POLK COUNTY BOARD OF HEALTH RULES AND REGULATIONS

CHAPTER V. AIR POLLUTION

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.

(c)

All references to 567 IAC Chapter 20 are amended through March 14, 2018.
All references to 567 IAC Chapter 21 are amended through February 15, 2017.
All references to 567 IAC Chapter 22 are amended through May 9, 2018.
All references to 567 IAC Chapter 23 are amended through March 14, 2018.
All references to 567 IAC Chapter 25 are amended through March 14, 2018.
All references to 567 IAC Chapter 26 are amended through February 15, 2017.
All references to 567 IAC Chapter 28 are amended through February 15, 2017.
All references to 567 IAC Chapter 29 are amended through July 2, 2008.
All references to 567 IAC Chapter 33 are amended through March 14, 2018.
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., as amended by Pub. L. 91-604, 84 Stat. 1676 Pub. L. 95-95, 91 Stat., 685 and Pub. L. 95-190, 91 Stat., 1399)

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

"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) The reviewing authority may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

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

"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.

"Air pollution forecast" means an air stagnation advisory issued to the department, 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.

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

"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.
"Backyard burning" means the disposal of residential waste by open burning on the premises of the property where such waste is generated.

"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.

"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 Materials (ASTM) D6751-02, "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.

"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 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:

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

"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 emissions 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 for Testing and Materials (ASTM) D975-02, "Standard

Specification for Diesel Fuel Oils"; grade 1-GT or 2-GT, as defined by ASTM D2880-00, "Standard Specification for Gas Turbine Fuel Oils"; or grade 1 or 2, as defined by ASTM D396-02, "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" as defined in this chapter.

2. Polk County shall consider air pollutant emissions calculations for the biodiesel fuel blends specified in paragraph "1" to be equivalent to the air pollutant emissions calculations for unblended diesel fuel.

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 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 America Society for 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 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 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 defined in Iowa Code section 29.C.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 unforeseen 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.

"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 specific in 40 CFR 51, Appendix M (as amended through August 30, 2016 December 21, 2010); 40 CFR Part 60, Appendix A (as amended through September 9, 2010); 40 CFR 61, Appendix B (as amended through October 17, 2000); and 40 CFR 63, Appendix A (as amended through August 20, 2010).

2. Continuous monitoring systems. Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems shall be those specified in 40 CFR 60, Appendix B (as amended through August 30, 2016); Appendix F (as amended through August 30, 2016); 40 CFR 75, Appendix A (as amended through August 30, 2016); Appendix B (as amended through August 30, 2016); and 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.

"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.

"Fireplace", for the purposes of Article III, Section 5-7, means a structure, with an open recess at the base of 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).

"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 purposes 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 noncriteria 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 Director, 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 responsibilities, to act in the director's behalf."

"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:

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 Act.

"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, primary copper smelters, municipal incinerators capable of 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 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;
(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 Act.

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 of 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 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 department, 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 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 department, 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 department 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 department 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

(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 of 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.

"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 the 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 include 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 particular 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.

"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 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 to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.

"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 NOx 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.

"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 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. 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 nonputrescrible 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 pollutants, 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 Oxides (NO_x)	40
VOC (ozone)	40, of volatile organic compounds
CO	100
Lead (Elemental)	0.6
Fluorides	3
H_2SO_4 Mist	7
Reduced Sulfur	10
H_2S	10
Municipal Waste Combustor (MWC) Acid Gases	40
MWC Metals	15
MWC Organics	3.5×10^6
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" 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).

"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 October 30, 2009 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 microorganisms (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 C.F.R. 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.

"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.

"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.

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

"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.

ARTICLE II. AUTHORITY

5-3. DUTIES OF 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 aforementioned 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 health officer. Such 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 on 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 provisions of this section shall not apply to air contaminant emissions data.

5-4. POWERS OF 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, 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 recordkeeping requirements mandated by 40 CFR 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 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 therefrom.

(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.

(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 by 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 .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 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.

(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 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.

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

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.

(b) Burn Permits

Upon receipt of a written request, 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 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 department and Iowa Department of Natural Resources (IDNR) Form 542-8010 and is postmarked or delivered to the department at least ten working days before such action commences.

