay ceramics manufacturing source category includes those facilities that manufacture pressed floor tile, pressed wall tile, and other pressed tile; or sanitary ware, such as toilets and sinks. (Part 63, Subpart KKKKK) Rescinded.

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

- (lllll) Emission standards for hazardous air pollutants: asphalt processing and asphalt roofing manufacturing. This standard applies to an existing or new asphalt processing or asphalt roofing manufacturing facility that is a major source of hazardous air pollutants (HAPs) emissions, or is located at, or is part of a major source of HAP emissions. (Part 63, Subpart LLLLL)
- (mmmmm) Emission standards for hazardous air pollutants: flexible polyurethane foam fabrication operations. This standard applies to a new or existing source at a flexible polyurethane foam fabrication facility. The standard defines two affected sources (units or collections of units to which a given standard or limit applies) corresponding to the two subcategories, loop slitter adhesive use or flame lamination. (Part 63, Subpart MMMMM)
- (nnnnn) Emission standards for hazardous air pollutants: hydrochloric acid production. This standard applies to a new or existing HCl production facility that produces a liquid HCl product at a concentration of 30 weight percent or greater during its normal operations and is located at, or is part of, a major source of HAP. This does not include HCl production facilities that only occasionally produce liquid HCl product at a concentration of 30 weight percent or greater. (Part 63, Subpart NNNNN)
- (ooooo) Reserved.
- (ppppp) Emission standards for hazardous air pollutants: engine test cells/stands. This standard applies to an engine test cell/stand that is located at a major source of HAP emissions. An engine test cell/stand is any apparatus used for testing uninstalled stationary or uninstalled mobile engines. (Part 63, Subpart PPPPP)
- (qqqqq) Emission standards for hazardous air pollutants for friction materials manufacturing facilities. This standard applies to a new or existing friction materials manufacturing facility that is (or is part of) a major source of hazardous air pollutants (HAPs) emissions. Friction materials manufacturing facilities produce friction materials for use in brake and clutch assemblies. (Part 63, Subpart QQQQQ)
- (rrrrr) Emission standards for hazardous air pollutants: taconite iron ore processing. (Part 63, Subpart RRRRR) Rescinded.
- (sssss) Emission standards for hazardous air pollutants for refractory products manufacturing. This standard applies to a new or existing refractory products manufacturing facility that is, is located at, or is part of, a major source of hazardous air pollutant (HAP) emissions. (Part 63, Subpart SSSSS)

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

(ttttt) Emission standards for hazardous air pollutants: primary magnesium refining. (Part 63, Subpart TTTTT) Rescinded.

(uuuuu to vvvvv) Reserved.

(wwwww) Emission standards for hazardous air pollutants for hospital ethylene oxide sterilizer area sources. This standard applies to a hospital that is an area source for hazardous air pollutant emissions and that owns or operates a new or existing ethylene oxide sterilization facility. (Part 63, Subpart WWWWW)

(xxxxx). Reserved.

(yyyyy). Emission standards for hazardous air pollutants for electric arc furnace steelmaking area sources. This standard applies to new or existing electric arc furnace (EAF) steelmaking facilities that are area sources for hazardous air pollutant emissions. (Part 63, Subpart YYYYY)

(zzzzz). Emission standards for hazardous air pollutants for iron and steel foundry area sources. This standard applies to new or existing iron and steel foundries that are area sources for hazardous air pollutant emissions. (Part 63, Subpart ZZZZZ)

Subparts (aaaaa) – [Reserved]

(bbbbbb) National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities (Part 63, Subpart BBBBBB)

(ccccc) Emission standards for hazardous air pollutants for area sources: gasoline dispensing facilities. This standard applies to new and existing gasoline dispensing facilities (GDF) that are area sources for hazardous air pollutant emissions. The affected equipment includes each gasoline cargo tank during delivery of product to GDF and also includes each storage tank. The equipment used for refueling of motor vehicles is not covered under these standards. (Part 63, Subpart CCCCC)

(ddddd) to (ggggg) Reserved.

(hhhhh) National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources. (Part 63, Subpart HHHHH) This standard applies to new or existing area sources of hazardous air pollutant emissions that engage in any of the following activities: (1) paint stripping operations that use methylene chloride (MeCl)-containing paint stripping formulations; (2) spray application of coatings to motor vehicles or mobile equipment; or (3) spray application of coatings to plastic or metal substrate with coatings that contain compounds of chromium (Cr), lead (Pb), manganese (Mn), nickel (Ni) or cadmium (Cd).

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

(iiiiii) [Reserved]

(jjjjjj) Emission standards for hazardous air pollutants for area sources: industrial, commercial, and institutional boilers. This standard applies to new and existing industrial, commercial and institutional boilers that are area sources for hazardous air pollutant emissions. (Part 63, Subpart JJJJJJ)

(kkkkkk) - [Reserved]

(llllll) Emission standards for hazardous air pollutants for acrylic and modacrylic fibers production area sources. This standard applies to acrylic and modacrylic fibers production plants that are area sources for hazardous air pollutant emissions. (Part 63, Subpart LLLLLL)

(mmmmmm) Emission standards for hazardous air pollutants for carbon black production area sources. This standard applies to carbon black production plants that are area sources for hazardous air pollutants. (Part 63, Subpart MMMMMM)

(nnnnnn) Emission standards for hazardous air pollutants for chemical manufacturing of chromium compounds area sources. This standard applies to plants that produce chromium compounds and are area sources for hazardous air pollutants. (Part 63, Subpart NNNNNN)

(oooooo). Emission standards for hazardous air pollutants for flexible polyurethane foam production and fabrication area sources. This standard applies to plants that produce flexible polyurethane foam or rebond foam, and plants that fabricate polyurethane foam, that are area sources for hazardous air pollutants. This standard applies to both new and existing area sources. An affected source is existing if construction or reconstruction commenced on or before April 4, 2007. An affected source is new if construction or reconstruction commenced after April 4, 2007. (Part 63, Subpart OOOOOO)

(pppppp). Emission standards for hazardous air pollutants for lead acid battery manufacturing area sources. This standard applies to lead acid battery manufacturing plants that are area sources for hazardous air pollutants. Affected sources include all grid casting facilities, paste mixing facilities, three-process operation facilities, lead oxide manufacturing facilities, lead reclamation facilities, and any other lead-emitting operation that is associated with a lead acid battery manufacturing plant. This standard applies to both new and existing area sources. An affected source is existing if construction or reconstruction commenced on or before April 4, 2007. An affected source is new if construction or reconstruction commenced after April 4, 2007. (Part 63, Subpart PPPPPP)

(qqqqqq) Emission standards for hazardous air pollutants for wood preserving area sources. This standard applies to wood preserving operations that are area sources for hazardous air

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

pollutants. This standard applies to both new and existing area sources. An affected source is existing if construction or reconstruction commenced on or before April 4, 2007. An affected source is new if construction or reconstruction commenced after April 4, 2007. (Part 63, Subpart QQQQQQ)

(rrrrrr) Emission standards for hazardous air pollutants for clay ceramics manufacturing area sources. This standard applies to any new or existing clay ceramics manufacturing facility with an atomized glaze spray booth or kiln that fires glazed ceramic ware, that processes more than 50 tons per year of wet clay, and that is an area source for hazardous air pollutant emissions. (Part 63, Subpart RRRRRR)

(ssssss) Emission standards for hazardous air pollutants for glass manufacturing area sources. This standard applies to any new or existing glass manufacturing facility that is an area source for hazardous air pollutant emissions and meets the following criteria: (1) manufactures flat glass, glass containers or pressed and blown glass by melting a mixture of raw materials to produce molten glass and form the molten glass into sheets, containers or other shapes; and (2) uses one or more continuous furnaces to produce glass at a rate of at least 50 tons per year and that contains compounds of one or more "glass manufacturing metal HAP," as defined in 40 CFR 63.11459, as raw materials in a glass manufacturing batch formulation. (Part 63, Subpart SSSSSS)

(tttttt) Emissions standards for hazardous air pollutants for secondary nonferrous metals processing area sources. This standard applies to any new or existing secondary nonferrous metals processing facility that is an area source for hazardous air pollutant emissions. This standard applies to all crushing and screening operations at a secondary zinc processing facility and to all furnace melting operations located at any secondary nonferrous metals processing facility. (Part 63, Subpart TTTTTT)

(uuuuuu) Reserved.

(vvvvvv) Emission standards for hazardous air pollutants for area sources: chemical manufacturing. This standard applies to chemical manufacturing at new and existing facilities that are area sources for hazardous air pollutant emissions. (Part 63, Subpart VVVVVV)

(wwwwww) Emission standards for hazardous air pollutants for area sources: plating and polishing. This standard applies to plating and polishing activities at new and existing facilities that are area sources for hazardous air pollutant emissions. (Part 63, Subpart WWWWWW)

(xxxxxx) Emission standards for hazardous air pollutants for area sources: metal fabrication and finishing. This standard applies to new and existing facilities in which the primary activity or activities at the facility are metal fabrication and finishing and that are area sources for hazardous air pollutant emissions. (Part 63, Subpart XXXXXX)

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

(yyyyyy). Reserved.

(zzzzzz) Emission standards for hazardous air pollutants for area sources: aluminum, copper, and other nonferrous foundries. This standard applies to aluminum, copper, and other nonferrous foundries at new and existing facilities that are area sources for hazardous air pollutant emissions. (Part 63, Subpart ZZZZZZ)

(aaaaaaa) to (bbbbbbb). Reserved.

(ccccccc) Emission standards for hazardous air pollutants for area sources: paint and allied products manufacturing. This standard applies to paint and allied products manufacturing at new and existing facilities that are area sources for hazardous air pollutant emissions. (Part 63, Subpart CCCCCC)

(ddddddd) Emission standards for hazardous air pollutants for area sources: prepared feeds manufacturing. This standard applies to prepared feeds manufacturing that produces animal feed products (not including feed for cats or dogs) and uses chromium or manganese compounds at new and existing facilities that are area sources for hazardous air pollutant emissions. (Part 63, Subpart DDDDDDD).

SECTION 5-21 STANDARDS FOR MARIJUANA PRODUCTION AND MARIJUANA PROCESSING

- (A) Purpose. The production and processing of marijuana emits air contaminants. Section 5-21 establishes standards to minimize air contaminants from stationary sources that produce or process marijuana.
- (B) Applicability. This Section applies to all persons or entities having an active license for marijuana production operations and marijuana processing operations in Polk County, Iowa.
- (C) Agency Review. As outlined in sections 5-3 and 5-4, Polk County will conduct a case-by-case review of marijuana production and marijuana processing facilities to quantify emissions and conduct ambient air analysis to determine compliance with the National Ambient Air Quality Standards (NAAQS).
- (D) Definitions. Unless a different meaning is clearly required by context, words and phrases used in this Section will have the following meaning:
 - (1) Control of environmental conditions means modifying surroundings to facilitate plant growth, may include, but is not limited to; lighting, temperature, relative humidity, and carbon dioxide levels. For implementation of Section 5-21, watering plants and

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

short term covering of plants for a portion of each day as needed for frost protection are not considered control of environmental conditions.

