

ORDINANCE #

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, LINN COUNTY, IOWA BY AMENDING
PROVISIONS IN CHAPTER 10, ARTICLE III RELATING TO AIR QUALITY**

BE IT ENACTED by the Board of Supervisors, Linn County, Iowa:

SECTION 1. Chapter 10 of the Linn County Code of Ordinances is hereby amended to read as follows:

Chapter 10 - ENVIRONMENT

ARTICLE III. – AIR QUALITY

Sec. 10-54. - Purpose and ambient air quality standards.

- (a) It is the public policy of the county board of health, and the county board of supervisors, that the purpose of this article is to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote social development of the county, foster economic development, and facilitate the enjoyment of the natural attractions of the county.
- (b) The department has jurisdiction over the atmosphere of the county to prevent, abate and control air pollution, by establishing standards for air quality and by regulating potential sources of air pollution through a system of general rules or specific permits.
- (c) The county ambient air quality standards shall be the National Primary and Secondary Ambient Air Quality Standards as published in 40 Code of Federal Regulations Part 50 (1972) and as amended at 38 Federal Register 22384 (September 14, 1973), 43 Federal Register 46258 (October 5, 1978), 44 Federal Register 8202, 8220 (February 9, 1979), 52 Federal Register 24634-24669 (July 1, 1987), 62 Federal Register 38651-38760, 38855-38896 (July 18, 1997), 71 Federal Register 61144-61233 (October 17, 2006), 73 Federal Register 16436-16514 (March 27, 2008), 73 Federal Register 66964-67062 (November 12, 2008), and 75 Federal Register 6474-6537 (February 9, 2010), 75 Federal Register 35520-35603 (June 22, 2010), and 78 Federal Register 3086-3287 (January 15, 2013), as adopted by reference by the DNR at 567 IAC 28.1. The county shall implement these rules in a time frame and schedule consistent with implementation schedules in federal laws, regulations, and state statutes and rules.
 - (1) All references to 567 IAC ch. 20 are effective October 13, 2021.
 - (2) All references to 567 IAC ch. 21 are effective March 22, 2017.
 - (3) All references to 567 IAC ch. 22 are effective October 13, 2021.
 - (4) All references to 567 IAC ch. 23 are effective October 13, 2021.
 - (5) All references to 567 IAC ch. 25 are effective October 13, 2021.
 - (6) All references to 567 IAC ch. 28 are effective March 22, 2017.
 - (7) All references to 567 IAC ch. 29 are effective May 13, 1998.
 - (8) All references to 567 IAC ch. 33 are effective July 22, 2020.
 - (9) All references to 567 IAC ch. 34 are effective April 18, 2018.

(Code 2006, § 10.1; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-55. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Clean Air Act, 42 USC section 7401 et seq.

Administrator means, the administrator of the United States Environmental Protection Agency or the administrator's designee.

Affected facility means, with reference to a stationary source, any apparatus to which a standard is applicable.

Air contaminant means dust, fume, mist, smoke, other particulate matter, gas, vapor (except water vapor), radioactive substance, odorous substances 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 and 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 outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is or may reasonably tend to be injurious to human, plant, or animal life, or to property, or which unreasonably interferes with the enjoyment of life and property.

Air pollution alert means an air pollution episode when the concentration of air contaminants reaches the level at which the first-stage control actions are to begin.

Air pollution control equipment means any equipment that has the function to prevent the formation of, or to control the emission to the atmosphere of, air contaminants from any fuel-burning equipment, incinerator, or process equipment.

Air pollution control officer means the air pollution control officer of the county public health department or an authorized representative.

Air pollution emergency means the condition 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 forecasted 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 by an authorized office of the U.S. Environmental Protection Agency or state department of natural resources 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 the condition when the air quality is continuing to degrade from the levels classified as an air pollution alert, and when 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 the commission.

Alter means to change, make different, modify, vary, construct or reconstruct, diverge or depart from the original plan.

Ambient air means that portion of the atmosphere, external to buildings, to which the general public has access. The term "ambient air" does not include the atmosphere over land owned or controlled by the source and to which public access is precluded by a fence or other physical barriers.

Anaerobic lagoon, for purposes of air quality rules contained in 567 IAC – Chapters 20 through 35, means an impoundment, the primary function of which is to store and stabilize organic wastes. The impoundment is designed to receive wastes on a regular basis and the designed waste loading rates are such that the predominant biological activity in the impoundment will be anaerobic. The term "anaerobic lagoon" does not include:

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

ASME means the American Society of Mechanical Engineers.

ASTM means the American Society for Testing and Materials.

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

Attainment area means any area of the country designated or redesignated by the EPA at 40 CFR part 81 in accordance with section 107(d) as having attained the relevant NAAQS for a given criteria pollutant. An area can be an attainment area for some pollutants and a nonattainment area for other pollutants.

Authorization to install means the authority which has been granted by the air pollution control officer to authorize an air contaminant source to construct and/or install new installations or control equipment, or alter, modify or remove existing control equipment.

Auxiliary fuel firing equipment means equipment to supply additional heat, by the combustion of an auxiliary fuel, for the purpose of attaining temperatures sufficient to dry and ignite the waste material, to maintain ignition thereof, and to promote complete combustion of combustible gases, solids and vapors.

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

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

Biomass means:

- (1) Any organic material grown for the purpose of being converted to energy;
- (2) Any organic byproduct of agriculture that can be converted into energy; or
- (3) Any material that can be converted into energy and is nonmerchantable for other purposes, that is segregated from other nonmerchantable material, and that is:
 - a. A forest-related organic resource, including mill residues, precommercial thinnings, slash, brush, or byproduct from conversion of trees to merchantable material; or

- b. A wood material, including pallets, crates, dunnage, manufacturing and construction materials (other than pressure-treated, chemically-treated, or painted wood products), and landscape or right-of-way tree trimmings.

Source: 40 CFR part 60, subpart B Adoption and Submittal of State Plans for Designated Facilities.

Board of health means the county public health department's board of health.

BTU means British thermal unit, the quantity of heat required to raise the temperature of 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.

CFR means the Code of Federal Regulations.

Circumvention means evasion by the installation of any device or contrivance, or the concealment or the misrepresentation of facts about contaminant emissions for the purpose of misdirecting or evading proper installations or use of air pollution control devices or application of this article.

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.

Commenced means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

Commission means the environmental protection commission of the state department of natural resources.

Construction means fabrication, erection, or installation of an affected facility.

Control equipment means any equipment that has the function to prevent the formation of or the emission to the atmosphere of air contaminants from any fuel burning, incinerator or process equipment.

Country grain elevator shall have the same definition as set forth in 567 IAC 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.

Department means the air quality division of the county public health department.

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

- (1) For purposes of the air quality rules contained in Title II, and unless otherwise specified, diesel fuel may contain a blend of up to 2.0 percent biodiesel fuel, by volume, as biodiesel fuel is defined in this section.
- (2) The department shall consider air pollutant emission calculations for the biodiesel fuel blends specified in subsection (1) of this definition to be equivalent to the air pollutant emissions calculations for unblended diesel fuel.

- (3) Construction permits issued under **section** 10-58 or Title V operating permits issued under 567 IAC ch. 22, which restrict equipment fuel use to diesel fuel shall be considered by the department to include biodiesel fuel blends specified in subsection (1) of this definition, unless otherwise specified in section 10-58 or in a permit issued under section 10-58 or 567 IAC ch. 22.

Director means the director of the state department of natural resources or the director's designee.

DNR means the **state** department of natural resources.