(d) Notification shall be made to the department and IDNR in accordance with 40 CFR Section 61.145, "Standard for Demolition and Renovation" of the asbestos National Emissions 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 department 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 fire 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.

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 refers to section 5-59 of the Polk County Rules and Regulations which is not in the SIP and therefore, is not approved.

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 or in a family dwelling burning untreated wood or coal;

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

5-10. METHODOLOGY AND QUALIFIED OBSERVER.

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 Iowa Administrative Code.

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

5-11. 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 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 (see Graph I, which is included for illustrative purposes only):

(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;

(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 (See Graph 1).

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 SOURCES

5-14. 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 XIII, 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 test 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, or allow the emission into the outdoor atmosphere of particulate matter from any source in excess of the emission standards specified hereunder.

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

Process Lb/Hr	Weight-Rate Tons/Hr	Emission Rate Lb/Hr
100	0.05	0.55
200	0.10	0.88
400	0.20	1.40
600	0.30	1.83
800	0.40	2.22
1,000	0.50	2.58
1,500	0.75	3.38
2,000	1.00	4.10
2,500	1.25	4.76

3,000	1.50	5.38
3,500	1.75	5.96
4,000	2.00	6.52
5,000	2.50	7.58
6,000	3.00	8.56
7,000	3.50	9.49
8,000	4.00	10.4
9,000	4.50	11.2
10,000	5.00	12.0
12,000	6.00	13.6
16,000	8.00	16.5
18,000	9.00	17.9
20,000	10.00	19.2
30,000	15.00	25.2
40,000	20.00	30.5
50,000	25.00	35.4
60,000	30.00	40.0
70,000	35.00	41.3
80,000	40.00	42.5
90,000	45.00	43.6
100,000	50.00	44.6
120,000	60.00	46.3
140,000	70.00	47.8
160,000	80.00	49.0
200,000	100.00	51.2
1,000,000	500.00	69.0
2,000,000	1,000.00	77.6
6,000,000	3,000.00	92.7

*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 56723.3(2)b., *Combustion for indirect heating*, is adopted by reference and is incorporated herein as fully as though set forth in its entirety.

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 Section 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.

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.

(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 “l” 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 March12,1996.

(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.

(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 or 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.

5-16 (n) through (p) are not SIP approved.

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 of Polk County within eight hours of, or at the start of the first working day following the onset of the incident. Oral reporting does not relieve the owner or operator of a source with continuous monitoring equipment of the obligations 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 may 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 oral reports to the APCD 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.

(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).

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.

(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 department 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 department. If the owner or operator does not provide timely notice to the department, the department 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 department may allow a notification period of less than 30 days. Unless specifically waived by the department, a pretest meeting shall be held not later than fifteen (15) days prior to conducting the compliance demonstration. The department may accept a testing protocol in lieu of the pretest meeting. A representative of the department shall 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 department, all new equipment shall be tested by the owner or the owner's authorized agent to determine compliance with applicable emission limits. Test conducted to demonstrated 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 director has reason to believe that the equipment does not comply with the 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 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 department, compliance shall be

assessed on the basis of the arithmetic mean of the emissions measures in the three (3) test runs.

(2) Performance test (stack test)Stack sampling 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 December 21, 2010); 40 CFR 60, Appendix A (as amended through August 30, 2016 September 9, 2010); 40 CFR 61, Appendix B (as amended through August 30, 2016 October 17, 2000); and 40 CFR 63, Appendix A (as amended through August 30, 2016 August 20, 2010). The owner of the equipment or the owner's authorized agent may use an alternative methodology if approved by the Local Program department 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 those specified in 40 CFR 60, Appendix B (as amended through August 30, 2016 September 9, 2010); 40 CFR 60, Appendix F (as amended through August 30, 2016 September 9, 2010); 40 CFR 75, Appendix A (as amended through August 30, 2016 March 28, 2011); 40 CFR 75, Appendix B (as amended through August 30, 2016 March 28, 2011); and 40 CFR 75, Appendix F (as amended through August 30, 2016 March 28, 2011). The owner of the equipment or the owner's authorized agent may use an alternative methodology for continuous monitoring systems if approved by the Local Program in writing prior to conducting the minimum performance specification and quality assurance procedures.