- (2) Indoor marijuana production and indoor marijuana processing means production or processing occurring in a fully enclosed building that is permanently affixed to the ground, has permanent rigid walls, a roof that is permanent and non-retractable, and doors. The building is equipped to maintain control of environmental conditions. Hoop houses, temporary structures, or other similar structures are not considered indoor.
 - (3) Joint producers and processors means multiple marijuana production and processing operations on the same parcel.
 - (4) Marijuana means all parts of the cannabis plant.
 - (5) Marijuana concentrates means substances created by extracting oils from marijuana plant material.
 - (6) Other marijuana production means production that is not indoor or outdoor as defined in this Section. Examples of other marijuana production include production in hoop houses, temporary structures, or other similar structures.
 - (7) Outdoor marijuana production means production occurring on an expanse of open or cleared ground (no structure of any kind), during an outdoor growing season, without control of environmental conditions.
 - (8) Processor (process, processing) means a licensed operations that dry, cure, extract, compound, convert, package, and label usable marijuana, marijuana concentrates, and marijuana-infused products.
 - (9) Producer (production, producing) means a licensed operations that propagate, grow, harvest, and trim marijuana to be processed.
 - (10) Responsible person means any person who owns or controls property on which Section 5-21 is applicable.
- (E) Requirements. All persons or entities subject to the requirements of Section 5-21 must comply with the following:
- (1) Production must occur indoors or outdoors, as defined in 5-21(D).
 - (2) All processing must occur indoors as defined in Section 5-21(D).
 - (3) Indoor production and processing requirements:
 - (a) Control equipment and facility design:
 1. Operations must be equipped with air pollution control equipment that is properly sized for the air flow to be controlled. Air pollution control equipment may include, but is not limited to, carbon adsorption within the facility, carbon filtration on facility exhaust points, vertical exhaust stacks. Air pollution control equipment is not required for windows, doors, or other openings, provided these openings are kept closed except as needed for active ingress or egress; or
 2. Operations must be designed to prevent exhaust from production and processing operations directly to the outside; or

ARTICLE VIII. EMISSION STANDARDS FOR
AIR POLLUTANTS FOR SOURCE CATEGORIES

- 3. Both.
 - (b) Operations must meet Section 5-73.
 - (4) Outdoor production requirements:
 - (a) Operations must meet Section 5-73.
 - (5) Operation and maintenance plan. Air pollution control equipment must be operated and maintained in accordance with the manufacturer's recommendations. An operation and maintenance plan for the air pollution control equipment must be available on-site. The plan must include written operating instructions and maintenance schedules. The plan must also include written inspection and maintenance schedules for carbon bed/filter material replacement at regular intervals, according to manufacturer's instructions. Records shall be kept of the dates and description of all maintenance and repair performed on the air pollution control equipment. Records must be kept on-site for the previous 24 months and provided to the Local Program upon request.
 - (6) Notification of change in operations. Written notification must be submitted to the Local Program (30) days prior to operational changes. Operational changes include: new installation of air pollution control equipment, modification or replacement of existing air pollution control equipment, or change in facility design to control air contaminant emissions.
 - (7) Harvest schedule. Written notification from outdoor producers must be submitted no later than thirty (30) days prior to the start of harvest. The written notification must include harvest dates and locations.
- (F) Compliance with Other Laws and Regulations. Compliance with Section 5-21, does not constitute an exemption from compliance with other Sections of Chapter V, or other laws or regulations.
- (G) Joint Producers, Processors and Responsible Persons. If there is a violation of Section 5-21, a Notice of Violation may be issued to all joint producers and processors on the parcel, and all responsible persons.
- (H) Compliance Schedule. All persons or entities subject to the requirements of Section 5-21 must be in compliance with requirements as follows:
- (1) New producers and processors must be in full compliance with Section 5-21 requirements before production and/or processing begins.

5-22 Reserved.

ARTICLE IX. FUGITIVE DUST; SULFUR COMPOUNDS
DIVISION 1. FUGITIVE DUST

5-23. Fugitive Dust - Generally.

For the purpose of minimizing atmospheric pollution, the health officer shall have the authority to prohibit sources from allowing particulate emissions into the atmosphere without taking reasonable precautions as listed and defined in Article IX, Division 1. For guidance on the types of controls which may constitute reasonable precautions, see "Identification of Techniques for the Control of Industrial Fugitive Dust Emissions" as adopted by the Iowa Environmental Protection Commission on May 19, 1981. Such reasonable precautions shall include, but shall not be limited to:

- (1) Application of Dust Suppressant - Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
- (2) Application of Chemical Suppressant - Application of asphalt, water, or suitable chemicals on paved roads, dirt roads, material stockpiles, or other surfaces which can give rise to airborne dusts. Chemicals available that may be applied include, but are not limited to: calcium chloride, magnesium chloride, vegetable oils, polymers, enzyme slurry, cementitious binders and electrochemical stabilizers. The application of dust/chemical suppressant will not be required on days where the daily high temperature at the facility is below 35 degrees F and the application of the suppressant could create hazardous driving conditions. Under these circumstances, dust/chemical suppressant application shall be postponed and applied as soon after the scheduled application date as the conditions preventing the application are abated.
- (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. Adequate containment methods shall be employed during sandblasting or other similar operations;
- (4) Covering, at all times when in motion, open bodied trucks transporting materials likely to give rise to airborne dusts;
- (5) The paving of roadways and their maintenance in a clean condition;
- (6) The prompt removal of earth or other material from paved streets onto which earth or other material has been transported or deposited by trucking or earth moving equipment, by water erosion, or by other means.
- (7) Post speed limit of 25 miles per hour or less.
- (8) Sweeping of all haul roads or equivalent method employing some combination of sweeping, vacuuming, wheel washing if traveling between paved and unpaved roads.

ARTICLE IX. FUGITIVE DUST; SULFUR COMPOUNDS
DIVISION 1. FUGITIVE DUST

5-24. Fugitive Dust – Precautions to Minimize Air Pollution.

- (a) It shall be unlawful for any person handling, loading, unloading, reloading, storing, transferring, transporting, placing, depositing, throwing, discarding, or scattering any ashes, fly ash, cinders, slag or dust collected from any combination process, any dust, dirt, chaff, wastepaper, trash, rubbish, waste or refuse matter of any kind, or any other substance or material whatever, which is likely to be scattered by the wind, or is susceptible to being wind-borne, to do so without taking reasonable precautions or measures to prevent particulate matter from becoming airborne so as to minimize atmospheric pollution.
- (b) It shall be unlawful for any person to operate or maintain any building structure, or premises, open area, storage pile of materials, yard, vessel, or construction, alteration, building, demolition or wrecking or salvage operation, or any other enterprise, which has or involves any matter, material, or substance likely to be scattered by the wind or susceptible to being wind-borne, without taking reasonable precautions or measures to prevent particulate matter from becoming airborne so as to minimize atmospheric pollution.

5-25. Fugitive Dust Airborne Material Prohibited.

No person shall cause, allow, or permit any material in a manner described by sections 5-23 and 5-24; of this chapter to become airborne in such quantities and concentrations that it remains visible in the ambient air, or is deposited beyond the lot line of the property on which it originates.

5-26. Fugitive Dust -Exceptions.

Sections 5-23 to 5-25 of this chapter shall not apply to the following:

- (1) Dust generated by ordinary travel on unpaved Public roads within attainment and unclassified areas. Ordinary travel includes routine traffic and road maintenance activities such as scarifying, compacting, transporting road maintenance surfacing material, and scraping of the unpaved public road surface.
- (2) Agricultural operations including tilling, planting, cultivating, or harvesting within a field, the moving of livestock on foot, or the hauling of produce within the confines of a farm;
or
- (3) Driveways limited to residential use.

ARTICLE IX. FUGITIVE DUST; SULFUR COMPOUNDS
DIVISION 1. FUGITIVE DUST

5-27. Sulfur Dioxide and Sulfuric Acid Mist.

The provisions of this section shall apply to any installation from which sulfur compounds are emitted into the atmosphere except where a specific emission standard on sulfur compound emission has been established in another section of this chapter.

(1) Sulfur dioxide from solid fuel use:

(a) After January 1, 1975, no person shall cause, permit or allow the emission of sulfur dioxide into the atmosphere in an amount greater than five pounds, replicated maximum three hour average, per million Btu's of heat input from any solid fuel-burning installation for any combination of fuels burned with total heat input equal to or greater than 250 million Btu's per hour.

(b) No person shall cause, permit, or allow the emission of sulfur dioxide into the atmosphere in an amount greater than six pounds, replicated maximum three hour average, per million Btu's of heat input from any solid fuel-burning installation for any combination of fuels burned with total heat input less than 250 million Btu's per hour.

(2) Sulfur dioxide from liquid fuels.

(a) After January 1, 1975, no person shall cause, permit or allow the emission of sulfur dioxide into the atmosphere in an amount greater than 2.5 pounds of sulfur dioxide, replicated maximum three hour average, per million Btu's of heat input from any liquid-fuel burning installation burning residual oil as defined in Article I.

(b) No person shall cause, permit or allow the emission of sulfur dioxide into the atmosphere in an amount greater than 0.5 pounds of sulfur dioxide, replicated maximum three hour average, per million Btu's of heat input from any liquid-fuel burning installation burning distillate oil as defined in Article I.

(3) Sulfur dioxide from sulfuric acid manufacture. After January 1, 1975, no person shall cause, permit or allow the emission of sulfur dioxide from an existing sulfuric acid manufacturing plant in excess of 30 pounds of sulfur dioxide, maximum three hour average, per ton of product calculated as 100 percent sulfuric acid.

(4) Acid mist from sulfuric acid manufacture. After January 1, 1974, no person shall cause, permit or allow the emission of acid mist calculated as sulfuric acid from an existing sulfuric acid manufacturing plant in excess of 0.5 pounds, maximum three hour average, per ton of product calculated as 100 percent sulfuric acid.

(5) Other processes capable of emitting sulfur dioxide. After January 1, 1978, no person shall cause, permit or allow the emission of sulfur dioxide from any process, other than sulfuric acid manufacture, in excess of 500 parts per million, based on volume. This paragraph shall not apply to devices which have been installed for air pollution abatement purposes where it is demonstrated by the owner of the source that the ambient air quality standards are not being exceeded.

ARTICLE X. PERMITS
DIVISION 1. CONSTRUCTION PERMITS

5-28. Construction Permit Required- Air Quality Division (AQD).

Unless exempted in 5-33 or meeting the parameters established in paragraph "c" of 5-28, no person shall construct, install, reconstruct or alter any equipment or control equipment as defined in this Chapter, without first obtaining a construction permit. A permit shall be obtained prior to the initiation of construction, installation or alteration of any portion of the stationary source.

a. Existing sources. Sources built prior to September 23, 1970, are not subject to 5-33, unless they have been modified, reconstructed, or altered on or after September 23, 1970.

b. New or reconstructed sources of hazardous air pollutants. No person shall construct or reconstruct a major source of hazardous air pollutants, as defined in 40 CFR 63.2 and 40 CFR 63.41 as amended through April 22, 2004, unless a construction permit has been obtained which requires maximum achievable control technology for new sources. The permit shall be obtained prior to the initiation of construction or reconstruction of the source.

c. New, reconstructed, or modified sources may initiate construction prior to issuance of the construction permit if they meet the eligibility requirements stated in (1) below. The applicant must assume any liability for construction conducted on a source before the permit is issued. In no case will the applicant be allowed to connect the equipment to the exhaust stack or operate the equipment in any way that may emit any air contaminant prior to receiving a construction permit.