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

Electronic format, Electronic submittal, and Electronic submittal format mean a software, internet-based, or other electronic means specified by department for submitting information or fees to the department related to, but not limited to, applications, certifications, determination requests, emissions inventories, forms, notifications, payments, permit applications and registrations. References to these information submittal methods in rules 567 IAC Chapters 20 through 35 may, as specified by the department, include electronic submittal.

Emergency means an unforeseeable condition that is beyond the control of the owner or operator.

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;
- (2) Generators at industrial facilities that typically operate at low rates, but are not confined to emergency purposes; or
- (3) Any standby generators that are used during time periods when power is available from the electric utility.

An emergency is an unforeseeable condition that is beyond the control of the owner or operator.

Emission means a release of one or more air contaminants into the outside atmosphere.

Emission limitation and emission standard means a requirement established by a local government, state government or the administrator of the Environmental Protection Agency 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 ensure continuous emission reduction.

Emissions unit means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under section 112(b) of the Act. **The** term "emissions unit" is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the Act or any related regulations.

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 test methods specified in 40 CFR 51, appendix M (as amended or corrected through ~~November 14, 2018~~ October 7, 2020); 40 CFR 60, appendix A (as amended or corrected through ~~November 14, 2018~~ October 7, 2020); 40 CFR 61, appendix B (as amended or corrected through October 7, 2020); and 40 CFR 63, appendix A (as amended or corrected through ~~November 14, 2018~~ December 2, 2020).

- (2) *Continuous monitoring systems.* Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, appendix B (as amended or corrected through ~~November 14, 2018~~ October 7, 2020); 40 CFR 60, appendix F (as amended or corrected through ~~November 14, 2018~~ October 7, 2020); 40 CFR 75, appendix A (as amended or corrected through August 30, 2016); 40 CFR 75, appendix B (as amended or corrected through August 30, 2016); and 40 CFR 75, appendix F (as amended or corrected 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, 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 which may emit smoke, particulate matter or other air contaminants.

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

Excess emission means any emission which exceeds either the applicable emission standard prescribed in section 10-62 or 10-67, or any emission limit specified in a permit or order.

Existing equipment means equipment, machines, devices or installations that are in operation prior to September 23, 1970.

Federally enforceable means all limitations and conditions which are enforceable by the administrator including, but not limited to, the requirements of the New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants contained in 567 IAC 23.1(2) and 23.1(3); the requirements of such other state rules or orders approved by the administrator for inclusion in the state implementation plan; and any construction, Title V or other federally approved operating permit conditions.

Flue means any duct or passage for air, gases or particulate matter.

Foundry cupola means a stack-type furnace used for melting of metals consisting of, 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, etc., 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 substances to the products of combustion.

Fugitive dust means any airborne solid particulate matter emitted from any source other than flue or stack and which could not reasonably be passed through a stack, flue 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 byproducts.

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

Greenhouse gases (GHG) means 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: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. GHGs emitted shall be computed as follows: Multiplying the mass amount of emissions (TPY), for each of the six greenhouse gases in the pollutant GHGs, by the gas' associated global warming potential published at 40 CFR part 98, subpart A, Table A-1, Global Warming Potentials, (as amended on October 30, 2009), and sum the resultant value from paragraph A for each gas to compute a TPY CO₂e.

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

Ground level means that area between the existing grade and a point eight feet thereabove.

Hazardous air pollutant means any air pollutant listed in or pursuant to section 112(b) of the Act.

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

Household rubbish means waste material and trash, not to include garbage, petroleum or asphalt-based products, normally accumulated by a family at a residence in the course of ordinary day-to-day living.

IAC means Iowa Administrative Code.

Incinerator means a combustion apparatus designed for high temperature operation in which solid, semi-solid, 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 "landscape waste" includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

Level means a certain specified degree, quality or characteristic.

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 emissions increase of a regulated NSR pollutant; and a significant net emissions increase of that pollutant from the major stationary source.

- (1) Any significant emissions increase from any emissions units or net emissions increase at a major stationary source that is significant for volatile organic compounds or NO_x shall be considered significant for ozone.
- (2) A physical change or change in the method of operation shall not include:
 - a. Routine maintenance, repair, and replacement;
 - b. Use of an alternative fuel or raw material by reason of an order under section 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 in effect pursuant to the Federal Power Act;
 - c. Use of an alternative fuel by reason of an order or rule under section 125 of the Clean Air Act;
 - d. Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
 - e. Use of an alternative fuel or raw material by a stationary source that the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition, or that the source is approved to use under any federally enforceable permit condition;
 - f. An increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition enforceable by the administrator;
 - g. Any change in ownership at a stationary source;
 - h. Reserved.

- i. The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with the requirements within the SIP; and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated;
 - j. The installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis;
 - k. The reactivation of a very clean coal-fired electric utility steam generating unit.
- (3) This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with the requirements under Rule 567 IAC 33.9 for a PAL for that pollutant. Instead, the definition under Rule 567 IAC 33.9 shall apply.

Major stationary source means:

- (1) Any one of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant:
- a. Fossil fuel-fired steam electric plants of more than 250,000,000.00 British thermal units per hour heat input;
 - b. Coal cleaning plants (with thermal dryers);
 - c. Kraft pulp mills;
 - d. Portland cement plants;
 - e. Primary zinc smelters;
 - f. Iron and steel mill plants;
 - g. Primary aluminum ore reduction plants;
 - h. Primary copper smelters;
 - i. Municipal incinerators capable of charging more than 250 tons of refuse per day;
 - j. Hydrofluoric, sulfuric, and nitric acid plants;
 - k. Petroleum refineries;
 - l. Lime plants;
 - m. Phosphate rock processing plants;
 - n. Coke oven batteries;
 - o. Sulfur recovery plants;
 - p. Carbon black plants (furnace process);
 - q. Primary lead smelters;
 - r. Fuel conversion plants;
 - s. Sintering plants;
 - t. Secondary metal production plants;
 - u. Chemical process plants, which does not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS code 325193 or 312140;
 - v. Fossil-fuel boilers, or combinations thereof, totaling more than 250,000,000.00 British thermal units per hour heat input;

- w. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
 - x. Taconite ore processing plants;
 - y. Glass fiber processing plants; and
 - z. Charcoal production plants.
- (2) Notwithstanding the stationary source size specified in subsection (1) of this definition:
- a. Any stationary source which emits, or has the potential to emit, 250 tons per year or more of a regulated NSR pollutant; or
 - b. Any physical change that would occur at a stationary source not otherwise qualifying under this definition as a major stationary source if the change would constitute a major stationary source by itself.
- (3) A major source that is major for volatile organic compounds or NO_x shall be considered major for ozone.
- (4) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this rule whether it is a major stationary source, unless the source belongs to one of the categories of stationary sources listed in subsection (1) of this definition or to any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.

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.

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 director, 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 director, 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 performing 12 percent of the existing sources in the United States (for which the administrator or director has 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 director has or could reasonably obtain emissions information), for 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.

Modification means any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.

National Ambient Air Quality Standards (NAAQS) means the standards established pursuant to section 109 of the Clean Air Act that apply for ambient air.

National Emission Standards for Hazardous Air Pollutants (NESHAP) are emission standards established pursuant to section 112 of the Clean Air Act.

New equipment means except for any equipment or modified equipment to which section 10-62(b) applies, any equipment or control equipment not under construction or for which components have not been purchased on or before September 23, 1970, and any equipment which is altered or modified after such date, which may cause the emission of air contaminants or eliminate, reduce or control the emission of air contaminants.

New facility means manufacturing, production, or processing of any kind, starting for the first time at a different or new location or the restarting of existing facilities which have been non-operational for two calendar years or more.

New Source Performance Standards (NSPS) means performance standards established pursuant to section 111 of the Clean Air Act.