(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 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.

(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.F.R. 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 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.

(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 of this chapter shall at the time of construction by 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 therefor shall show such openings.

ARTICLE VIII. EMISSION STANDARDS FOR AIR POLLUTANTS FOR SOURCE CATEGORIES

5-20 through 5-22 are not SIP-approved

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.

5-24. FUGITIVE DUST--PRECAUTIONS TO MINIMIZE 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 in 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 premises where 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, plating, 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.

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 in-put 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.

(Sections (3) and (4) below have been approved under 111(d) and have not been approved as part of the SIP.)

(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 mee3ting the parameters established in paragraph "c" of 5-28, no person shall construct, reconstruct, or alter any fuel-burning equipment, refuse-burning equipment, incinerator, control equipment, or other equipment as defined in this chapter without first securing a construction permit, 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.

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 in duplicate 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 emissions 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 local program 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 therefor shall be submitted to the local program.

A notice of intent to issue a construction permit for a synthetic minor modification at an existing major source shall be published by the local program 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 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 PERMIT(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 local program may consider issuance of a construction permit. A construction permit shall be issued when the local program 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 at least ten days before the subject equipment is placed into operation.

(5) The owner shall submit written notification to the health officer at least thirty (30) days 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 perimeters. Following a review of the notification, the health officer will make a determination of the requirement for a supplemental permit.

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 therefor. 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 local program.

5-33. EXEMPTIONS FROM PERMIT REQUIREMENTS(AQD).

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 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).

(1) Fuel-burning equipment for indirect heating and reheating furnaces or cooling units using natural or liquified 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 paint hook burn-off ovens 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 nonproduction chemical and physical analyses. Nonproduction analysis 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) Stack 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 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 the Department 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 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 the New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements.

(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, planning, 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 shop 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 a 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;

(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, provided the equipment used to apply the 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 contains no more than 5 percent organic solvents by weight, including 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 and that records are 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 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 is 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 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 (5mmHg or 0.1 psi) at 20 degrees C (68 degrees 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 79-67-66-3), 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.

(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.

Paragraph (61) is not SIP approved

(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.

5-34. CONSTRUCTION PERMIT FILING/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 issues 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.

DIVISION 2. OPERATING PERMITS

5-35. 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.

(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 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.

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 local program.

(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 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 local program 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 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 APPLICATIONS 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 local program 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 local program determines that additional information is necessary to evaluate or take final action on that application, the local program may request in writing such information and set a reasonable deadline for a response.

(d) Public Notice and Public Participation.

(1) The local program 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 department representative who may be contacted for further information; and the location of copies of the permit application and the 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 input 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 paint hook burn-off ovens 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.

(2) The equipment in laboratories used exclusively for nonproduction chemical and physical analyses. Nonproduction 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".

(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 through-put 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 nonproduction 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 Department 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, planning, 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 shop 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 a 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;

(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 venting 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;

(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, provided the 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, including 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 and that records are 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 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 11x – 160 or 12,500 for SMAW or FCAW, or
"Y" = the greater of 84x – 1,200 or 1600 for GMAW

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 (5mmHg or 0.1 psi) at 20 degrees C (68 degrees 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# 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.

(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 natural gas or propane with a brake horsepower rating of less than 100 measures 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 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;

(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:

(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 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.

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 all owed 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. Department 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 department 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 department 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, then number of 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.

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

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 issues 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.

DIVISION 3. RESERVED

5-50 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;

(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 board of health; 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

(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 office 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 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.

5-59 and 5-61 are not SIP-approved.

ARTICLE XIV. BOARD OF HEALTH

5-62. DUTIES GENERALLY.

In addition to the specific duties of the board of health, set forth in this chapter, it shall be the duty of the board to:

(1) Hold hearings when necessary and issue specific written decisions to the health officer;

(2) Generally supervise the administration and enforcement of this chapter;

(3) Authorize legal proceedings to be taken in appropriate cases when requested by the health officer or when deemed necessary by the board;

(4) Review actions taken by the health officer when necessary and issue specific orders or recommendations consistent with 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 board of health. Such complaint must be so filed within 20 days after a person receives such a notice. After receiving a complaint, the health officer shall forthwith notify the board of health of such complaint. The board 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 OF OFFENDING EQUIPMENT.