(1) Eligibility.

i. The applicant has submitted a construction permit application to the Local Program, as specified in 5-29;

ii. The applicant has notified the Health Officer of the applicant's intentions in writing five working days prior to initiating construction; and

iii. The source is not subject to 40 CFR Subsection 52.21 as amended through March 12, 1996, Article VI - 5-16(n), Article VI - 5-16(p), Article VIII - 5-20, or paragraph "b" of Article X - 5-28. Prevention of significant deterioration (PSD) provisions and prohibitions remain applicable until a proposed project legally obtains PSD synthetic minor status (i.e., obtains permitted limits which limit the source below the PSD thresholds).

(2) The applicant must cease construction if the Health Officer's evaluation demonstrates that the construction, reconstruction or modification of the source will interfere with the attainment or maintenance of the national ambient air quality standards or will result in a violation of a control strategy required by 40 CFR Part 51, Subpart G, as amended through August 12, 1996.

(3) The applicant will be required to make any modification to the source that may be imposed in the issued construction permit.

(4) The applicant must notify the Health Officer of the date that construction or reconstruction actually started. All notifications shall be submitted to the Health Officer in writing no later than 30 days after construction or reconstruction started. All notifications shall include the following information;

The date or dates required for which the notice is being submitted, facility name, facility address, facility AIRS number, construction permit number, the name or number of the emission unit or units covered in the notification, the emission point number or numbers covered in the notification, the name and signature of the company official and the date the notification was signed.

ARTICLE X. PERMITS
DIVISION 1. CONSTRUCTION PERMITS

5-29. Application for a Construction Permit (AQD).

Construction permit applications. Each application for a construction permit shall be submitted to the local program on a form provided by the local program. Such application shall be accompanied by detailed plans and specifications prepared by or under the direct supervision of an engineer in conformance with Iowa Code Chapter 542B. Applications, plans, specifications and information submitted shall include the following:

- (1) A description of the equipment or control equipment which is the subject of the application;
- (2) A plot plan, including the distance and height of nearby buildings, and including the location and elevation of any existing and proposed emission points;
- (3) The composition of the effluent stream, both before and after any control equipment, with estimates of emission rates, concentration, volume, and temperature;
- (4) The physical and chemical characteristics of the air contaminants;
- (5) The proposed dates and description of any tests to be made by the owner or operator of the completed installation to verify compliance with applicable emission limits or standards of performance;
- (6) The sampling holes, scaffolding, power sources for operation of appropriate sampling instruments, and pertinent allied facilities for making tests to ascertain compliance with this chapter; and
- (7) Any additional pertinent information as might be deemed necessary by the health officer to determine compliance with this chapter.

5-30. Processing of Applications for Construction Permits (AQD).

The health officer shall notify the applicant in writing of the completeness of the construction permit application as soon as practicable but in no event shall such notification be made later than 60 days after application is made. When this schedule would cause undue hardship to an applicant, a request for priority consideration and the justification therefore shall be submitted to the health officer.

A notice of intent to issue a construction permit for a synthetic minor modification at an existing major source shall be published by the Health Officer 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 from the Polk County Air Quality Division office. Publication of the notice shall be made at least thirty days prior to issuing a permit and shall include the Health Officer's evaluation of ambient air impacts. The public may

ARTICLE X. PERMITS
DIVISION 1. CONSTRUCTION PERMITS

submit written comments or request a public hearing. If the response indicates significant interest, a public hearing may be held after due notice.

5-31. Issuance of Construction Permits (AQD).

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 violation has been addressed by an order or permit condition, the health officer may consider issuance of a construction permit. A construction permit shall be issued when the health officer concludes:

- 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, 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 Iowa Administrative Code subrule 567-23.1(6)(b). For the purpose of this section, Iowa Administrative Code subrule 567-23.1(6), Calculation of emission limitations based upon stack height, is adopted by reference and is incorporated herein as fully as though set forth in its entirety.
- d. That the applicant has met all other applicable requirements. Said permit shall be in writing and shall be sent by mail to the applicant. A permit may be issued subject to reasonable conditions and safeguards which shall be specified in writing by the health officer. The Health Officer may limit a source's potential to emit, as defined at V-I, 5-2, in the source's construction permit for the purpose of establishing federally enforceable limits on the source's potential to emit. In addition, the construction permit shall contain the following information and qualifications:
 - (1) Each permit shall specify the date upon which it will become void if work on the installation for which it was issued has not been initiated;
 - (2) Each permit shall not be transferable from one piece of equipment to another;
 - (3) If changes are proposed in the plans and specifications after a construction permit has been issued, a supplemental permit incorporating such changes shall be obtained;
 - (4) Each permit shall require the health officer to be notified when the subject equipment is placed into operation.
 - (5) The owner shall submit written notification to the health officer at least thirty (30) day prior to transferring equipment to a new location. The notification shall include a revised plot plan, description of changes made in emission limits or stack parameters. Following a review of the notification, the health officer will make a determination of the requirement for a supplemental permit.

ARTICLE X. PERMITS
DIVISION 1. CONSTRUCTION PERMITS

5-32. Denial of Construction Permit (AQD).

In the event an application for a construction permit is denied, the applicant shall be so notified in writing stating the reasons therefore. Such a denial shall be without prejudice to the right of the applicant to file further application after revisions have been made to meet the objections of the health officer.

5-33. Exemptions from Construction Permit Requirements (AQD).

A permit shall not be required for the following equipment unless said permit is necessary to comply with the requirements of the state's Prevention of Significant Deterioration (PSD) of air quality regulations (IAC 567-22.4(455B), Article VI, 5-16(n) New Source Performance Standards (40 CFR Part 60 NSPS) (567 IAC 23.1(2)), Article VI, 5-16(p) Emission Standards for Hazardous Air Pollutants (40 CFR Part 61 NESHAP) (567 IAC 23.1(3)), Article VIII, 5-20 National Emission Standards for Hazardous Air Pollutants for Source Categories (40 CFR Part 63 NESHAP) (567 IAC 23.1(4)), or the state's Special Requirements for Nonattainment Areas (IAC 567-22.5(455B)).

The permitting exemptions in this section do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements.

- (1) Fuel-burning equipment for indirect heating and reheating furnaces or cooling units using natural or liquefied petroleum gas exclusively, with a capacity of less than 10 million Btu per hour input;
- (2) Fuel-burning equipment for indirect heating or cooling with a capacity less than one million Btu per hour input when burning No. 1 or No. 2 fuel oil exclusively;
- (3) Residential heaters, cook stoves, or fireplaces, which burn untreated wood, untreated seeds or pellets, or other untreated vegetative materials;
- (4) Mobile internal combustion engines and jet engines, marine engines, and locomotives;
- (5) Equipment used for cultivating land, harvesting crops, or raising livestock other than anaerobic lagoons. This exemption is not applicable if the equipment is used to remove substances from grain which were applied to the grain by another person. This exemption is also not applicable to equipment used by a person to manufacture commercial feed.
- (6) Incinerators and pyrolysis cleaning furnaces with a manufacturer's design capacity 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. Combustible material shall not contain lead.
- (7) The equipment in laboratories used exclusively for non-production chemical and physical

ARTICLE X. PERMITS
DIVISION 1. CONSTRUCTION PERMITS

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;

- (8) Cooling and ventilating equipment: Comfort air conditioning not designed or used to remove air contaminants generated by, or released from, specific units of equipment;
- (9) Asbestos demolition and renovation projects subject to 40 CFR 61.145 as amended through July 15, 1994 as amended in 567 IAC 22.1(2)"k";
- (10) Stacks or vents to prevent escape of sewer gases through plumbing traps. Systems which include any industrial waste are not exempt;
- (11) Storage tanks with a capacity of less than 19,812 gallons and an annual throughput of less than 200,000 gallons;
- (12) Fugitive dust controls unless a control efficiency can be assigned to the equipment or control equipment;
- (13) Equipment or control equipment which emits odors unless such equipment or control equipment also emits particulate matter, or any other regulated air contaminant;
- (14) Brazing, soldering or welding equipment or portable cutting torches used only for non-production activities;
- (15) A non-production surface coating process that uses only hand-held aerosol spray cans;
- (16) Portable equipment previously permitted by the Iowa Department of Natural Resources upon submission of a permit copy submitted by the applicant;
- (17) Retail gasoline and diesel fuel handling facilities with throughput below 10,000 gallons per month (Thirty-Day Rolling Average Usage Records). The facility must be able to demonstrate, within 24 hours upon request to this Local Program that their throughput is below the monthly (Thirty-Day Rolling Average Usage Records) 10,000 gallon limit. A permit will not be required if the alterations to the equipment will not change the emissions from that equipment. However, a review of the project plans by the APCD may be required to substantiate the permit exemption.
- (18) An internal combustion engine burning exclusively gasoline, natural gas or propane with a brake horsepower rating of less than 100 measured at the shaft. For the purpose of this exemption, the manufacturer's nameplate rating at full load shall be defined as the brake horsepower output at the shaft. Use of this exemption does not relieve an owner or operator from any obligation to comply with New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements.

ARTICLE X. PERMITS
DIVISION 1. CONSTRUCTION PERMITS

- (19) Manually operated equipment, as defined in Article I, 5-2, used for buffing, polishing, carving, cutting, drilling, routing, sanding, sawing, scarfing, surface grinding, or turning.
- (20) 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 wood products, where such equipment is used for non-production activities and exhausted inside a building
- (21) Cafeterias, kitchens, and other facilities used for preparing food or beverages primarily for consumption at the source;
- (22) Consumer use of office equipment and products, not including printers or businesses primarily involved in photographic reproduction;
- (23) Janitorial services and consumer use of janitorial products;
- (24) Internal combustion engines used for lawn care, landscaping, and grounds keeping purposes;
- (25) Consumer use laundry activities, not including commercial laundry services, dry-cleaning, and steam boilers;
- (26) Blacksmith forges;
- (27) Plant maintenance and upkeep activities and repair or maintenance activities (e.g., grounds keeping, general repairs, cleaning, painting, welding, plumbing, roof repair, installing insulation, and paving parking lots), provided that these activities are not conducted as part of a manufacturing process, are not related to the facility's primary business activity, and do not otherwise trigger a permit modification. Cleaning and painting activities qualify if they are not subject to control requirements for volatile organic compounds or hazardous air pollutants as defined in this Chapter;
- (28) Air compressors and vacuum pumps, including hand tools;
- (29) Batteries and battery charging stations, except at battery manufacturing or remanufacturing facilities;
- (30) Equipment used to store, mix, pump, handle or package soaps, detergents, surfactants, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, and aqueous salt or caustic solutions, provided that appropriate lids and covers are utilized and that no organic solvent has been mixed with such materials;