Nonattainment area means any area of the country designated by the EPA at 40 CFR part 81 in accordance with section 107(d) of the Act as nonattainment for one or more criteria pollutants. An area could be a nonattainment area for some pollutants and an attainment area for other pollutants.

Number 1 fuel oil and number 2 fuel oil, also known as distillate oil, means any fuel oil that complies with the specifications for fuel oil number 1 or fuel oil number 2, as defined by the American Society of Testing and Materials (ASTM) D 396-02, Standard Specification for Fuel Oils.

- (1) For purposes of the air quality rules contained in this chapter and unless otherwise specified, number 1 fuel oil 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 section.
- (2) The department shall consider air pollutant emission calculations for the biodiesel fuel blends specified in subsection (1) of this definition to be equivalent to the air pollutant emission calculations for unblended number 1 fuel oil or unblended number 2 fuel oil.
- (3) Construction permits issued under section 10-58 or Title V operating permit issued under 567 IAC ch. 22, which restricts equipment fuel use to number 1 fuel oil or number 2 fuel oil shall be considered by the department to include the biodiesel fuel blends specified in subsection (1) of this definition, unless otherwise specified in section 10-58 or in a permit issued under section 10-58 or 567 IAC ch. 22.

Objectionable odor means an odor that is believed to be objectionable by 30 percent or more of a random sample of the people exposed to such odor, with the sample size of at least 30 people, or 75 percent of those exposed if fewer than 30 people are affected.

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

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

Odorous substance means a gaseous, liquid, or solid material that elicits a psychological response by the human sense of smell.

Odorous substance source means any equipment, installation operation, or material which emits odorous substances; such as, but not limited to, a stack, chimney, vent, window, opening, basin, lagoon, pond, open tank, storage pile, or inorganic or organic discharges.

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 any burning of combustible materials from which the products of combustion are emitted into the open air without passing through a stack or chimney.

PM_{2.5} means particulate matter as defined in this rule with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by an EPA-approved reference method.

PM₁₀ means particulate matter as defined in this rule with an aerodynamic diameter less than or equal to a nominal ten micrometers as measured by an EPA-approved reference method.

Particulate matter, except for the purposes of new source performance standards as defined in 40 CFR 60, means any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions and includes gaseous emissions that condense to liquid or solid form as measured by EPA-approved reference methods.

Parts per million (ppm) means the volumetric concentration of one material in 1,000,000.00 unit volumes of a carrier material.

Permit conditions means operational limits, restrictions, or other guides which have been set by the air pollution control officer, which govern the operation and/or emissions of a particular permitted air pollution source.

Permit to operate means the authority has been granted by the air pollution control officer for an air contaminant source to operate new installations or control equipment or to operate altered or modified existing equipment.

Petitioned signed complaint means a complaint by not less than 20 signatures of persons directly aggrieved by the condition causing the complaint when submitted to the air pollution control officer.

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.

Potential to emit means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a 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. The term "potential to emit" does not alter or affect the use of the term "potential to emit" 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.

- (1) For the purpose of determining potential to emit for country grain elevators, the provisions set forth in 567 IAC 22.10(2) shall apply.
- (2) For purposes of calculating potential to emit for emergency generators, maximum capacity means one of the following:
 - a. 500 hours of operation annually, if the generator has actually been operated less than 500 hours per year for the past five years;
 - b. 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
 - c. 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.

Prevention of significant deterioration (PSD) means a permit program for new and modified sources issued by the director pursuant to 567 IAC ch. 33.

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 emit smoke, particulate matter, gaseous matter or other air contaminant.

Process weight means the total gross weight of all materials that are capable of causing any discharge into the atmosphere, introduced into a specific process, including liquids in any form, but excluding air and free water in any form.

Process weight rate means a rate established as follows:

- (1) For continuous or long-run steady-state process, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of each period or portion thereof.
- (2) For cyclical or batch process, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.
- (3) 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 definition, the interpretation that results in the minimum value for allowable emissions shall apply.

Public health department means the director or administrative staff of the county public health department.

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

Refuse burning equipment means any equipment and all appurtenances thereto including incinerator, device or contrivance used for the destruction of garbage, rubbish and/or other wastes by burning.

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:
 - a. Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas;
 - b. Sulfur dioxide is a precursor to PM_{2.5} in all attainment and unclassifiable areas;
 - c. Nitrogen oxides are presumed to be precursors to PM_{2.5} in all attainment and unclassifiable areas, unless the department demonstrates to the EPA's satisfaction or the EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to the area's ambient PM_{2.5} concentrations;
 - d. Volatile organic compounds are presumed not to be precursors to PM_{2.5} in any attainment and unclassifiable areas, unless the department demonstrates to the EPA's satisfaction or the EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient PM_{2.5} concentrations;
- (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;
- (4) Any pollutant that otherwise is subject to regulation under the Act as defined in 567 IAC 33.3(1), definition of the term "subject to regulation;"
- (5) **Notwithstanding** subsections (1) through (4) of this definition, the term "regulated NSR pollutant" shall not include any or all hazardous air pollutants that are either listed in section 112 of the Act

or added to the list pursuant to section 112(b)(2) of the Act and that 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;

- (6) The terms "particulate matter (PM) emissions," "PM_{2.5} emissions" and "PM₁₀ emissions" shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures.

Replacement unit means an emissions unit for which all the criteria listed in this definition are met. No creditable emissions reductions shall be generated from shutting down the existing emissions unit that is replaced.

- (1) The emissions unit is a reconstructed unit within the meaning of 40 CFR 60.15(b)(1) as amended through December 16, 1975, or the emissions unit completely takes the place of an existing emissions unit.
- (2) The emissions unit is identical to or functionally equivalent to the replaced emissions unit.
- (3) The replacement unit does not change the basic design parameters of the process unit.
- (4) The replaced emissions unit is permanently removed from the major stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.

Residential waste means any refuse generated on the premises as a result of residential activities. The term "residential waste" includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes, and any locally recyclable goods or plastics.

Responsible official means one of the following:

- (1) For a corporation, a president, secretary, vice-president or treasurer 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 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 a gross annual sales or expenditures exceeding \$25,000,000.00 (in second quarter 1980 dollars); or the delegation of authority to such representative is approved in advance by the permitting authority.
- (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 article, a principal executive office 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 the EPA).
- (4) For Title IV affected facilities, 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 article or the Act.

Rubbish means all waste materials of nonputrescible nature.

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

Sampling facilities means access structures and adequate stack ports or openings from which air contaminant samples can be taken.

Seal for sealing equipment or premises means a device installed by the air pollution control officer so as to prevent use of the process, fuel-burning, refuse-burning or control equipment or premises being used in violation of this article.


Shutdown means the cessation of operation of an affected facility for any purpose.

Significant means:

- (1) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, at a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate

- a. Carbon monoxide: 100 tons per year (TPY).
- b. Nitrogen oxides: 40 TPY.
- c. Sulfur dioxide: 40 TPY.
- d. Particulate matter: 25 TPY of particulate matter emissions.
- e. PM₁₀: 15 TPY.
- f. PM_{2.5}: 10 TPY of direct PM_{2.5} emissions; 40 TPY of sulfur dioxide emissions; 40 TPY of nitrogen oxide emissions (unless the department demonstrates to the EPA's satisfaction that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to the area's ambient PM_{2.5} concentrations).
- g. Ozone: 40 TPY of volatile organic compounds or NO_x.
- h. Lead: 0.6 TPY.
- i. Fluorides: 3 TPY.
- j. Sulfuric acid mist: 7 TPY.
- k. Hydrogen sulfide (H₂S): 10 TPY.
- l. Total reduced sulfur (including H₂S): 10 TPY.
- m. Reduced sulfur compounds (including H₂S): 10 TPY.
- n. Municipal waste combustor organics (measured as total tetra-through octachlorinated dibenzo-p-dioxins and dibenzofurans): 3.2 x 10⁻⁶ megagrams per year (3.5 x 10⁻⁶ TPY).
- o. Municipal waste combustor metals (measured as particulate matter): 14 megagrams per year (15 TPY).
- p. Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 TPY).
- q. Municipal solid waste landfill emissions (measured as nonmethane organic compounds): 45 megagrams per year (50 TPY).

