

## Exhibit A:

Summary of Proposed Actions for Polk County Board of Health Rules and Regulations – Chapter V Air Pollution

### **(Items 1 and 2): Routine updates and addition of definitions for consistency with 567 Iowa Administrative Code (IAC) references and definitions.**

The proposed amendments are a routine update of references and definitions to bring the Board of Health Rules and Regulations, Chapter V-Air Pollution up-to-date with 567 Iowa Administrative Code (IAC).

### **(Items 3): Open Burning.**

The proposed additional language clearly states that agricultural structures cannot be burned within Polk County. This additional language provides clarity and does not impose additional costs to affected entities, since we currently don't allow open burning of a demolished or agricultural structures within Polk County, unless the burn is conducted by a Fire Department with a permit.

### **(Items 4 & 5): Cleanup and adopt NESHAP standards.**

In a recent rulemaking, the IDNR adopted these standards in the Iowa Administrative Code.

The Public Works Department proposes the adoption of federal air toxics standards (NESHAP) and new source performance standards (NSPS), which will provide regulatory benefits. Public health will benefit from reductions in air toxics controlled under the NESHAP. Owners and operators of affected facilities must comply with federal air toxics standards regardless of whether the county incorporates these federal standards into the Board of Health Rules and Regulation, Chapter V-Air Pollution. Therefore, the incorporation by reference of the federal standards will not impose any additional costs to the affected facilities. The Department proposes to adopt amendments to existing air toxics standards and NSPS that generally provide flexibility and clarity, and do not impose additional costs to most affected facilities.

### **(Items 6, 7 and 8): Construction and Operating Permit Exemptions**

The Public Works Department proposes rule changes to some of the construction and operating permit exemptions to provide regulatory clarity and include permit exemptions are for low-emitting sources.

**Overall Impact:** By adopting IAC updates into Polk County regulations, the Board of Health is ensuring that Polk County's air quality regulations are as stringent as the state and federal regulations. Excluding Article VIII, Section 5-21, the amendments are identical to the state and federal regulations and would not impose any regulations on

businesses not already required by state and federal law. In some cases, the revised standards provide flexibility and potential cost savings for affected businesses. Further, the amendments allow the local program to be the primary agency to implement the air quality standards in Polk County, thereby allowing the program to provide ongoing compliance assistance to affected facilities.

**1. Article I. In General, Section 5-1. Purpose and Ambient Air Quality Standards, Subsection (c) is amended by updating the existing subsections dates and the following is adopted in lieu thereof:**

- 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.

**2. Article I. In General, Section 5-2. Definitions are amended as shown below, and by inserting, updating or replacing the following additional definitions in proper alphabetical order within Section 5-2:**

“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.

“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.

“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.

"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.

“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.

“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.

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

**3. Article III. Incineration and Open Burning, Section 5-7 is amended by reordering or adding language to the following paragraph(s):**

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.

**4. Article VI. Emission of Air Contaminants From Industrial Processes, New source performance standards, Section 5-16 & Section 5-16(n) are amended by deleting or adding the existing paragraph and the following is adopted in lieu thereof:**

Deleted:

“EXCEPTION: Whenever the health officer determines that a process complying with the emission standard prescribed in this section is causing or will cause air pollution in a specific area of the county, the specific emission standard may be suspended and compliance with section 5-14 may be required in such instance.”

Added:

(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. Article VII. Performance Test for Stack Emission Test Section, 5-18 (2) a. Section 5-18 is updated by adding the existing paragraph:**

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

**6. Article X. Permits, Division 1. Construction Permits, Section 5-31. Issuance of Construction Permits (AQD) are amended by updating the existing paragraph and the following is adopted in lieu thereof:**

(4) Each permit shall require the health officer to be notified when the subject equipment is placed into operation.

**7. Article X. Permits, Division 1. Construction Permits, Section 5-33. Exemptions from Permit Requirements, paragraphs (6) are amended by replacing or inserting the following paragraphs:**

(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.

**8. Article X. Permits, Division 2. Operating Permits, Section 5-39 Exemptions from Permit Requirements, paragraphs (a) (1) are amended by inserting or deleting the existing paragraph and the following is adopted in lieu thereof:**

(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.