ARTICLE X. PERMITS
DIVISION 1. CONSTRUCTION PERMITS

- (31) Equipment used exclusively to slaughter animals, but not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;
- (32) Vents from continuous emissions monitors and other analyzers;
- (33) Natural gas pressure regulator vents, excluding at oil and gas production facilities;
- (34) Equipment used by surface coating operations that apply the coating by brush, roller, or dipping, except equipment that emits volatile organic compounds or hazardous air pollutants as defined in this Chapter;
- (35) Hydraulic and hydrostatic testing equipment;
- (36) Environmental chambers not using gases which are hazardous air pollutants as defined in this Chapter;
- (37) Shock chambers, humidity chambers, and solar simulators;
- (38) Process water filtration systems and demineralizers, demineralized water tanks, and demineralizer vents;
- (39) Boiler water treatment operations, not including cooling towers or lime silos;
- (40) Oxygen scavenging (deaeration) of water;
- (41) Fire suppression systems;
- (42) Emergency road flares;
- (43) Steam sterilizers, steam vents, safety relief valves, and steam leaks;
- (44) Application of hot melt adhesives from closed-pot systems using polyolefin compounds, polyamides, acrylics, ethylene vinyl acetate and urethane material when stored and applied at the manufacturer's recommended temperatures. Equipment used to apply hot melt adhesives shall have a safety device that automatically shuts down the equipment if the hot melt temperature exceeds the manufacturer's recommended application temperature;
- (45) Closed refrigeration systems, including storage tanks used in refrigeration systems, but excluding any combustion equipment associated with such systems;
- (46) Pretreatment application processes that use aqueous-based chemistries designed to prepare a substrate for an organic coating, provided that the chemical concentrate

ARTICLE X. PERMITS
DIVISION 1. CONSTRUCTION PERMITS

contains no more than 5 percent organic solvents by weight. This exemption includes pretreatment processes that use aqueous-based cleaners, cleaner-phosphatizers, and phosphate conversion coating chemistries;

- (47) Indoor vented powder coating operations with filters or powder recovery systems;
- (48) Electric curing ovens or curing ovens that run on natural gas or propane with a maximum heat input of less than 10 million Btu per hour and that are used for powder coating operations, provided that the total cured powder usage is less than 75 tons of powder per year at the facility. Records shall be maintained on site by the owner or operator for a period of at least two calendar years to demonstrate that cured powder usage is less than the exemption threshold;
- (49) Any production surface coating activity that uses only nonrefillable hand-held aerosol cans, where the total volatile organic compound emissions from all these activities at the facility do not exceed 5.0 tons per year;
- (50) Production welding.
(A) Welding using a consumable electrode, provided that the consumable electrode used falls within American Welding Society specification A5.18/A5.18M for Gas Metal Arc Welding (GMAW), A5.1 or A5.5 for Shielded Metal Arc Welding (SMAW), and A5.20 for Flux Core Arc Welding (FCAW), and provided that the quantity of all electrodes used at the stationary source of the acceptable specifications is below 12,500 pounds per year for GMAW and 1,600 pounds per year for SMAW or FCAW. Records that identify the type and annual amount of welding electrode used shall be maintained on site by the owner or operator for a period of at least two calendar years. For stationary sources where electrode usage exceeds these levels, the welding activity at the stationary source may be exempted if the amount of electrode used (Y) is less than:
Y = the greater of $84x - 1,200$ or 12,500 for GMAW, or
Y = the greater of $11x - 160$ or 1,600 for SMAW or FCAW
Where "x" is the minimum distance to the property line in feet and "Y" is the annual electrode usage in pounds per year.
If the stationary source has welding processes that fit into both of the specified exemptions, the most stringent limits must be applied.
- (B) Resistance welding, submerged arc welding, or arc welding that does not use a consumable electrode, provided that the base metals do not include stainless steel, alloys of lead, alloys of arsenic, or alloys of beryllium and provided that the base metals are uncoated, excluding manufacturing process lubricants;
- (51) Electric hand soldering, wave soldering, and electric solder paste reflow ovens shall be limited to 37,000 pounds or less per year of lead-containing solder. Records shall be maintained on

ARTICLE X. PERMITS
DIVISION 1. CONSTRUCTION PERMITS

site by the owner or operator for at least two calendar years to demonstrate that use of lead-containing solder is less than the exemption thresholds.

- (52) Pressurized piping and storage systems for natural gas, propane, liquefied petroleum gas (LPG), and refrigerants, where emissions could only result from an upset condition;
- (53) Emissions from the storage and mixing of paints and solvents associated with the painting operations, provided that the emissions from the storage and mixing are accounted for in an enforceable permit condition or are otherwise exempt;
- (54) Product labeling using laser and ink-jet printers with target distances less than or equal to six inches and an annual material throughput of less than 1,000 gallons per year as calculated on a facility wide basis.
- (55) Cold solvent cleaning machines that are not in-line cleaning machines, where the maximum vapor pressure of the solvents used shall not exceed 0.7 kPa (5 mmHg or 0.1 psi) at 20°C (68°F). The machine must be equipped with a tightly fitted cover or lid that shall be closed at all times except during parts entry and removal. This exemption cannot be used for cold solvent cleaning machines that use solvent containing methylene chloride (CAS # 75-09-2), perchloroethylene (CAS # 127-18-4), trichloroethylene (CAS # 79-01-6), 1,1,1-trichloroethane (CAS # 71-55-6), carbon tetrachloride (CAS # 56-23-5) or chloroform (CAS # 67-66-3), or any combination of these halogenated HAP solvents in a total concentration greater than 5 percent by weight.
- (56) Emissions from mobile over-the-road trucks, and mobile agricultural and construction internal combustion engines that are operated only for repair or maintenance purposes at equipment repair shops or equipment dealerships, and only when the repair shops or equipment dealerships are not major sources as defined in this Chapter.
- (57) Bathroom vent emissions, including toilet vent emissions.
- (58) 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.
- (59) 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.

ARTICLE X. PERMITS
DIVISION 1. CONSTRUCTION PERMITS

- (60) Fugitive dust emissions related to movement of passenger vehicles on unpaved road surfaces, provided that the emissions are not counted for applicability purposes and that any fugitive dust control plan or its equivalent is submitted as required by the Health Officer.
- (61) Equipment related to research and development activities at a stationary source, if the Health Officer or designee approves the exemption.
- (62) A non-road diesel fueled engine, as defined in 40 CFR 1068.30 as amended through April 30, 2010, with a brake horsepower rating of less than 1,100 at full load measured at the shaft, used to conduct periodic testing and maintenance on natural gas pipelines. For the purposes of this exemption, the manufacturer's nameplate rating shall be defined as the brake horsepower output at the shaft at full load.
- (1) To qualify for the exemption, the engine must:
- A. Be used for periodic testing and maintenance on natural gas pipelines outside the compressor station, which shall not exceed 330 hours in any 12-month consecutive period at a single location; or
- B. Be used for periodic testing and maintenance on natural gas pipelines within the compressor station, which shall not exceed 330 hours in any 12-month consecutive period.
1. The owner or operator shall maintain a monthly record of the number of hours the engine operated and a record of the rolling 12-month total of the number of hours the engine operated for each location outside the compressor station and within the compressor station. These records shall be maintained for two years. Records shall be made available to the department upon request.
2. This exemption shall not apply to the replacement or substitution of engines for backup power generation at a pipeline compressor station.

ARTICLE X. PERMITS
DIVISION 1. CONSTRUCTION PERMITS

5-34. Construction Permit Filing and Review Fees (AQD).

- (a) All fees prescribed for construction permit filing review shall be made payable to the County Treasurer or Air Quality Division of Polk County, Iowa and shall accompany each application for permit. All sums so received shall become part of the Air Quality Enterprise fund. A receipt shall be issued to the person making such payment, stating the amount and purpose for which the fee has been paid. A duplicate of the receipt shall be made part of the records of the Air Pollution Control Division (APCD).
- (b) Filing fee schedule. Filing fees shall be established by resolution of the Polk County Board of Supervisors.
- (c) Review Fee. Construction permit application review fees shall be established by resolution of the Polk County Board of Supervisors.
- (d) When impact on ambient air quality must be analyzed, the computer model approved by the United States Environmental Protection Agency's Region VII office shall be used.
- (e) Investigation Fees: Work without a Permit.
 - 1. Investigation Fees. Whenever any work for which a permit is required by this chapter has been commenced without obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by these rules.

ARTICLE X. PERMITS
DIVISION 2. OPERATING PERMITS

5-35. Annual Operating Permit Required (AQD).

- (a) Unless operating in compliance with a properly issued Title V Operating Permit, no person shall operate any equipment whether existing equipment or new equipment as defined in this chapter, without first securing an operating permit from the health officer. Such permit shall be in addition to any permits which may be required by the county department of building or any other permits required by this chapter.
- (b) Eligibility for conditional operating permits. Any person who owns or operates a major source otherwise required to obtain a Title V operating permit may instead obtain a conditional operating permit following successful demonstration of the following:
- (1) That the potential to emit of each pollutant subject to regulation shall be limited to less than 100 tons per 12-month rolling period;
 - (2) That the actual emissions of each pollutant subject to regulation, including fugitive emissions, has been and is predicted to be less than 100 tons per 12-month rolling period; and
 - (3) That the potential to emit of each regulated hazardous air pollutant shall be less than 10 tons per 12-month rolling period and the potential to emit of all regulated hazardous air pollutants shall be less than 25 tons per 12-month rolling period.
 - (4) That the actual emissions of each regulated hazardous air pollutant, including fugitives, has been and is predicted to be less than 10 tons per 12-month rolling period and the actual emissions of all regulated hazardous air pollutants has been and is predicted to be less than 25 tons per 12-month rolling period.
 - (5) As of July 1, 2011, the GHG emissions at a stationary source emitting or having the potential to emit less than 100,000 tpy CO₂ equivalent emissions (CO₂e). The term, “tpy CO₂ equivalent emissions (CO₂e),” shall represent an amount of GHGs emitted, and shall be computed by multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas’s associated global warming potential published at 40 CFR Part 98, Subpart A, Table A-1, “Global Warming Potentials,” (as amended through December 24, 2014), and summing the resultant value for each to compute a tpy CO₂e. For purposes of this section, prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material originating from plants, animals, or micro-organisms (including products, by-products, residues and waste from agriculture, forestry and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material).

ARTICLE X. PERMITS
DIVISION 2. OPERATING PERMITS

- (c) No source may operate after the time that it is required to submit a timely and complete application for an operating permit, except in compliance with a properly issued Title V operating permit or a properly issued conditional operating permit. However, if a source submits a timely and complete application for a conditional operating permit (or for renewal of a conditional operating permit), then the source's failure to have a permit is not a violation of this chapter until the Health Officer takes final action on the permit application, except as noted in this Article.

This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the health officer, any additional information identified as needed to process the application.

- (d) When portable equipment for which an operating permit has been issued is transferred from one location to another, the health officer shall be notified in writing at least 14 days prior to the transfer of the portable equipment to the new location. The owner or operator will be notified at least ten days prior to the scheduled relocation if said relocation will cause disapproval of the existing permit.

5-35.1 Annual Operating Permit Fees (AQD).

- (a) Payment of Fees: All fees prescribed for the issuance of operating permits shall be made payable to the County Treasurer or Air Quality Division and shall accompany each application for a permit. All sums so received shall become part of the Air Quality Enterprise fund.
- (b) Permit Fee Schedule: Fees for operating permits shall be established by resolution of the Polk County Board of Supervisors.
- (c) Each source in compliance with a current operating permit shall be exempt from Title V operating permit fees.

ARTICLE X. PERMITS
DIVISION 2. OPERATING PERMITS

5-36. Application for Annual Operating Permit (AQD).

Any person seeking to obtain an operating permit for the operation of any equipment shall submit an application for the permit to the health officer on a form provided by the health officer.