 (2) The term "significant" means, for purposes of this rule and in reference to a net emissions increase or the potential of a source to emit a regulated NSR pollutant not listed in subsection (1) of this definition, any emissions rate.

- (3) Notwithstanding subsection (1) of this definition, the term "significant," for purposes of this article, means any emissions rate or any net emissions increase associated with a major stationary source or major modification, which would construct within 10 kilometers of a Class I area and have an impact on such area equal to or greater than 1 µg/m³ (24-hour average).

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

Smoke means gas-borne particulates 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.

Source operation means the last operation preceding the emission of an air contaminant, and 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 is not an air pollution control operation.

Stack, chimney or vent means any flue, vent, conduit or duct arranged to conduct an air contaminant to the atmosphere.

Standard conditions means a temperature of 68 degrees Fahrenheit and a pressure of 29.92 inches of mercury absolute.

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

Standard metropolitan statistical area (SMSA) means an area that 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.

State implementation plan (SIP) means the plan adopted by the state and approved by the administrator which provides for implementation, maintenance, and enforcement of such primary and secondary ambient air quality standards as are adopted by the administrator, pursuant to the Act.

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

Subject to regulation. The definition of the term "subject to regulation" shall be adopted by reference as defined in 567 IAC 22.100 (455B).

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.

Title V means Title V of the Clean Air Act, 42 USC section 7401 et seq., and all rules promulgated thereunder.

Total suspended particulate means particulate matter as defined in this rule.

Trade waste means any refuse resulting from the prosecution of any trade, business, industry, commercial venture (including farming and ranching), or utility or service activity, and any governmental or institutional activity, 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 refers to wood or wood products, 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. The term "untreated," as it refers to seeds, pellets or other vegetative matter, includes only seeds, pellets or other vegetative matter that has not been treated with pesticides or fungicides.

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

Variance means a temporary waiver from rules, ordinances, or standards granted by the air pollution control officer for a specified period of time governing the quality, nature, duration, or extent of emissions.

Volatile organic compound (VOC) means any compound included in the definition of volatile organic compounds found at 40 CFR § 51.100(s) as amended through November 28, 2018.

(Code 2006, § 10.2; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-56. - Air quality division.

There is hereby created an air quality division of the county public health department. An air pollution control officer shall be appointed by the board of health and shall perform duties under the supervision of the director of the county public health department.

(Code 2006, § 10.3; Ord. No. 1-1-2015, 1-28-201; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-57. - Title V permits.

- (a) *Title V permits.* Except as hereafter modified, the Title V permit regulations or rules as adopted by the state department of natural resources and promulgated as 567 IAC ch. 22, are hereby specifically incorporated by reference and adopted as a part of this article.

(Code 2006, § 10.4; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-58. – Permits for New or Existing Stationary Sources.

- (a) *Permit required.* Unless exempted in subsection 10-58(k) or to meet the parameters established in subsection 10-58(a)(c), no person shall construct, install, reconstruct, or alter any equipment or control equipment without first obtaining an authorization to install permit, or permits pursuant to 567 IAC 567-22.4(455B), IAC 567-22.5(455B), IAC 567-31.3(455B), and IAC 567-33.3(455B) as required in this subsection. An authorization to install permit shall be obtained prior to the initiation of construction, installation or alteration of any portion of the stationary source.

- (1) Existing sources. Sources built prior to September 23, 1970, are not subject to this subsection (a), unless they have been modified, reconstructed, or altered on or after September 23, 1970.
- (2) New or reconstructed major sources of hazardous air pollutants. No person shall construct or reconstruct a major source of hazardous air pollutants in 40 CFR 63.2 and 40 CFR 63.41 as amended as adopted by reference in subsection 10-62(d), unless a construction permit has been obtained from the Department, which requires maximum achievable control technology for new sources to be applied. The permit shall be obtained prior to the initiation of construction or reconstruction of the major source.
- (3) New, reconstructed, or modified sources may initiate construction prior to issuance of the construction permit by the Department if they meet the eligibility requirements stated in subsection 10-58(a)(3)(a) 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 hook up the equipment to the exhaust stack or operate the equipment in any way that may emit any pollutant prior to receiving a construction permit.

(a) Eligibility.

(1) The applicant has submitted a construction permit application to the Department, as specified in subsection 10-58(b);

(2) The applicant has notified the Department of the applicant's intentions in writing 5 working days prior to initiating construction; and

(3) The source is not subject to 567 IAC 22.4(455B), subsection 10-62(b), subsection 10-62(c), subsection 10-62(d), or subsection 10-58(a)(2). 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).

(b) The applicant must cease construction if the Department'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 51, Subpart G, as amended through February 19, 2015.

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

(d) The applicant must notify the Department of the date that construction or reconstruction actually started. All notifications shall be submitted to the Department in writing no later than 30 days after construction or reconstruction started. All notification shall include all of the information listed in subsection 10-58(b)(6)(b).

(b) *Authorization to install permits.* The owner or operator of a new or modified stationary source shall apply for an authorization to install permit. One copy of an authorization to install permit application for a new or modified source shall be presented or mailed to Linn County Public Health, Air Quality Division, 1020 6th Street SE, Cedar Rapids, Iowa 52401. Application submission methods may include, but are not limited to U.S. Postal Service, private parcel delivery services, and hand delivery. Applications are not required to be submitted by certified mail.

(1) *Regulatory applicability determinations.* If requested in writing, the air pollution control officer will review the design concepts of proposed new equipment and associated control equipment prior to application for an authorization to install permit. The purpose of the review would be to determine the acceptability of the location of the proposed equipment. If the review is requested, the requester shall supply the following information:

(a) Preliminary plans and specifications of proposed equipment and related control equipment.

(b) The exact site location and a plot plan of the immediate area, including the distance to and height of nearby buildings and the estimated location and elevation of the emission points.

(c) The estimated emission rates of any air contaminants which are to be considered.

(d) The estimated exhaust gas temperature, velocity at the point of discharge, and stack diameter at the point of discharge.

(e) An estimate of when construction would begin and when construction would be completed.