After three notifications of the same violation of this chapter within a 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 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 board finds that a violation exists and that corrective measures have not been taken, the board may authorize and direct the Polk County Attorney to institute legal proceeding 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 the actions of the health officer, and if reasonable grounds exist, the board 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 board shall be transmitted in writing to both the complainant and the health officer within ten days after the hearing.

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 board, prepared pursuant to section 5-65 of this chapter.

5-67. JUDICIAL REVIEW.

Any person aggrieved by the decision of the board of health 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 thereunder.

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 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 public nuisance and may be ordered abated by the health officer.

5-74. NOTICE OF VIOLATION.

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. A fine of not more than $100, or to imprisonment for not more than 30 days, and may be adjudged to pay the costs of prosecution. Whenever the fine and costs imposed for a violation are not paid, the person convicted may be committed to jail until the fine and costs are paid, not exceeding 30 days. Each act of violation and every day upon which a violation occurs or continues constitutes a separate offense.

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 therefrom.

Polk County Board of Health Rules and Regulations

EPA Rulemakings

CFR: 40 C.F.R. 52.820(c)(49(i)(A)
FRM: 54 FR 33528 (8/15/89); Correction 55 FR 26690 (6/29/90)
PRM: None
State Submission: 2/3/88
State Proposal: 8/18/87
State Final: 9/29/87
APDB File: IA-21
Description: The EPA approved only portions of the Polk County permit rules as part of the Iowa SIP. Approved Ordinance No. 28, with the exception of the definition of "variance." The EPA's approval was subject to the provision that permits which affect Iowa's SIP would be submitted to the EPA as SIP revisions until Polk County revises the PM_{10} definition and the EPA approves the revision, the state is responsible for approval of permits relating to PM_{10} emissions.

CFR: 40 C.F.R. 52.820(c)(55)(i)(A)
FRM: 56 FR 60924 (11/29/91); Correction 58 FR 6093 (1/26/93)
PRM: None
State Submission: 5/23/91
State Proposal: none
State Final: Polk County Ordinances #28, 72, and 85 (effective 5/1/91)
APDB File: IA-30
Description: This revision approved most of the Polk County Board of Health Rules and Regulations Chapter V, pertaining to definitions and permits.

The correction notice on January 26, 1993, includes Article VI (Section 5-16 a-m). This was not included in the incorporation by reference in the final rulemaking published on November 29, 1991.

CFR: 40 C.F.R. 52.820(c)(60)(i)(A)
FRM: 60 FR 31090 (6/13/95)
PRM: 60 FR 31128 (6/13/95)
State Submission: 5/5/94
State Proposal: none
State Final: Polk County Ordinances #28, #72, #85, & #132 (effective 12/2/93)
APDB File: IA-43
Description: This revision was adopted to make Polk County's rules consistent with the state's rules. This revision includes definitions relating to new source permitting, Ringleman chart deletions, stack testing revisions, fuel burning equipment exemptions, and other miscellaneous changes.

CFR: 40 C.F.R. 62.3850(b)(3)
FRM: 60 FR 31090 (6/13/95)
PRM: 60 FR 31128 (6/13/95)
State Submission: 3/23/94
State Proposal: none
State Final: Adopted (10/26/93)
APDB File: IA-43
Description: Control of sulfur dioxide and sulfuric acid mist from sulfuric acid manufacturing plants in Polk County were adopted on October 26, 1993.

CFR: 40 C.F.R. 52.820(c)(66)(i)(A)
FRM: 63 FR 5268 (2/2/98)
PRM: 63 FR 5339 (2/2/98)
State Submission: 4/2/97
State Proposal: N/A
State Final: Effective (12/18/96)
APDB File: IA-44
Description: The EPA approved the updated regulations for the Polk County Public Works Department which reflect revisions adopted by the Iowa Department of Natural Resources in the Iowa Administrative Code. These revisions include provisions such as definitions, permit exemption, visible opacity and open burning.