(1) Duty to apply. Any source which would qualify for a conditional operating permit must apply for either a conditional operating permit or a Title V operating permit. Any source determined not to be eligible for a conditional operating permit shall be subject to enforcement action for operation without a Title V operating permit. For each source applying for a conditional operating permit, the owner or operator or designated representative, where applicable, shall present or mail to the Polk County Air Pollution Control Division, a timely and complete permit application in accordance with this article.

(a) Timely application. Each owner or operator applying for a conditional operating permit shall submit an application:

- (1) By November 15, 1994, if the owner or operator is applying for a conditional operating permit for the first time;
- (2) At least 30 days but not more than 90 days prior to the date of expiration if the application is for renewal;
- (3) Within 30 days of becoming subject to this rule for a new source or a source which would otherwise become subject to the Title V permit requirement after the effective date.

(b) Complete application. To be deemed complete, an application must provide all information required.

(c) Duty to supplement or correct application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to the issuance of a permit. Applicants who have filed a complete application shall have 30 days following notification by the health officer to file any amendments to the application.

(d) Certification of truth, accuracy, and completeness. Any application form, report, or compliance certification submitted pursuant to these rules shall contain certification by a responsible official of truth, accuracy and completeness. This certification and any

ARTICLE X. PERMITS
DIVISION 2. OPERATING PERMITS

other certification required under these Articles shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

5-37. Processing of an Application for Annual Operating Permits (AQD).

- (a) The processing by the health officer of an application for an operating permit shall be accomplished as expeditiously as possible and if any error is made by the applicant in filling out the application form he shall be given the opportunity to amend or correct his application without prejudicing his right to obtain an operating permit.
- (b) To apply for a conditional operating permit, applicants shall complete the "Conditional Operating Permit Application Form" and supply all information required. The information submitted must be sufficient to evaluate the source, its application, predicted actual emissions from the source, and the potential to emit of the source; and to determine all applicable requirements. The applicant shall submit the information called for by the application form for all emissions units, including those having insignificant activities according to the provisions of 567-22.103 (455B) Iowa Administrative Code.
- (c) Unless the health officer requests additional information or otherwise notifies the applicant of incompleteness within 60 days of receipt of an application, the application shall be deemed complete. If, while processing an application that has been determined to be complete, the health officer determines that additional information is necessary to evaluate or take final action on that application, the health officer may request in writing such information and set a reasonable deadline for a response.
- (d) Public Notice and Public Participation.
 - (1)The health officer may provide public notice and an opportunity for public comment, including an opportunity for a hearing, before issuing or renewing a permit.
 - (2) Notice of the intended issuance or renewal of a permit shall be given by publication on a public website identified by the permitting authority and designed to give general public notice. The Local Program may use other means if necessary to ensure adequate notice to the affected public, as outlined in IAC 22.107(6)
 - (3)The public notice shall include: identification of the source; name and address of the permittee; the activity or activities involved in the permit action; the air pollutants or contaminants to be emitted; a statement that a public hearing may be requested, or the time and place of any public hearing which has been set; the name, address, and telephone number of a Local Program representative who may be contacted for further information; and the location of copies of the permit application and the

ARTICLE X. PERMITS
DIVISION 2. OPERATING PERMITS

proposed permit which are available for public inspection.

(4)At least 30 days shall be provided for public comments.

5-38. Performance Test – Annual Operating Permit (AQD).

- (a) Within 60 days after an application is made for an operating permit, the applicant shall at his sole expense provide a performance test of the equipment which test shall be used by the health officer to determine whether or not the equipment complies with the provisions of this chapter. The performance test shall be conducted as specified in article VII of this chapter. If the performance test reveals that the equipment does not meet the requirements of this chapter, an operating permit shall not be issued.
- (b) Upon application for a renewal of an operating permit the applicant shall not be required to provide another performance test unless the health officer has reason to believe that the equipment no longer complies with the provisions of this chapter.
- (c) Fuel-burning equipment for indirect heating and reheating furnaces using No. 1 or No. 2 grade fuel oil exclusively with a capacity less than 50 million Btu per hour input but greater than one million Btu per hour in- put shall be exempt from providing a performance test, but shall not be exempt from sections 5-35, 5-36, and 5-37 of this chapter.

5-39. Exemptions from Annual Operating Permit Requirement.

The permitting exemptions in this section do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements.

- (a) A permit shall not be required for the following equipment:
 - (1) Incinerators and pyrolysis cleaning furnaces with a manufacturer’s design capacity less than 25 pounds per hour. Incinerators installed within a single-family dwelling shall comply with section 5-16. 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. Combustible material shall not contain lead.
 - (2) The equipment in laboratories 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.
 - (3) Cooling and ventilating equipment: Comfort air conditioning not designed or used to remove air contaminants generated by, or released from specific units of equipment.
 - (4) Asbestos demolition and renovation projects subject to 40 CFR 61.145 as amended through July 15, 1994 as amended in 567 IAC 22.1(2)“k”.

ARTICLE X. PERMITS
DIVISION 2. OPERATING PERMITS

- (5) Stack or vents to prevent escape of sewer gases through plumbing traps. Systems which include any industrial waste are not exempt.
- (6) Gasoline storage tanks with a capacity of 5,000 gallons or less and an annual throughput less than 20,000 gallons, and coolant, diesel fuel, detergents, fuel oil, LPG, lubricating oils, and other nonhazardous air pollutant emitting storage tanks with a capacity of less than 19,812 gallons and an annual throughput less than 200,000 gallons.
- (7) Fugitive dust controls unless a control efficiency can be assigned to the equipment or control equipment.
- (8) Equipment or control equipment which emits odors unless such equipment or control equipment also emits particulate matter, or any other regulated air contaminant.
- (9) Brazing, soldering or welding equipment or portable cutting torches used only for non-production activities;
- (10) A non-production surface coating process that uses only hand-held aerosol spray cans;
- (11) Retail gasoline and diesel fuel handling facilities with throughput below 10,000 gallons per month (Thirty-Day Rolling Average Usage Records). The facility must be able to demonstrate, within 24 hours upon request to this Local Program that their throughput is below the monthly (Thirty-Day Rolling Average Usage Records) 10,000 gallon limit. A permit will not be required if the alterations to the equipment will not change the emissions from that equipment. However, a review of the project plans by the APCD may be required to substantiate the permit exemption.
- (12) Manually operated equipment, as defined in Article I, 5-2, used for buffing, polishing, carving, cutting, drilling, routing, sanding, sawing, scarfing, surface grinding, or turning;
- (13) 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 wood products, where such equipment is used for non-production activities and exhausted inside a building
- (14) Cafeterias, kitchens, and other facilities used for preparing food or beverages primarily for consumption at the source;
- (15) Consumer use of office equipment and products, not including printers or businesses primarily involved in photographic reproduction;
- (16) Janitorial services and consumer use of janitorial products;
- (17) Internal combustion engines used for lawn care, landscaping, and grounds keeping purposes;
- (18) Consumer use laundry activities, not including commercial laundry services, dry-cleaning, and steam boilers;
- (19) Blacksmith forges;
- (20) Plant maintenance and upkeep activities and repair or maintenance activities (e.g., grounds keeping, general repairs, cleaning, painting, welding, plumbing, roof repair, installing insulation, and paving parking lots), provided that these activities are not conducted as part of a manufacturing process, are not related to the facility's primary business activity, and do not otherwise trigger a permit modification. Cleaning and

ARTICLE X. PERMITS
DIVISION 2. OPERATING PERMITS

painting activities qualify if they are not subject to control requirements for volatile organic compounds or hazardous air pollutants as defined in this Chapter;

- (21) Air compressors and vacuum pumps, including hand tools;
- (22) Batteries and battery charging stations, except at battery manufacturing or remanufacturing facilities;
- (23) Equipment used to store, mix, pump, handle or package soaps, detergents, surfactants, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, and aqueous salt or caustic solutions, provided that appropriate lids and covers are utilized and that no organic solvent has been mixed with such materials;
- (24) Equipment used exclusively to slaughter animals, but not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;
- (25) Vents from continuous emissions monitors and other analyzers;
- (26) Natural gas pressure regulator vents, excluding at oil and gas production facilities;
- (27) Equipment used by surface coating operations that apply the coating by brush, roller, or dipping, except equipment that emits volatile organic compounds or hazardous air pollutants as defined in this Chapter;
- (28) Hydraulic and hydrostatic testing equipment;
- (29) Environmental chambers not using gases which are hazardous air pollutants as defined in this Chapter;
- (30) Shock chambers, humidity chambers, and solar simulators;
- (31) Process water filtration systems and demineralizers, demineralized water tanks, and demineralizer vents;
- (32) Boiler water treatment operations, not including cooling towers or lime silos;
- (33) Oxygen scavenging (deaeration) of water;
- (34) Fire suppression systems;

ARTICLE X. PERMITS
DIVISION 2. OPERATING PERMITS

- (35) Emergency road flares;
- (36) Steam sterilizers, steam vents, safety relief valves, and steam leaks;
- (37) Application of hot melt adhesives from closed-pot systems using polyolefin compounds, polyamides, acrylics, ethylene vinyl acetate and urethane material when stored and applied at the manufacturer's recommended temperatures. Equipment used to apply hot melt adhesives shall have a safety device that automatically shuts down the equipment if the hot melt temperature exceeds the manufacturer's recommended application temperature;
- (38) Closed refrigeration systems, including storage tanks used in refrigeration systems, but excluding any combustion equipment associated with such systems;
- (39) Pretreatment application processes that use aqueous-based chemistries designed to prepare a substrate for an organic coating, provided that the chemical concentrate contains no more than 5 percent organic solvents by weight. This exemption includes pretreatment processes that use aqueous-based cleaners, cleaner-phosphatizers, and phosphate conversion coating chemistries;
- (40) Indoor vented powder coating operations with filters or powder recovery systems;
- (41) Electric curing ovens or curing ovens that run on natural gas or propane with a maximum heat input of less than 10 million Btu per hour and that are used for powder coating operations, provided that the total cured powder usage is less than 75 tons of powder per year at the facility. Records shall be maintained on site by the owner or operator for a period of at least two calendar years to demonstrate that cured powder usage is less than the exemption threshold;
- (42) Any production surface coating activity that uses only nonrefillable hand-held aerosol cans, where the total volatile organic compound emissions from all these activities at the facility do not exceed 5.0 tons per year;
- (43) Production welding.
 - (A) Welding using a consumable electrode, provided that the consumable electrode used falls within American Welding Society specification A5.18/A5.18M for Gas Metal Arc Welding (GMAW), A5.1 or A5.5 for Shielded Metal Arc Welding (SMAW), and A5.20 for Flux Core Arc Welding (FCAW), and provided that the quantity of all electrodes used at the stationary source of the acceptable specifications is below 12,500 pounds per year for GMAW and 1,600 pounds per year for SMAW or FCAW. Records that identify the type and annual amount of welding electrode used shall be maintained on site by the owner or operator for a period of at least two

ARTICLE X. PERMITS
DIVISION 2. OPERATING PERMITS

calendar years. For stationary sources where electrode usage exceeds these levels, the welding activity at the stationary source may be exempted if the amount of electrode used (Y) is less than:

Y = the greater of $84x - 1,200$ or 12,500 for GMAW, or

Y = the greater of $11x - 160$ or 1,600 for SMAW or FCAW

Where "x" is the minimum distance to the property line in feet and "Y" is the annual electrode usage in pounds per year.

If the stationary source has welding processes that fit into both of the specified exemptions, the most stringent limits must be applied.