(2) *Authorization to install permit applications.* Each application for an authorization to install permit shall be submitted to the Department on the permit application forms available on the Department's website. Final plans and specifications for the proposed equipment or related control equipment shall be submitted with the application for a permit. The application for an authorization to install permit shall include the following information:

(a) A description of the equipment covered by the application;

(b) A scaled plot plan, including the distance and height of nearby buildings, and the location and elevation of existing and proposed emission points;

(c) The composition of the effluent stream, both before and after any control equipment with estimates of emission rates, concentration, volume and temperature;

(d) The physical and chemical characteristics of the air contaminants;

(e) The proposed dates and description of any tests to be made by the owner or operator of the completed installation to verify compliance with the applicable emission limits or standards of performance;

(f) Information pertaining to sampling port locations, scaffolding, power sources for operation of appropriate sampling instruments, and pertinent allied facilities for making tests to ascertain compliance;

(g) Any additional information deemed necessary by the Department to determine compliance with or applicability of rules 567 IAC 22.4(455B), 567 IAC 22.5(455B), 567 IAC 31.3(455B) and 567 IAC 33.3(455B); and

(h) Application for a case-by-case MACT determination. If the source meets the definition of construction or reconstruction of a major source of hazardous air pollutants, as defined in section 10-55, then the owner or operator shall submit an application for a case-by-case MACT determination, as required in 567 IAC 23.1(4)"b"(1), with the Authorization to Install permit application. In addition to this subsection 10-58(a)(2)(h), an application for a case-by-case MACT determination shall include the following information:

(1) The hazardous air pollutants (HAP) emitted by the constructed or reconstructed major source, and the estimated emission rate for each HAP, to the extent this information is needed by the permitting authority to determine MACT;

(2) Any federally enforceable emission limitations applicable to the constructed or reconstructed major source;

(3) The maximum and expected utilization of capacity of the constructed or reconstructed major source, and the associated uncontrolled emission rates for that source, to the extent this information is needed by the permitting authority to determine MACT;

(4) The controlled emissions for the constructed or reconstructed major source in tons/yr at expected and maximum utilization of capacity to the extent this information is needed by the permitting authority to determine MACT;

(5) A recommended emission limitation for the constructed or reconstructed major source consistent with the principles set forth in 40 CFR Part 63.43(d) as amended through December 27, 1996;

(6) The selected control technology to meet the recommended MACT emission limitation, including technical information on the design, operation, size, estimated control efficiency of the control technology (and the manufacturer's name, address, telephone number, and relevant specifications and drawings, if requested by the permitting authority);

(7) Supporting documentation including identification of alternative control technologies considered by the applicant to meet the emission limitation, and analysis of cost and non-air quality health environmental impacts or energy requirements for the selected control technology;

(8) An identification of any listed source category or categories in which the major source is included.

(i) A signed statement that ensures the applicant's legal entitlement to install and operate equipment covered by the permit application on the property identified in the permit application. A signed statement shall not be required for rock crushers, portable concrete or asphalt equipment used in conjunction with specific identified construction projects which are intended to be located on a site only for the duration of the specific, identified construction project.

(3) *Incomplete applications.* The Department will notify the applicant whether the application is incomplete. If the application is found by the Department to be incomplete upon receipt, the applicant will be notified within 30 days of that fact and of the specific deficiencies. Thirty days following such notification, the application may be denied for lack of information. When this schedule would cause undue hardship to an applicant, or the applicant has a compelling need to proceed promptly with the proposed installation, modification or location, a request for priority consideration and the justification therefore shall be submitted to the Department.

(4) *Public notice and participation.* Before an authorization to install is issued for a proposed new major stationary source or authorization is issued for a significant modification to an existing major source as defined in section 10-55 and 567 IAC ch. 33, the department shall notify the public. Notification will occur by posting on a publicly available website identified by the department, the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, and the opportunity for comment at a public hearing as well as written public comment. The electronic notice shall be available for the duration of the public comment period and shall include the notice of the public comment, the draft permit(s), information on how to access the administrative record for the draft permit(s) and how to request or attend a public hearing on the draft permit(s). The department may use other means if necessary to ensure adequate notice to the affected public. At least 30 days shall be provided for public comment and for notification of any public hearing.

(5) *Issuance of permit.* In no case shall an authorization to install 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 state implementation plan. If the facility is in compliance with a schedule for correcting the violation and that schedule is contained in an order or permit condition, the department may consider issuance of an authorization to install permit. An authorization to install permit shall be issued when the air pollution control officer concludes that the preceding requirement has been met and:

- a. That the required plans and specifications represent equipment which reasonably can be expected to comply with all applicable emission standards;
- b. That the expected emissions from the proposed source or modification, in conjunction with all other emissions, will not prevent the attainment or maintenance of the ambient air quality standards specified in section 10-54;
- 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 section 10-62(f); and
- d. That the applicant has met all other applicable requirements.

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

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

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

1. The date or dates required by section 10-58(b)(6)(b) for which the notice is being submitted.
2. Facility name.
3. Facility address.

4. Linn County facility number.
5. Linn County authorization to install permit number.
6. The name or the number of the emission unit or units in the notification.
7. The emission point number or numbers in the notification.
8. The name and signature of a company official.
9. The date the notification was signed.

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

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

(7) *Duration of permit.* The expiration date of the authorization to install permit shall be the proposed installation completion date plus a 90 day adjustment period. If after this time a permit to operate has not been obtained to operate the new or modified stationary source, the said equipment shall be shut down and not operate until such time as the air pollution officer grants a permit to operate the equipment. Extensions of the 90 day adjustment period may be granted the air pollution control officer for good cause. Expiration of the authorization to install permit does not relieve the applicant from complying with any permit conditions which may have been a part of the original authorization to install permit.

(8) *Denial of a permit.*

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

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

(9) *Modification of a permit.* The air pollution control officer may, after a public notice of such decision, modify a condition of approval of an existing permit for a major stationary source or an emission limit contained in an existing permit for a major stationary source if necessary to attain or maintain an ambient air quality standard, or to mitigate excessive deposition of mercury.

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

(11) *Revocation of a permit.* The department may revoke a permit upon obtaining knowledge that a permit holder has lost legal entitlement to use the property identified in the permit to install and operate covered by the permit, upon notice that the property owner does not wish to have

continued the operation of the permitted equipment, or upon notice that the owner of the permitted equipment no longer wishes to retain the permit for future operation.

(12) Complaints, hearings, and appeals.

(a) In addition to any specific duties of the Linn County Public Health Director set forth in this ordinance, it shall be the duty of the Health Director, or their designee, to:

- (1) Hold hearings when necessary and issue specific written decisions;
 - (2) Recommend legal proceedings to be taken in appropriate cases when deemed necessary;
- and
- (3) Issue specific orders or recommendations consistent with this ordinance.

(b) In addition to any specific duties of the Board of Health set forth in this ordinance, it shall be the duty of the Board of Health, or their designee, to:

(1) Hold hearings on appeal of an order issued by the Health Director and issue specific written decisions; and

(2) After the hearing on appeal, the Board of Health or designee may affirm, modify, or rescind the order of the Health Director.

(c) Any person claiming to be aggrieved by any notice served upon him or her under this ordinance may file a written complaint with the Department, requesting a hearing before the Health Director. Such complaints must be filed within 20 days after a person receives such a notice. After receiving a complaint, the Department shall notify the Health Director of such complaint. The Health Director 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.

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

(1) Hearing procedure.

(a) The Health Director, or their designee, shall preside over all non-appellate hearings prescribed by this ordinance.

(b) If a party fails to appear after having been properly notified, the Health Director may proceed with the hearing and enter a decision in the absence of the party. The parties at the hearing shall be the owner, operator, and/or permit-holder or applicant for a permit and the air pollution control officer.

(c) The Health Director shall swear-in the parties and their witnesses and examine them in such a way as to establish the facts. The Health Director shall make detailed minutes of the testimony, or may electronically record it. The parties may participate personally or by attorney. The Health Director may continue the hearing from time to time.

(d) Unless Precluded by the Linn County Code of Ordinances, Chapter 10 – Article III, informal disposition may be made of any case by stipulation, agreed settlement, consent order or default, or by any other method agreed upon by the parties in writing.

(e) The record in each case shall include:

(1) The minutes made by the Health Director or the electronic recordings of the meeting and all other submissions;

(2) Copies of all documents served upon or mailed to the owner by the air pollution control officer; and

(3) A statement of all matters officially noticed.

(f) All hearings shall be open to the public. The record of the hearings shall be filed and maintained by the Department for at least 5 years from the date of decision.

(g) Findings of fact shall be based solely on the evidence in the record and on matters officially noticed in the record.

