

**22.128(455B) Acid rain applications—requirement to apply.**

22.128(1) Duty to apply. The designated representative of any source with an affected unit shall submit a complete acid rain permit application by the applicable deadline in subrules 22.128(2) and 22.128(3), and the owners and operators of such source and any affected unit at the source shall not operate the source or unit without a permit that states its acid rain program requirements.

22.128(2) Deadlines.

a. For any source with an existing unit described under paragraph 22.122(1)"b," the designated representative shall submit a complete acid rain permit application governing such unit to the department on or before January 1, 1996.

b. For any source with a new unit described under subparagraph 22.122(1)"c"(1), the designated representative shall submit a complete acid rain permit application governing such unit to the department at least 24 months before the later of January 1, 2000, or the date on which the unit commences operation.

c. For any source with a unit described under subparagraph 22.122(1)"c"(2), the designated representative shall submit a complete acid rain permit application governing such unit to the department at least 24 months before the later of January 1, 2000, or the date on which the unit begins to serve a generator with a nameplate capacity greater than 25 MWe.

d. For any source with a unit described under subparagraph 22.122(1)"c"(3), the designated representative shall submit a complete acid rain permit application governing such unit to the department at least 24 months before the later of January 1, 2000, or the date on which the auxiliary firing commences operation.

e. For any source with a unit described under subparagraph 22.122(1)"c"(4), the designated representative shall submit a complete acid rain permit application governing such unit to the department before the later of January 1, 1998, or March 1 of the year following the three-calendar-year period in which the unit sold to a utility power distribution system an annual average of more than one-third of its potential electrical output capacity and more than 219,000 MWe-hrs actual electric output (on a gross basis).

f. For any source with a unit described under subparagraph 22.122(1)"c"(5), the designated representative shall submit a complete acid rain permit application governing such unit to the department before the later of January 1, 1998, or March 1 of the year following the calendar year in which the facility fails to meet the definition of qualifying facility.

g. For any source with a unit described under subparagraph 22.122(1)"c"(6), the designated representative shall submit a complete acid rain permit application governing such unit to the department before the later of January 1, 1998, or March 1 of the year following the calendar year in which the facility fails to meet the definition of an independent power production facility.

h. For any source with a unit described under subparagraph 22.122(1)"c"(7), the designated representative shall submit a complete acid rain permit application governing such unit to the department before the later of January 1, 1998, or March 1 of the year following the three-calendar-year period in which the incinerator consumed 20 percent or more fossil fuel (on a Btu basis).

22.128(3) Duty to reapply. The designated representative shall submit a complete acid rain permit application for each source with an affected unit at least six months prior to the expiration of an existing acid rain permit governing the unit.

22.128(4) Submission of copies. One copy of all permit applications shall, until December 31, 2022, be presented or mailed to the air quality bureau of the department of natural resources. On or after January 1, 2023, the designated representative shall submit the application in the electronic format specified by the department, if electronic submittal is provided.

EPA Rulemakings

CFR: 40 C.F.R. 70, Appendix A, Iowa (a)  
 FRM: 60 FR 45671 (9/1/95)  
 PRM: 60 FR 20465 (4/26/95)  
 State Submission: 8/17/94  
 State Proposal: N/A  
 State Final: IAC 3/16/94 (Effective 4/20/94)  
 APDB File: IA-36  
 Description: Acid rain rules were submitted in conjunction with Title V rules.

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CFR: 40 C.F.R. 52.820 (c)  
 FRM: 85 FR 33023 (06/01/2020)  
 PRM: 85 FR 10357 (02/24/2020)  
 State Submission: 4/18/2019  
 State Final: IAB 3/13/19; effective 04/17/2019  
 APDB File: IA-185; e-docket No. R07-OAR-2020-0059  
 Description: This revision was amended to require one copy of the acid rain permit application to be submitted to the air quality bureau and allow for electronic submittal.

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CFR: 40 C.F.R. 52.820(c)  
 FRM: 88 FR 20408 (4/6/23)  
 PRM: 88 FR 4118 (1/24/23)  
 State Submission: 6/3/22  
 State Final: IAB 3/15/22; effective 5/11/22  
 APDB File: IA-189; e-docket No. R07-OAR-2022-0959  
 Description: This revision amends subrule 22.128(4) to require acid rain permit applications to be submitted in electronic format after January 1, 2023, if electronic submittal is provided.

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Difference Between the State and EPA-Approved Regulation

None.