(B) Resistance welding, submerged arc welding, or arc welding that does not use a consumable electrode, provided that the base metals do not include stainless steel, alloys of lead, alloys of arsenic, or alloys of beryllium and provided that the base metals are uncoated, excluding manufacturing process lubricants;

(44) Electric hand soldering, wave soldering, and electric solder paste reflow ovens shall be limited to 37,000 pounds or less per year of lead-containing solder. Records shall be maintained on site by the owner or operator for at least two calendar years to demonstrate that use of lead-containing solder is less than the exemption thresholds.

(45) Pressurized piping and storage systems for natural gas, propane, liquefied petroleum gas (LPG), and refrigerants, where emissions could only result from an upset condition;

(46) Emissions from the storage and mixing of paints and solvents associated with the painting operations, provided that the emissions from the storage and mixing are accounted for in an enforceable permit condition or are otherwise exempt;

(47) Product labeling using laser and ink-jet printers with target distances less than or equal to six inches and an annual material throughput of less than 1,000 gallons per year as calculated on a facility wide basis.

(48) Cold solvent cleaning machines that are not in-line cleaning machines, where the maximum vapor pressure of the solvents used shall not exceed 0.7 kPa (5 mmHg or 0.1 psi) at 20°C (68°F). The machine must be equipped with a tightly fitted cover or lid that shall be closed at all times except during parts entry and removal. This exemption cannot be used for cold solvent cleaning machines that use solvent containing methylene chloride (CAS # 75-09-2), perchloroethylene (CAS # 127-18-4), trichloroethylene (CAS # 79-01-6), 1,1,1-trichloroethane (CAS # 71-55-6), carbon tetrachloride (CAS # 56-23-5) or chloroform (CAS # 67-66-3), or any combination of these halogenated HAP solvents in a total concentration greater than 5 percent by weight.

ARTICLE X. PERMITS
DIVISION 2. OPERATING PERMITS

- (49) Emissions from mobile over-the-road trucks, and mobile agricultural and construction internal combustion engines that are operated only for repair or maintenance purposes at equipment repair shops or equipment dealerships, and only when the repair shops or equipment dealerships are not major sources as defined in this Chapter.
- (50) Bathroom vent emissions, including toilet vent emissions
- (51) Equipment used for cultivating land, harvesting crops, or raising livestock other than anaerobic lagoons. This exemption is not applicable if the equipment is used to remove substances from grain which were applied to the grain by another person. This exemption is also not applicable to equipment used by a person to manufacture commercial feed.
- (52)_ An internal combustion engine burning exclusively gasoline, natural gas or propane with a brake horsepower rating of less than 100 measured at the shaft. For the purpose of this exemption, the manufacturer's nameplate rating at full load shall be defined as the brake horsepower output at the shaft. Use of this exemption does not relieve an owner or operator from any obligation to comply with New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements.
- (53) 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.
- (54) 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.
- (55) Fugitive dust emissions related to movement of passenger vehicles on unpaved road surfaces, provided that the emissions are not counted for applicability purposes and that any fugitive dust control plan or its equivalent is submitted as required by the Health Officer.
- (56) Equipment related to research and development activities at a stationary source, if the Health Officer or designee approves the exemption.
- (57) A non-road diesel fueled engine, as defined in 40 CFR 1068.30 as amended through April 30, 2010, with a brake horsepower rating of less than 1,100 at full load measured at the shaft, used to conduct periodic testing and maintenance on natural gas

ARTICLE X. PERMITS
DIVISION 2. OPERATING PERMITS

pipelines. For the purposes of this exemption, the manufacturer's nameplate rating shall be defined as the brake horsepower output at the shaft at full load.

(1) To qualify for the exemption, the engine must:

C. Be used for periodic testing and maintenance on natural gas pipelines outside the compressor station, which shall not exceed 330 hours in any 12-month consecutive period at a single location; or

D. Be used for periodic testing and maintenance on natural gas pipelines within the compressor station, which shall not exceed 330 hours in any 12-month consecutive period.

3. The owner or operator shall maintain a monthly record of the number of hours the engine operated and a record of the rolling 12-month total of the number of hours the engine operated for each location outside the compressor station and within the compressor station. These records shall be maintained for two years. Records shall be made available to the department upon request.

4. This exemption shall not apply to the replacement or substitution of engines for backup power generation at a pipeline compressor station.

- (58) Fuel-burning equipment for indirect heating or cooling with a capacity less than one million Btu per hour input when burning No. 1 or No. 2 fuel oil exclusively;

ARTICLE X. PERMITS
DIVISION 2. OPERATING PERMITS

5-39. Exemptions from Annual Operating Permit Requirement (continued).

- (b) A permit shall not be required for the following equipment unless said permit is necessary to comply with the requirements of the state's Prevention of Significant Deterioration (PSD) of air quality regulations (IAC 567-22.4(455B), Article VI, 5-16(n) New Source Performance Standards (40 CFR Part 60 NSPS), Article VI, 5-16(p) Emission Standards for Hazardous Air Pollutants (40 CFR Part 61 NESHAP), Article VIII, 5-20 National Emission Standards for Hazardous Air Pollutants for Source Categories (40 CFR Part 63 NESHAP), or the state's Special requirements for Nonattainment Areas (IAC 567-22.5(455B).
- (1) Fuel-burning equipment for indirect heating and reheating furnaces or cooling units using natural or liquefied petroleum gas exclusively, with a capacity of less than 10 million Btu per hour input;
 - (2) Residential heaters, cook stoves, or fireplaces, which burn untreated wood, untreated, seeds or pellets, or other untreated vegetative materials;
 - (3) Mobile internal combustion engines and jet engines, marine engines, and locomotives.
 - (4) Portable equipment used on farms or ranches for agricultural purposes.
 - (5) Equipment for which a compliance schedule has been negotiated pursuant to Article XI of this Chapter.
 - (6) An internal combustion engine burning exclusively natural gas with a brake horsepower rating of less than 100 measured at the shaft. For the purpose of this exemption, the manufacturer's nameplate rating at full load shall be defined as the brake horsepower output at the shaft.

5-40. Issuance of Annual Operating Permit (AQD).

An operating permit shall be issued by the health officer when the health officer determines that the equipment complies with the requirements of this chapter. Said permit shall be in writing and shall be sent by mail to the applicant. The operating permit shall expire December 31st of each year and must be renewed annually. Operating permit applications will be provided by the health officer. The completed application shall be returned to the health officer within thirty (30) days of the date of the applicant's receipt of the application form. A permit may be issued subject to reasonable conditions and safeguards which shall be specified in writing by the health officer. Construction permit conditions issued during the permit term are automatically incorporated as operating permit conditions.

5-41. Denial of Annual Operating Permit (AQD).

- (a) In the event an application for an operating permit is denied, the applicant shall be so notified in writing stating the reasons therefor. Such a denial shall be without prejudice to the right of the applicant to file further application or provide an additional performance test.
- (b) A operating permit application may be denied if:

ARTICLE X. PERMITS
DIVISION 2. OPERATING PERMITS

- (1) The health officer finds that a source is not in compliance with any applicable requirement; or
 - (2) An applicant knowingly submits false information in a permit application.
- (c) Once action has occurred denying a voluntary operating permit, the source shall apply for a Title V operating permit. Any source determined not to be eligible for a conditional operating permit may be subject to enforcement action for operating without a Title V operating permit.

5-42. Annual Operating Permit not to Excuse Violation.

The issuance of an operating permit shall not be construed to mean that the applicant and the subject equipment need not meet the requirements of this chapter in the future nor shall it be taken to excuse noncompliance with the provisions of this chapter. Further, such a permit shall not constitute a defense to any action brought to enforce the provisions of this chapter.

5-43. Inspection-Annual Operating Permit.

It shall be the duty of the health officer or designee to inspect all equipment for which an operating permit has been issued to determine if the equipment still complies with the provisions of this chapter.

5-44. Suspension of Annual Operating Permit (AQD).

Whenever a notice of violation is issued as provided in section 5-74 of this chapter, the health officer may give further notice in writing that unless the provisions of the notice of violation are complied with within a reasonable time, the permit will be suspended. At the end of the period of time stated in the notice of violation, the health officer shall reinspect the equipment and if he finds that the provisions of the notice have not been complied with and the violations corrected, he shall give five days notice in writing by certified mail, return receipt requested, to the owner or operator of the equipment, that the permit is suspended. The owner or operator of the equipment shall cease operating the equipment on the date set forth in the notice.

5-45. Termination of Suspension.

A suspension will be terminated by the health officer upon completion of the following:

- (1) Notification of the health officer by the owner or operator of the equipment that the provisions of the notice of violation have been met;
- (2) That upon reinspection the findings of the health officer demonstrate that full compliance with the notice of violation has been met, in addition to continued compliance with all provisions of this chapter;
- (3) When the requirements of (1) and (2) have been met, the health officer shall reinstate the permit.

ARTICLE X. PERMITS
DIVISION 2. OPERATING PERMITS

5-46. Additional Analysis.

Whenever the health officer finds that an analysis of the emissions from any source, in addition to those tests provided in article VII of this chapter, is necessary to determine the extent and amount of pollutants being discharged into atmosphere which cannot be determined by visual observation, he may order the collection of samples and the analysis made by qualified personnel of the APCD, or by another recognized laboratory, without additional expense to the owner or operator of the source equipment.

5-47. Submission of Information.

To effectuate the purpose of this chapter, the health officer may require information about points of emission of air contaminants, whether by duct, stack, flue, equipment, or by any other means when such information is necessary for the conduct of the work of the health officer. A period of 30 days shall be allowed for the submission of such information. However, in cases of emergency, the health officer may designate any lesser time which he believes to be justified.

5-48. Circumvention of Chapter Prohibited.

No person shall build, erect, install, or use any article, machine, equipment or other contrivance which, without resulting in a reduction in the total amount of air contaminants released to the atmosphere, conceals an emission which would otherwise constitute violation of this chapter.

5-49 Temporary Electricity Generation for Disaster Situations.

An electric utility may operate generators at an electric utility substation with a total combined capacity not to exceed 2 megawatts in capacity for a period of not longer than 10 calendar days and only for the purpose of providing electricity generation in the event of a sudden and unforeseen disaster that has disabled standard transmission of electricity to the public. Local Program approval shall be required if the electric utility intends to operate generators for a period longer than 10 calendar days. The electric utility shall provide an oral report to the Local Program and shall specify the anticipated duration within eight hours of commencing use of a generator or at the start of the first working day following the placement of a generator at each site. A written report shall be submitted to the Local Program within 30 calendar days following the cessation of use of the generators. The written report shall state the nature of the sudden and unforeseen disaster, the location of each site, the number of generators used, the capacity of the generators used, the fuel type of the generators, and the duration of use of each generator. For purposes of this rule, the definition of "disaster" shall be as defined in this chapter, and a disaster may occur before, with, or without a gubernatorial or federal disaster proclamation.

ARTICLE X. PERMITS
DIVISION 2. OPERATING PERMITS

5-50 EVIDENCE USED IN ESTABLISHING THAT A VIOLATION HAS OR IS OCCURRING.

Notwithstanding any other provisions of these rules, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any provisions herein. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at a source:

- (a) A monitoring method approved for the source and incorporated in an operating permit;
- (b) Compliance test methods.
- (c) Testing or monitoring methods approved for the source in an issued construction permit.