(h) The hearing shall be informal and shall be conducted by the Health Director without regard to technicalities of procedure.

(2) Evidence

(a) Irrelevant, immaterial, or unduly repetitious evidence should be excluded. A finding shall be based upon the kind of evidence on which reasonably prudent persons are accustomed to rely for the conduct of their serious affairs, and may be based upon such evidence even if it would be inadmissible in a jury trial. The Health Director shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be required to be submitted in verified written form.

(b) Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original, if available.

(c) Witnesses at the hearing, or persons whose testimony has been submitted in written form, if available, shall be subject to cross examination by any party as necessary for a full and true disclosure of the facts.

(d) The Health Director may take official notice of all facts of subject to judicial notice and of other facts within the specialized knowledge of the Department. All facts proposed to be noticed and their source shall be presented to the involved parties at the earliest practicable time, including any staff memorandum or data. The parties shall be afforded an opportunity to contest such facts before the decision is announced, unless the Health Director determines, as part of the record or decision, that fairness to the parties does not require an opportunity to contest such facts.

(e) The Department's experience, technical competence, and specialized knowledge may be utilized in evaluation of the evidence.

(3) Decision/Order

The decision/order required of the Health Director by the Linn County Code of Ordinances, Chapter 10 – Article III, shall constitute a final decision. Any person aggrieved by the decision of the Health Director may appeal such decision to the Linn County Board of Health within 30 days for review of such decision. Such review will be de novo.

(c) *Permit to operate permits.* The owner or operator of a new or modified stationary source shall apply for a permit to operate permit prior to the expiration date listed in the authorization to install permit. Alternatively, the owner or operator may request an extension to the authorization to install permit in writing. No permit to operate shall be granted by either the air pollution control officer or the Board of Health for any new or modified stationary source in section 10-58(b) that was constructed or installed without authorization as required by section 10-58(b), until the information required is presented to the air pollution control officer. The air pollution control officer shall require the new or modified stationary source altered, if necessary, to conform to standards set forth in this ordinance, prior to granting the permit to operate. One copy of a permit to operate application for each new or modified source shall be presented, or mailed to the Linn County Public Health, Air Quality Division, 1020 6th Street SE, Cedar Rapids, Iowa 52401. Application submission methods may include, but are not limited to U.S. Postal service, private parcel delivery services, and hand delivery. Applications are not required to be submitted by certified mail.

(1) *Permit to operate permit application.* Each application for a permit to operate permit shall be submitted to the department on forms provided by the department. The application for a permit to operate shall include the following information:

(a) A signed statement that ensures the applicant's legal entitlement to install and operate equipment covered by the permit application on the property identified in the permit application. A signed statement shall not be required for rock crushers, portable concrete or asphalt equipment used in conjunction with specific identified construction projects which are intended to be located on a site only for a duration of the specific, identified construction project.

(2) *Issuance of permit.* A permit to operate shall be issued when the air pollution control officer concludes that the following requirement has been met:

(a) If required as an authorization to install permit condition, all emissions testing has been completed, reviewed, and approved by the department, and

(b) The applicant is in compliance with all requirements established in the authorization to install permit and met all other applicable requirements.

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

(4) *Duration of permit.* A permit to operate shall be renewed annually pursuant to subsection 10-59(b).

(d) *Reserved.*

(e) *Reserved.*

(f) *Reserved.*

(g) *Transfer of permits.* An authorization to install permit or a permit to operate shall be non-transferable:

(1) From one location to another or from one piece of equipment to another unless the equipment is portable. When portable equipment for which a permit has been issued is to be transferred from one location to another, the department shall be notified in writing at least 7 days prior to the transfer of the portable equipment to the new location. Written notification shall be submitted to the department through one of the following methods: electronic mail (e-mail), mail delivery service (including U.S. Mail), hand delivery, facsimile (fax), or by electronic format specified by the department (at such time as an internet-based submittal system or other, similar electronic submittal system becomes available. However, if the owner or operator is relocating the portable equipment to an area currently classified as nonattainment for ambient air quality standards or to an area under a maintenance plan for ambient air quality standards, the owner or operator shall notify the department at least 14 days prior to transferring the portable equipment to the new location. A list of nonattainment and maintenance areas may be obtained from the department, upon request, or on the department's internet web site. The owner or operator will be notified by the department at least 10 days prior to the scheduled relocation if said relocation will prevent the attainment or maintenance of ambient air quality standards and thus require a more stringent emission standard and the installation of additional control equipment. In such a case, the owner or operator shall obtain a supplemental permit prior to the initiation of construction, installation, or alteration of such additional control equipment.

(2) From one owner to another.

(a) The new owner shall notify the Department in writing no later than 30 days after the change in ownership of equipment covered by a permit to operate pursuant to section 10-58(c). The notification to the Department shall be mailed to:

Air Quality Division

Linn County Public Health

1020 6th Street SE

Cedar Rapids, IA 52401

and shall include the following information at a minimum:

(1) The date of ownership change;

(2) The name, address, telephone number, email address of the responsible official, the contact person and the owner of the equipment both before and after the ownership change;

(3) The permit to operate number(s) of the equipment changing ownership; and

(4) Permit to operate application form(s) for each piece of equipment and applicable permit filing fees pursuant to section 10-59(a).

- (h) Reserved.
- (i) Reserved.
- (j) Reserved.
- (k) Exemptions from the authorization to install permit and permit to operate requirements. The requirement to obtain a permit in subsection 10-58(a) is not required for the equipment, control equipment, and processes listed in this subsection (k). The permitting exemptions in this subsection (k) do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements. Equipment, control equipment, or processes subject to 567 IAC 22.4(455B) and 567 IAC Chapter 33 (except 567 IAC 33.9(455B)), prevention of significant deterioration requirements, or rule 567 IAC 22.5(455B) or 567 IAC 31.3(455B), requirements for nonattainment areas may not use exemptions from construction permitting listed in this subsection (k). Equipment, control equipment, or processes subject to section 10-62(b), new source performance standards (40 CFR Part 60); section 10-62(c), emission standards for hazardous air pollutants (40 CFR Part 61 NESHAP); section 10-62(d), emission standards for hazardous air pollutants for source categories (40 CFR 63 NESHAP); or section 10-62(e), emission guidelines, may still use the exemptions from construction permitting listed in this subsection (k) provided that a permit is not needed to create federally enforceable limits that restrict potential to emit.
 - (1) Fuel-burning equipment for indirect heating and re-heating furnaces or cooling units using natural or liquefied petroleum gas with a capacity of less than 10,000,000 BTU per hour input per combustion unit.
 - (2) Fuel-burning equipment for indirect heating or cooling with a capacity less than 1,000,000 BTU per hour input per combustion unit when burning fuel oil grade number 1 and number 2. This exemption does not apply to equipment burning used oil.
 - (3) Mobile internal combustion and jet engines, marine vessels, and locomotives.
 - (4) 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 also is not applicable to equipment used by a person to manufacture commercial feed, as defined in I.C.A. § 198.3, when that feed is normally not fed to livestock owned by that person or another person, in a feedlot, as defined in I.C.A. § 172D.1(6), or a confinement building owned or operated by that person and located in this state.
 - (5) Direct-fired residential heaters, cook stoves, or fireplaces, which burn untreated wood, untreated seeds or pellets, or other untreated vegetative materials.
 - (6) The equipment in laboratories used exclusively for non-production chemical and physical analyses. The term "non-production analyses" means analyses incidental to the production of a good or service and includes analyses conducted for quality assurance or quality control activities, or for the assessment of environmental impact.
 - (7) Recreational fireplaces.
 - (8) Barbecue pits and cookers except at a meat packing plant or a prepared meat manufacturing facility.
 - (9) Storage tanks with a capacity of 19,812 gallons or less and an annual throughput of less than 200,000 gallons.
 - (10) Stacks or vents to prevent escape of sewer gases through plumbing traps. Systems which include any industrial waste are not exempt.
 - (11) Retail gasoline and diesel fuel handling facilities.