CFR: 40 C.F.R. 52.820(c)
FRM: 68 FR 58022 (10/08/2003); Correction 69 FR 1538 (01/09/2004)
PRM: 68 FR 58055 (10/08/2003)
State Submission: 11/21/2001
State Final: Effective 04/15/1998 and 10/04/2000
APDB File: IA-78
Description: The EPA approved the updated regulations for the Polk County Board of Health which reflect revisions adopted by the Iowa Department of Natural Resources in the Iowa Administrative Code.

CFR: 40 C.F.R. 52.820(c)
FRM: 70 FR 16126 (03/30/2005)
PRM: 70 FR 16206 (03/30/2005)
State Submission: 05/06/2004
State Final: Effective 01/06/2004
APDB File: IA-103; Docket No. R07-OAR-2005-IA-0001
Description: The EPA approved the updated regulations for the Polk County Board of Health which reflect revisions adopted by the Iowa Department of Natural Resources in the Iowa Administrative Code. The revisions include changes to some definitions, updated approval dates per the CFR, a name change to Air Quality Division of Polk County Planning and Development Department, a change to reflect the correct revision to the Compliance Sampling Manual, exemptions from permit requirements, a new paragraph for internal combustion engines, and additional information regarding construction permits and operating permits.

CFR: 40 C.F.R. 52.820(c)
FRM: 71 FR 16048 (03/30/2006)
PRM: 71 FR 16086 (03/30/2006)
State Submission: 09/12/2005
State Final: Effective 08/24/2005
APDB File: IA-111; EPA-R07-OAR-2005-0482
Description: The EPA approved the updated regulations for the Polk County Board of Health which reflect revisions adopted by the Iowa Department of Natural Resources in the Iowa Administrative Code. The revision includes administrative changes and corrections, additions of definitions, and changes to approval dates per the CFR. Changes were made to the permitting section to include additions and changes to permitting exemptions.

CFR: 40 C.F.R. 52.820(c)
FRM: 72 FR 35018 (06/26/2007)
PRM: 72 FR 35022 (06/26/2007)
State Submission: 12/13/2006 and 05/03/2007
State Final: Effective 11/07/2006
APDB File: IA-120; EPA-R07-OAR-2007-0457
Description: The EPA approved the updated regulations for the Polk County Board of Health which reflect revisions adopted by the Iowa Department of Natural Resources in the Iowa Administrative Code. This revision includes new definitions for "biodiesel fuel," "diesel fuel," and "distillate oil." Changes were also made to 5-16(m) in Article VI. In Article X, Division 1, a change was made to 5-33 (11) and new subsections (20) through (54) were added. In Division 2 of Article X changes were made to 5-39(6) and new subsections (12) through (47) were added. Article X, section 5-28, relating to preconstruction waivers was not updated and retains the state effective date of 08/24/2005.

CFR: 40 C.F.R. 52.820(c)
FRM: 75 FR 38757 (07/6/2010)
PRM: 75 FR 38745 (07/6/2010)
State Submission: 09/14/2009
State Final: Effective 8/6/2009
APDB File: IA-140; EPA-R07-OAR-2010-0156
Description: EPA approved the updated regulations for the Polk County Board of Health which reflect revisions adopted by the Iowa Department of Natural Resources in the Iowa Administrative Code. This revision includes changes made to Article I, 5-1(b) and the addition of (c), changes to Article I, 5-2, definitions "allowable emissions" "EPA reference method" and "Volatile Organic Compounds". New definitions for "Disaster" and "Mobile Internal Combustion Engine" were also added to 5-2. Changes to Article II, 5-4(2); Article III, 5-7, Article IV, 5-10, Article VII, 5-18(3), (5)(i), and (7). Changes made to Article IX Division I, 5-23(1), (2), (3), 5-25, and 5-26 (1). Additions of (7) and (8) were made to Article IX, 5-23. Changes made to Article X, Division 1, 5-33, Introductory Paragraph, (9) and (17). Additions of (55) and (56) made to Article X, Division 1, 5-33. Changes to Article X, Division 2, 5-35(d), 5-36(a) and (a)(1), 5-39 (4), (6) and (11). Article X, Division 2, 5-39 (48) and (49) were added. Article X, Division 2, 5-49 was added. Article X, section 5-28, relating to preconstruction waivers was not updated and retains the state effective date of 08/24/2005.