The following testing, monitoring or information-gathering methods are presumptively credible testing, monitoring, or information-gathering methods:

- (a) Any monitoring or testing methods provided in these rules; or
- (b) Other testing, monitoring, or information-gathering methods that produce information comparable to that produced by any above.

ARTICLE X. PERMITS
DIVISION 3

5-51 through 5-55 Reserved.

ARTICLE XI. COMPLIANCE SCHEDULES

5-56. Compliance Schedules Required.

- (a) When the health officer determines that the emissions from existing equipment do not meet the requirements of this chapter and that legal action as provided for in this chapter would be inappropriate, he shall request that the owner or operator of the existing equipment submit a compliance schedule. The purpose of the compliance schedule is to allow a reasonable period of time in which the owner or operator of the existing equipment can implement a program of emission reduction by reconstruction or alteration in order to comply with the provisions of this chapter.
- (b) A compliance schedule submitted to the health officer pursuant to this chapter shall include a written schedule for the installation of pollution control devices or the replacement or alteration of specified facilities in such a way that emissions of air contaminants are reduced to comply with the requirements of this chapter. The schedule must include, as a minimum, the following five increments of progress:
 - (1) The date of submittal of the final control plan to the health officer.
 - (2) The date by which contracts will be awarded for emission control systems, process modification or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process modifications.
 - (3) The date of initiation of on-site construction or installation of emission control equipment or process change.
 - (4) The date by which on-site construction or installation of emission control equipment or process modification is to be completed.
 - (5) The date by which final compliance is to be achieved. Compliance schedules shall be reviewed at least semi-annually by the health officer.
- (c) Failure to meet any increment of progress in the compliance schedule may result in the disapproval of the program and appropriate legal action under this chapter.
- (d) Each compliance schedule must be accompanied by the following written information:
 - (1) 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.
 - (2) The type of business or activity involved;

ARTICLE XI. COMPLIANCE SCHEDULES

- (3) The nature of the operation or process involved, including information on the air contaminants emitted, the chemical and physical properties of such emissions, and the estimated amount and rate of discharge of such emissions;
 - (4) The exact location of the operation or process involved;
 - (5) Action taken to control air contaminants within emission limitations in effect prior to October 1, 1978.
 - (6) Efficiency of any existing control equipment relative to that which would be required to meet emission limitation of this chapter;
 - (7) Temporary interim control measures intended to be taken to minimize existing pollution levels;
 - (8) Each compliance schedule shall bear the signature of the person submitting the compliance schedule, following an affirmation that all statements are true and correct;
- (e) Within thirty (30) days following the submittal of the compliance schedule, the health officer will determine if the compliance schedule demonstrates satisfactory progress towards the elimination or prevention of air pollution, the health officer shall submit in writing his findings to the applicant indicating the following:
- (1) Approval of the compliance schedule. The health officer shall approve the compliance schedule when it concludes that such action is appropriate and if it can be shown that the effect of the air contaminant emission presents no immediate hazard to the public health, safety or welfare. The compliance schedule may be granted approval subject to conditions specified by the health officer; or
 - (2) Denial of a compliance schedule. The health officer shall deny approval of a compliance schedule when it concludes that the schedule is not appropriate or that such action is required to prevent a hazard to the public health, safety or welfare. A denial shall be without prejudice to the right of the applicant to request a hearing before the assigned hearing officer.

5-57. Progress Reports Required.

- (a) Reports indicating the progress of any reconstruction programs, alterations or other plans to bring existing equipment into compliance with this chapter shall be submitted quarterly to the health officer by any person subject to an approved compliance schedule.
- (b) If the progress of the program is deemed by the health officer to be unsatisfactory because he finds either;
 - (1) No progress has been made, or

ARTICLE XI. COMPLIANCE SCHEDULES

- (2) The amount of progress shown indicates an insincere attempt to comply with the terms of this chapter, or
- (3) The program intended to be pursued would not reasonably bring the equipment into compliance with the terms of this chapter, or
- (4) The program intended to be pursued would not reasonably bring the equipment into compliance with the terms of this chapter, or
- (5) The program while sufficient to bring the equipment into compliance with the terms of this chapter is nevertheless designed or established so as to consume an inordinate or an unreasonable amount of time to bring the equipment into compliance.

Upon a determination of unsatisfactory progress the health officer may deny or suspend the compliance schedule and to institute appropriate legal proceedings to enforce this chapter.

ARTICLE XII. NON ATTAINMENT AREAS

5-58 Special Requirements for Non-Attainment Areas.

There is incorporated by this reference the "Special Requirements For Nonattainment Areas" as specified in Rule 567-22.5(455B) Iowa Administrative Code, in its entirety, and to include any amendments or changes through July 21, 1999.

ARTICLE XIV. BOARD OF HEALTH/HEALTH OFFICER

5-59 Application for Variance.

A person may make application for a variance from applicable rules or standards specified in this chapter.

- (a) Contents. Each application for a variance shall be submitted to the health officer stating the following:
- (1) 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.
 - (2) The type of business or activity involved.
 - (3) The nature of the operation or process involved; including information on the air contaminants emitted, the chemical and physical properties of such emissions and the estimated amount and rate of discharge of such emissions.
 - (4) The exact location of the operation or process involved.
 - (5) The reason or reasons for considering that compliance with the provisions specified in these rules will produce serious hardship without equal or greater benefits to the public, and the reasons why no other reasonable method can be used for such operations without resulting in a hazard to health or property.
 - (6) Each application shall bear the signature of the person making the application following an affirmation that all statements are true and correct.
- (b) Variance extension. The request for extension of a variance shall be accompanied by a compliance schedule as specified in Division 31, Section 5-56.

5-60 Processing of Application for Variance.

- A. Each application for a variance and its supporting material shall be reviewed and an investigation of the facilities shall be made by the Air Quality Division, for evaluation of whether or not the emissions involved will produce the following effects:
- (a) Endanger human health. Endanger or tend to endanger the health of persons residing in or otherwise occupying the area affected by said emissions.
 - (b) Create safety hazards. Create or tend to create safety hazards, such as (but not limited to) interference with traffic due to reduced visibility.

ARTICLE XIV. BOARD OF HEALTH/HEALTH OFFICER

- (c) Damage to livestock or plant life. Damage or tend to damage any livestock harbored on, or plant life on, property that is affected by said emissions and under other ownership.
- (d) Damage property. Damage or tend to damage any property on land that is affected by said emissions and under other ownership.

B. Trial Burns for Alternative Fuels.

An alternative fuel shall be defined as a fuel for which the emissions from combusting the fuel are not known and shall exclude natural gas, coal, liquid propane, and all petroleum distillates.

- (a) Variance from construction permit. The health officer may grant a variance for the purpose of testing an alternative fuel and quantifying the emissions from the alternative fuel, except as prohibited under 5-61Decision., (c), (d) and (e).
- (b) Baseline testing. The applicant may be required to submit baseline emission data for all applicable pollutants as a condition of approval.
- (c) Source testing. Emissions testing deemed necessary for any pollutant may be required as a condition of the variance.

5-61 Decision.

- (a) Granting of variance. The health officer shall grant a variance when the health officer concludes that the action is appropriate. The variance may be granted subject to conditions specified by the health officer. The health officer shall specify the time intervals as are considered appropriate for submission of reports on the progress attained in the compliance schedule.
- (b) Denial of variance. The health officer shall deny a variance when the health officer concludes that the action is appropriate.
- (c) Variance from new source performance standards not allowed. No variance shall be granted to a source to which 5-16(n) applies.
- (d) Variance from federal Prevention of Significant Deterioration (PSD) program standards or from case-by-case Maximum Achievable Control Technology (MACT) standards are not allowed.
- (e) In no instance will a variance be granted for a period exceeding twelve months.

ARTICLE XIV. BOARD OF HEALTH/HEALTH OFFICER

5-62. Duties Generally.

- A. In addition to the specific duties of the health officer, set forth in this chapter, it shall be the duty of the health officer or designee to:
 - (1) Hold hearings when necessary and issue specific written decisions;
 - (2) Generally supervise the administration and enforcement of this chapter;
 - (3) Recommend legal proceedings to be taken in appropriate cases when deemed necessary;
 - (4) Issue specific orders or recommendations consistent with this chapter.

- B. In addition to the specific duties of the board of health, set forth in this chapter, it shall be the duty of the board of health or designee to:
 - (1) Hold hearings on appeal of an order issued by the hearing officer and issue specific written decisions;
 - (2) After the hearing on appeal, the board of health or designee may affirm, modify or rescind the order of the hearing officer.
 - (3) Generally supervise the administration and enforcement of this chapter;

5-63. Complaints Filed.

Any person claiming to be aggrieved by any notice served upon him under this chapter may file with the health officer a written complaint, requesting a hearing before the assigned hearing officer. Such complaint must be so filed within twenty (20) days after a person receives such a notice. After receiving a complaint, the health officer shall forthwith notify the assigned hearing officer of such complaint. The health officer shall set a time, place, and date of hearing on the complaint, and notify the complainant of this fact not less than three days before the date.

5-64. Sealing – Sealing of Offending Equipment.

After three notifications of the same violation of this chapter within a twelve (12) month period in respect to the emission of air contaminants from the same source, a violator shall be notified to show cause before the board of health within twenty (20) days why the offending equipment should not be sealed. The hearing shall be conducted in the same manner as prescribed in section 5- 65 of this chapter. If upon a hearing, the hearing officer finds that a violation exists and that corrective measures have not been taken, the hearing officer may authorize and direct the Polk County Attorney to institute legal proceedings in a court of competent jurisdiction to cause the offending equipment to be sealed. This process shall not preclude injunctive actions by the health officer.

5-65. Hearing.

At such hearing, the complainant shall be afforded a full opportunity to be heard, have the right to produce witnesses, and to be represented by counsel. After hearing all relevant evidence and reviewing

ARTICLE XIV. BOARD OF HEALTH/HEALTH OFFICER

the actions of the health officer, and if reasonable grounds exist, the hearing officer may modify or rescind the order or notice of the health officer or may order compliance with said order or notice within a specified period of time. The decision of the hearing officer shall be transmitted in writing to both the complainant and the health officer within ten (10) days after the hearing.

A. Hearing Procedure .

1. At all non-appellate hearings prescribed by section 5-65 the Local Program Director, or his designee, shall preside as the hearing officer.
2. If a party fails to appear after having been properly notified, the hearing officer may proceed with the hearing and enter a decision in the absence of the party. The parties, at hearing, shall be the owner, permit-holder or applicant for a permit, AND the health officer, air permit engineer, air quality specialist involved.
3. The hearing officer shall swear the parties and their witnesses, and examine them in such a way as to bring out the truth. The hearing officer shall make detailed minutes of the testimony, or may electronically record it. The parties may participate, either personally or by attorney. The hearing officer may continue the hearing from time to time.
4. Unless precluded by Polk County Board of Health Rules and Regulation, Chapter 5, informal disposition may be made of any case, by stipulation, agreed settlement, consent order or default or by any other method agreed upon by the parties in writing.
5. The record in each case shall include:
 - a. The minutes made by the hearing officer, or the electronic recording of the meeting and all other submissions;
 - b. Copies of all documents served upon or mailed to the owner by the Local Program;
 - c. A statement of all matters officially noticed;
6. All hearings shall be open to the public. The record of the hearing shall be filed and maintained by the Local Program for at least five (5) years from the date of decision.
7. Findings of fact shall be based solely on the evidence in the record and on matters officially noticed in the record.
8. The hearing shall be simple and informal, and shall be conducted by the hearing officer, without regard to technicalities of procedure.