- a. The owner or operator of a retail gasoline dispensing facility (GDF) that is subject to applicable national emission standards for hazardous air pollutants (NESHAP) may not use this exemption in accordance with this subsection (k) unless the monthly throughput is less than 10,000 gallons of gasoline.
 - b. The owner or operator of an existing, or prior to installing, modifying or reconstructing a GDF which has a monthly throughput greater than or equal to 10,000 and less than 100,000 gallons of gasoline, must submit to the department a completed registration, on forms provided by the department, certifying that the GDF is in compliance with the following federal regulations: National emission standards for hazardous air pollutants (NESHAP) for gasoline dispensing facilities (40 CFR part 63, subpart CCCCCC).
 - c. The owner or operator of an existing, or prior to installing, modifying or reconstructing a GDF which has a monthly throughput greater than or equal to 100,000 gallons of gasoline, must apply for a locally required permit pursuant to this section.
- (12) A non-production surface coating process that uses only hand-held aerosol spray cans.
- (13) Brazing, soldering, or welding equipment or portable cutting torches used only for non-production activities.
- (14) Asbestos demolition and renovation projects subject to 40 CFR 61.145 as amended through January 16, 1991, as amended in 567 IAC 22.1(2)k.
- (15) A stationary internal combustion engine with a brake horsepower rating of less than 400 measured at the shaft, provided that the owner or operator meets all of the conditions in this subsection. For the purposes of this exemption, the manufacturer's nameplate rated capacity at full load shall be defined as the brake horsepower output at the shaft. The owner or operator of an engine that is subject to an applicable new source performance standards (NSPS) or national emission standards for hazardous air pollutants (NESHAP), based on the date the engine was manufactured, ordered, modified or reconstructed, may not use this exemption in accordance with subsection (k) of this section. The owner or operator, prior to installing, modifying or reconstructing the engine, must submit to the department a completed registration, on forms provided by the department (unless exempted from registration, as specified in this subsection or on the registration form), certifying that the engine is in compliance with the following federal regulations:
- a. New source performance standards (NSPS) for stationary compression ignition internal combustion engines (40 CFR 60, subpart IIII); **or**
 - b. New source performance standards (NSPS) for stationary spark ignition internal combustion engines (40 CFR part 60, subpart JJJJ); **and**
 - c. National emission standards for hazardous air pollutants (NESHAP) for stationary reciprocating internal combustion engines (40 CFR part 63, subpart ZZZZ).
- This is effective retroactive to the applicable effective date of the NSPS. The effective date is based on the date the engine or fire pump was manufactured, ordered, modified or reconstructed. Use of this exemption does not relieve an owner or operator from any obligation to comply with NSPS or NESHAP requirements. An engine that meets the definition of a nonroad engine as specified in 40 CFR 1068.30 is exempt from the registration requirements of this subsection 10-58(k)(15).
- An engine that commenced construction or reconstruction before June 12, 2006, may not use this exemption unless it meets the following criteria:
- d. Defined as an emergency stationary RICE according to NESHAP subpart ZZZZ;
 - e. Located at an area source according to NESHAP Subpart ZZZZ; and

- f. Defined as a residential emergency stationary RICE, commercial emergency stationary RICE, or institutional emergency stationary RICE according to NESHAP Subpart ZZZZ
-
- (16) Cooling and ventilating equipment: Comfort air conditioning not designed or used to remove air contaminants generated by, or released from, specific units of equipment.
 - (17) 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 I.C.A. § 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 1,000,000 BTU per hour fuel capacity. This exemption does not apply to incinerators.
 - (18) 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:
 - a. For material stored at ambient temperature, the maximum monthly average temperature as reported by the National Weather Service; or
 - b. For material stored above or below the ambient temperature, the temperature equal to the highest calendar-month average of the material storage temperature.
 - (19) Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sandblast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals (other than beryllium), plastics, concrete, rubber, paper stock, and wood or wood products, where such equipment is either used for non-production activities or exhausted inside a building.
 - (20) Manually operated equipment, as defined in 567 IAC 22.100, used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, scarfing, surface grinding, or turning.
 - (21) Incinerators and pyrolysis cleaning furnaces with a rated refuse burning capacity of less than 25 pounds per hour for which initiation of construction, installation, reconstruction, or alteration (as defined in section 10-55) occurred on or before October 23, 2013. 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. Incinerators or pyrolysis cleaning furnaces constructed, installed, reconstructed, or modified after October 23, 2013, shall not qualify for this exemption. After October 23, 2013, only paint clean-off ovens with a maximum rated capacity of less than 25 pounds per hour that do not combust lead-containing materials shall qualify for this exemption.
 - (22) Equipment or control equipment which reduces or eliminates all emission to the atmosphere. If a source wishes to obtain credit for emission reductions, a permit must be obtained for the reduction prior to the time the reduction is made. If a construction permit has been previously issued for the equipment or control equipment, all other conditions of the construction permit remain in effect.
 - (23) The following equipment, processes, and activities:
 - a. Cafeterias, kitchens, and other facilities used for preparing food or beverages primarily for consumption at the source.
 - b. Consumer use of office equipment and products, not including printers or businesses primarily involved in photographic reproduction.
 - c. Janitorial services and consumer use of janitorial products.
 - d. Internal combustion engines used for lawn care, landscaping and grounds keeping purposes.

- e. Laundry activities located at a stationary source that uses washers and dryers to clean, with water solutions of bleach or detergents, or to dry clothing, bedding, and other fabric items used on-site. This exemption does not include laundry activities that use dry cleaning equipment or steam boilers.
- f. Bathroom vent emissions, including toilet vent emissions.
- g. Blacksmith forges.
- h. Plant maintenance and upkeep activities and repair or maintenance shop activities (e.g., grounds keeping, general repairs, cleaning, painting, welding, plumbing, retarring roofs, installing insulation and paving parking lots), provided that these activities are not conducted as part of a manufacturing process, are not related to the source'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 567 IAC 22.100.
- i. Air compressors and vacuum pumps, including hand tools.
- j. Batteries and battery charging stations, except at battery manufacturing plants.
- k. 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.
- l. 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.
- m. Vents from continuous emissions monitors and other analyzers.
- n. Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.
- o. 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 567 IAC 22.100.
- p. Hydraulic and hydrostatic testing equipment.
- q. Environmental chambers not using gases which are hazardous air pollutants as defined in 567 IAC 22.100.
- r. Shock chambers, humidity chambers, and solar simulators.
- s. Fugitive dust emissions related to movement of passenger vehicles on unpaved road surfaces, provided that the emissions are not accounted for applicability purposes and that any fugitive dust control plan or its equivalent is submitted as required by the department.
- t. Process water filtration systems and demineralizers, demineralized water tanks, and demineralizer vents.
- u. Boiler water treatment operations, not including cooling towers or lime silos.
- v. Oxygen scavenging (deaeration) of water.
- w. Fire suppression systems.
- x. Emergency road flares.
- y. Steam vents, safety relief valves, and steam leaks.
- z. Steam sterilizers.
- aa. Application of hot melt adhesives from closed-pot systems using polyolefin compounds, polyamides, acrylics, ethylene vinyl acetate and urethane material when stored and applied

at the manufacturer's recommended temperatures. Equipment used to apply hot melt adhesives shall have a safety device that automatically shuts down the equipment if the hot melt temperature exceeds the manufacturer's recommended application temperature.