CFR: 40 C.F.R. 52.820 (c)
FRM: 78 FR 52857 (8/27/13)
Effective Date: 10/28/13
PRM: 78 FR 52893 (8/27/13)
State Submission: 9/23/11
State Effective Date: 8/3/11
APDB File: IA-146; EPA-R07-OAR-2013-0446
Description: EPA is approving revisions to the Iowa SIP relating to the following: Article I. In General, Section 5-1. Purpose and Ambient Air Quality Standards; Article I. In General, Section 5-2. Definitions; Article III. Incinerator and Open Burning, Section 5-7. Open Burning Prohibited; Article X. Permits, Division I. Construction Permits, Section 5-33. Exemptions From Permit Requirements; Article X. Permits, Division I. Construction Permits, Section 5-35. Operating Permit Required.

EPA's action does not cover revisions to: Article VI. Emission of Air Contaminants From Industrial Process, Section 5-17. Excess Emissions; Article VI, Sections 5-16 (n), (o), and (p) which pertain to New Source Performance Standards (NSPS); Article VIII, which pertain to National Emission Standards Hazardous Air Pollutants (NESHAPS).

CFR: 40 C.F.R. 52.820 (c)
FRM: 80 FR 1471 (1/12/15)
Effective Date: 1/12/15
PRM: 80 FR 1481 (1/12/15)
State Submission: 9/9/13 (amended 4/15/14)
State Effective Date: 8/5/13
APDB File: IA-164; EPA-R07-OAR-2014-0163
Description: This revision updates Polk County Board of Health Rules and Regulations Air Pollution Chapter V, per the September 9, 2013 submission, the April 15, 2014 amended request, and the October 31, 2014 email clarifying the withdrawal of anaerobic lagoon.

CFR: 40 C.F.R. 52.820 (c)
FRM: 81 FR 44795 (7/11/16)
Effective Date: August 10, 2016
PRM: 81 FR 8030 (2/17/16)
State Submission: December 8, 2015
State Effective Date: 10/12/15
APDB File: IA-172; EPA-R07-OAR-2016-0045
Description: Adds definitions for responsible official, and revises the definition of volatile organic compounds; cross-references rules to be consistent with Federally-approved State regulations; adds a paragraph to the construction and operating permits sections that states the permitting exemptions do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements; revises exemptions for construction and operating permits; adds exemptions for construction and operating permits for equipment that is not related to the production of goods or services and used exclusively for academic purposes; any container, storage tank, or vessel that contains fluid having a maximum true vapor pressure of less than 0.75 psia, and fugitive dust emissions related to movement of passenger vehicles on unpaved road surfaces.

This revision also adds the definition of MACT that was omitted in error from the last Polk County Revision.

CFR: 40 C.F.R. 52.820 (c)
FRM: 86 FR (9/21/2021)
Effective Date: October 21, 2021
PRM: 86 FR 40392 (7/28/21)
State Submission: 1/17/2019 and Supplement 11/05/2020
State Effective Date: November 30, 2018
APDB File: IA-184; EPA-R07-OAR-2019-0708
Description: Revisions to incorporate changes to the Polk County Board of Health Rules and Regulations to concur with Iowa's rules and addresses revisions from past submittals. The revisions update definitions and references to the effective dates of Federal rules approved into the State's SIP, prohibit burning of demolished buildings, update references to methods and procedures for performance test/stack test and continuous monitoring systems, and revise permitting exemptions.

Difference Between the State and EPA-Approved Regulation

EPA has not approved the following Articles which are in the Polk County regulations:

Article I, Section 5-2, definition of "variance";
Article III, Section 5-7, subsection (d) Variance Application;
Article VI, Sections 5-16(n), (o) and (p);
Article VIII;

Article IX, Sections 5-27(3) and (4);

Article XIII and Article XVI 5.59-61, are not part of the SIP.
Article VI, Section 5-17, adopted by Polk County on 7/26/2011, is not part of the SIP, and the previously approved version of Article VI, Section 5-17 remains part of the SIP.