ARTICLE XIV. BOARD OF HEALTH/HEALTH OFFICER

B. Evidence.

1. Irrelevant, immaterial or unduly repetitious evidence should be excluded. A finding shall be based upon the kind of evidence on which reasonably prudent persons are accustomed to rely for the conduct of their serious affairs, and may be based upon such evidence even if it would be inadmissible in a jury trial. The hearing officer shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be required to be submitted in verified written form.
2. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original, if available.
3. Witnesses at the hearing, or persons whose testimony has been submitted in written form if available, shall be subject to cross examination by any party as necessary for a full and true disclosure of the facts.
4. Official notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the Local Program. Parties shall be notified at the earliest practicable time of the facts proposed to be noticed and their source, including any staff memorandum or data, and the parties shall be afforded an opportunity to contest such facts before the decision is announced unless the hearing officer determines as a part of the record or decision that fairness to the parties does not require an opportunity to contest such facts.
5. The Local Program's experience, technical competence and specialized knowledge may be utilized in evaluation of the evidence.

C. Decision/Order.

The decision/order required of the hearing officer by Polk County Board of Health Rules and Regulation, Chapter V-Air Pollution shall constitute a final decision.

Any person aggrieved by the decision of the hearing officer may appeal such decision to the Board of Health or Polk County District Court within thirty (30) days for review of such decision. Such review shall be de novo.

5-66. Effect of Complaint.

After a complaint is filed under this article, the health officer shall stay all proceedings until he has received a report from the hearing officer, prepared pursuant to section 5- 65 of this chapter.

ARTICLE XIV. BOARD OF HEALTH/HEALTH OFFICER

5-67. Judicial Review.

Any person aggrieved by the decision of the hearing officer may appeal such decision to the Polk County District Court within 30 days for review of such decision. Such review shall be de novo.

ARTICLE XV. EMERGENCY AIR POLLUTION EPISODES

5-68. MONITORING DURING EMERGENCY AIR POLLUTION EPISODES.

The health officer may, whenever he determines that there exists a concentration and duration of air pollution in the county that constitutes an emergency air pollution episode and represents a health hazard to the residents of the area, and shall upon notification of such emergency to the appropriate state official or agency, initiate continuous monitoring of air pollution and be guided by the criteria set forth in this article.

5-69. NOTICE TO STATE OFFICIALS.

The health officer shall notify the appropriate state official or agency upon such detection by such monitoring of levels of air contaminants which violate applicable state rules.

5-70. ACTION IN EMERGENCIES.

Upon declaration of air pollution episodes by the appropriate state officials or agency, the health officer shall institute monitoring and inspection of those air contaminant sources which must curtail or suspend operation under such declaration of an air pollution episode and order issued, to determine compliance with such declaration and orders there under.

5-71. NOTICE OF COMPLIANCE.

The health office shall notify the appropriate state official or agency of the level of compliance with declarations of air pollution episodes and orders and of any apparent violations thereof, and shall cooperate with an enforcement proceedings of such declarations and orders by providing witnesses and evidence concerning any such apparent violations.

5-72. AIR POLLUTION EPISODE WARNING TO RESIDENTS.

Upon declaration of any level of an air pollution episode by the appropriate state official or agency, the health officer shall issue an appropriate air pollution episode warning to the residents of the area; and shall take necessary actions to prohibit or diminish air pollution emissions from an and all sources in the area for the duration of such air pollution episode.

ARTICLE XVI. NUISANCE ABATEMENT AND ENFORCEMENT

5-73. EMISSIONS IN EXCESS OF LIMITATIONS OF THIS CHAPTER DECLARED TO BE A PUBLIC NUISANCE.

It shall be unlawful for any person to cause, allow, or permit the escape of such quantities of gases or particulate matter from any source whatsoever in excess of the limitations set forth in this chapter and in such a manner as to be detrimental to the public or to endanger health, welfare, or safety of the public, or in such a manner as to cause injury or damage to property or business. The escape of such matter is declared to be a public nuisance and may be ordered abated by the health officer.

5-74. NOTICE OF VIOLATION.

A. Notice Of Violation (NOV). Whenever the health officer determines that there are reasonable grounds to believe that the owner or operator of any equipment is maintaining such fuel-burning equipment, incinerator or refuse-burning, process or control equipment or other equipment in violation of any section of this chapter, or that a violation of this chapter exists, the health officer shall give notice of such alleged violation to the owner or operator of such equipment or person who is violating this chapter. Such notice shall:

- (1) Be put in writing;
- (2) State the specific violation alleged;
- (3) Allow a reasonable time for the performance of any correction the health officer may require to comply with the provisions of this chapter.
- (4) Be mailed to the owner or operator of the equipment or violator. Such mailing shall be deemed sufficient service;
- (5) If deemed advisable by the health officer, contain an outline of corrective action which, if accomplished, will effect compliance with the provisions of this chapter.

5-75. PENALTY.

Unless another penalty is expressly provided by this Regulation for the particular provision, section or Regulation, any person violating any provision of this Regulation, or any rule or Regulation adopted or issued in pursuance thereof, or any provision of any code adopted herein by reference shall, upon conviction, be subject to one of the following:

A. Criminal

- (1). A person who knowingly violates any provision of this chapter, any permit, rule, standard, or order issued under this chapter, or any condition or limitation included in any permit issued under this chapter, is guilty of an aggravated misdemeanor. A conviction for a violation is punishable by a fine of not more than ten thousand dollars for each day of violation or by imprisonment for not more than two years, or both. If the conviction is for a second or subsequent violation committed by a person under this section, however, the conviction is punishable by a fine of not more than twenty thousand dollars for each day of violation or by imprisonment for not more than four years, or by both.

ARTICLE XVI. NUISANCE ABATEMENT AND ENFORCEMENT

(2). A person who knowingly makes any false statement, representation, or certification of any application, record, report, plan, or other document filed or required to be maintained under this chapter, or by any permit, rule, standard, or order issued under this chapter or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this chapter, or by any permit, rule, standard, or order issued under this chapter, or who knowingly fails to notify or report as required by this chapter or by any permit, rule, standard, or order issued under this chapter, or by any condition or limitation included in any permit issued under this chapter, is guilty of an aggravated misdemeanor punishable by a fine of not more than ten thousand dollars per day per violation or by imprisonment for not more than one year, or by both. If the conviction is for a second or subsequent violation committed by a person under this paragraph, however, the conviction is punishable by a fine of not more than twenty thousand dollars for each day of violation or by imprisonment for not more than two years, or by both.

(3). A person who knowingly fails to pay any fee owed under any provision of this chapter, or any permit, rule, standard, or order issued under this chapter, is guilty of an aggravated misdemeanor punishable by a fine of not more than ten thousand dollars per day per violation or by imprisonment for not more than six months, or by both. If the conviction is for a second or subsequent violation under this paragraph, however, the conviction is punishable by a fine of not more than twenty thousand dollars for each day of violation or by imprisonment for not more than one year, or by both.

(4). A person who negligently releases into the ambient air any hazardous air pollutant or extremely hazardous substance, and who at the time negligently places another person in imminent danger of death or serious bodily injury shall, upon conviction, be punished by a fine of not more than twenty-five thousand dollars for each day of violation or by imprisonment for not more than one year, or by both. If the conviction is for a second or subsequent negligent violation committed by a person under this section, however, the conviction is punishable by a fine of not more than fifty thousand dollars for each day of violation or by imprisonment for not more than two years, or by both.

(5). A person who knowingly releases into the ambient air any hazardous air pollutant or extremely hazardous substance, and who knows at the time that the conduct places another person in imminent danger of death or serious bodily injury shall, upon conviction, if the person committing the violation is an individual or a government entity, be punished by a fine of not more than fifty thousand dollars per violation or by imprisonment for not more than two years, or by both. However, if the person committing the violation is other than an individual or a government entity, upon conviction the person shall be punished by a fine of not more than one million dollars per violation. If the conviction is for a second or subsequent violation under this paragraph, the conviction is punishable by a fine or imprisonment, or both, as consistent with federal law.

ARTICLE XVI. NUISANCE ABATEMENT AND ENFORCEMENT

B. Civil.

(1) A penalty as determined by the Court, not to exceed ten thousand dollars per day for each day such violation continues as provided in Section 455B.146 Code of Iowa. A separate violation exists with respect to each item or piece of equipment which is not in compliance with this Chapter. A repeat offense is a violation of any provision of this Chapter, or any rule or regulation adopted or issued in pursuance hereof, or any provision of any code adopted by reference herein, by a person who has previously admitted the infraction or been found in a criminal or civil court to have violated the same provision.

(2) The Health Officer shall normally request a civil penalty in accordance with the following schedule, unless, in the professional judgment of the Health Officer, the violation is so minor that a lesser penalty would be appropriate:

Civil Penalty Schedule	First Offense	Second Offense	Third or Subsequent Offense
Violation on the premises of a single or two-family dwelling, by the owner or a resident of that dwelling.	\$100.00	\$500.00	\$1,000.00
All other violations			
No apparent economic gain as a result of the violation and no apparent malice involved.	\$500.00	\$1000.00	\$2000.00
Economic gain by the violator and probable knowledge that the action was a violation.	\$1000.00	\$2000.00	\$4000.00
Blatant disregard for the environment causing considerable environmental damage, or intentional violation for large economic gain	\$2000.00	\$4000-\$5000.00	\$8000-\$10,000.00
Violations of any provision of this chapter, any permit, rule, standard, or order issued under this chapter, or any condition or limitation included in any permit issued under this chapter.	\$1000-\$2000.00	\$4000-\$5000.00	\$8000-\$10,000.00

ARTICLE XVI. NUISANCE ABATEMENT AND ENFORCEMENT

Submission of false statements, representations, or certifications of any application, record, report, plan, or other document filed or required to be maintained under this chapter, or by any permit, rule, standard, or order issued under this chapter or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this chapter, or by any permit, rule, standard, or order issued under this chapter, or who knowingly fails to notify or report as required by this chapter or by any permit, rule, standard, or order issued under this chapter, or by any condition or limitation included in any permit issued under this chapter	\$1000-\$2000.00	\$4000-\$5000.00	\$8000-\$10,000.00
Failure to pay any fee owed under any provision of this chapter, or any permit, rule, standard, or order issued under this chapter	\$1000.00	\$2000.00	\$4000.00

5-76. ACTION TO ENJOIN.

In addition to the penalties provided for in Section 5-75 of this chapter, when any equipment structure, device or premises are constructed, altered, operated, or maintained in violation of this chapter, or when a nuisance exists, or when there has been any other violation of the provisions of this chapter, the health officer may request the Polk County attorney to bring suit in a court of competent jurisdiction to prevent such unlawful construction, alteration, operation, or maintenance, or to restrain, correct, or abate such violation or nuisance.

ARTICLE XVII. EFFECT OF PARTIAL INVALIDITY

5-77. SEVERABILITY.

The provisions of this chapter are severable and if any provision, sentence, clause, section or part thereof shall be held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the chapter or this application to other persons or circumstances.

It is hereby declared to be the legislative intent that this chapter would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part and not been included therein and if the person or circumstances to which the chapter or any part thereof is applicable and had been specifically exempted there from.