- (24) Direct-fired equipment burning natural gas, propane, or liquefied propane with a capacity of less than 10,000,000 BTU per hour input, and direct-fired equipment burning fuel oil with a capacity of less than 1,000,000 BTU per hour input, with emissions that are attributable only to the products of combustion. Emissions other than those attributable to the products of combustion shall be accounted for in an enforceable permit condition or shall otherwise be exempt under this subsection (k).
- (25) Closed refrigeration systems, including storage tanks used in refrigeration systems, but excluding any combustion equipment associated with such systems.
- (26) Pretreatment application processes that use aqueous-based chemistries designed to clean a substrate, provided that the chemical concentrate contains no more than five percent organic solvents by weight. This exemption includes pretreatment processes that use aqueous-based cleaners, cleaner phosphatizers, and phosphate conversion coating chemistries.
- (27) Indoor-vented powder coating operations with filters or powder recovery systems.
- (28) Electric curing ovens or curing ovens that run on natural gas or propane with a maximum heat input of less than 10,000,000 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 stationary source. Records shall be maintained on-site by the owner or operator for a period of at least two calendar years to demonstrate that cured powder usage is less than the exemption threshold.
- (29) 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 a stationary source do not exceed 5.0 tons per year.
- (30) Production welding.
 - a. Consumable electrode.
 - 1. Welding operations for which initiation of construction, installation, reconstruction, or alteration (as defined in section 10-55) on or before October 23, 2013, 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 200,000 pounds per year for GMAW and 28,000 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:

$Y = \text{the greater of } 1380x - 19,200 \text{ or } 200,000 \text{ for GMAW; or}$

$Y = \text{the greater of } 187x - 2,600 \text{ or } 28,000 \text{ for SMAW or FCAW;}$

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.

- 2. Welding operations for which initiation of construction, installation, reconstruction, or alteration (as defined in section 10-55) occurred after October 23, 2013, using a

consumable electrode, provided that the consumable electrode 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 specification is below 12,500 pounds per year for GMAW and 1,600 pounds per year for SMAW or FCAW. Records that identify the type and annual amount of welding electrode used shall be maintained on-site by the owner or operator for a period of at least two calendar years.

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

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

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

Where x is the minimum distance of 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 any stainless steel, alloys of lead, alloys of arsenic, or alloys of beryllium and provided that the base metals are uncoated, excluding manufacturing process lubricants.
- (31) Electric hand soldering, wave soldering, and electric solder paste reflow ovens for which initiation of construction, installation, reconstruction, or alteration (as defined in section 10-55) occurred on or before October 23, 2013. Electric hand soldering, wave soldering, and electric solder paste reflow ovens for which initiation of construction, installation, reconstruction, or alteration (as defined in section 10-55) occurred after October 23, 2013, 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.
- (32) Pressurized piping and storage systems for natural gas, propane, liquefied petroleum gas (LPG), and refrigerants, where emissions could only result from an upset condition.
- (33) 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.
- (34) 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 stationary source-wide basis.
- (35) A regional collection center (RCC), as defined in 567 IAC ch. 211, involved in the processing of permitted hazardous materials from households and conditionally exempt small quantity generators (CESQG), not to exceed 1,200,000 pounds of VOC containing material in a 12-month rolling period. Latex paint drying may not exceed 120,000 pounds per year on a 12-month rolling total. Other non-processing emission units (e.g., standby generators and waste oil heaters) shall not be eligible to use this exemption.
- (36) Cold solvent cleaning machines that are not in-line cleaning machines, where the maximum vapor pressure of the solvents used shall not exceed 0.7 kPa (5 mmHg or 0.1 psi) at 20 degrees Celsius (68 degrees Fahrenheit). 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 number 75-09-2), Perchloroethylene (CAS number 127-18-4), trichloroethylene (CAS number 79-01-6), 1,1,1-trichloroethane (CAS number 71-55-6), carbon tetrachloride (CAS number 56-23-5)

or chloroform (CAS number 67-66-3), or any combination of these halogenated HAP solvents in a total concentration greater than five percent by weight.

- (37) 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 rule 567 IAC 22.100.
- (38) Each production painting, adhesive or coating unit using an application method other than a spray system and associated cleaning operations that use 1,000 gallons or less of coating and solvents annually, unless the production painting, adhesive or coating unit and associated cleaning operations are subject to work practice, process limits, emission limits, stack testing, record-keeping or reporting requirements under section 10-62(b), (c), or (d). Records shall be maintained on-site by the owner or operator for a period of at least two calendar years to demonstrate that paint, adhesive, or solvent usage is at or below the exemption threshold.
- (39) Equipment related to research and development activities at a stationary source, provided that:
 - a. Actual emissions from all research and development activities at the stationary source based on a 12-month rolling total are less than the following levels:
 - 1. 2 pounds per year of lead and lead compounds expressed as lead (40 pounds per year for research and development activities that commenced on or before October 23, 2013);
 - 2. 5 tons per year of sulfur dioxide;
 - 3. 5 tons per year of nitrogen oxides;
 - 4. 5 tons per year of volatile organic compounds;
 - 5. 5 tons per year of carbon monoxide;
 - 6. 5 tons per year of particulate matter (particulate matter as defined in 40 CFR part 51.100(pp) as amended through November 29, 2004);
 - 7. 2.5 tons per year of PM₁₀;
 - 8. 0.52 tons per year of PM_{2.5} (does not apply to research and development activities that commenced on or before October 23, 2013);
 - 9. 5 tons per year of hazardous air pollutants (as defined in section 10-55); and
 - b. The owner or operator maintains records of actual operations demonstrating that the annual emissions from all research and development activities conducted under this exemption are below the levels listed in subsection (a) of this section. These records shall:
 - 1. Include a list of equipment that is included under the exemption;
 - 2. Include records of actual operation and detailed calculations of actual annual emissions, reflecting the use of any control equipment and demonstrating that the emissions are below the levels specified in the exemption;
 - 3. Include, if air pollution equipment is used in the calculation of emissions, a copy of any report of manufacturer's testing, if available. The department may require a test if it believes that a test is necessary for the exemption claim; and
 - 4. Be maintained on-site for a minimum of two years, be made available for review during normal business hours and for state and EPA on-site inspections, and be provided to the director or the director's designee upon request. Facilities designated as major sources pursuant to rules 567 IAC 22.4 and section 10-57, or subject to any applicable federal requirements, shall retain all records demonstrating compliance with this exemption for five years.

- c. An owner or operator using this exemption obtains a construction permit or ceases operation of equipment if operation of the equipment would cause the emission levels listed in this exemption to be exceeded. For the purposes of this exemption, research and development activities shall be defined as activities:
 - 1. That are operated under the close supervision of technically trained personnel;
 - 2. That are conducted for the primary purpose of theoretical research or research and development into new or improved processes and products;
 - 3. That do not manufacture more than de minimis amounts of commercial products; and
 - 4. That do not contribute to the manufacture of commercial products by collocated sources in more than a de minimis manner.
- (40) A non-road diesel fueled engine, as defined in 40 CFR 1068.30 and 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.
- a. To qualify for the exemption, the engine must:
 - 1. 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
 - 2. Be used for periodic testing and maintenance on natural gas pipelines with the compressor station, which shall not exceed 330 hours in any 12-month consecutive period.
 - b. 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.
 - c. This exemption shall not apply to the replacement or substitution of engines for backup power generation at a pipeline compressor station.
- (l) Emissions offsets for non-attainment designated areas. Rule 567 IAC 22.5 is hereby made a part of this article by reference.
- (m) Dispersion credit allowance. For the purpose of authorization to install review, primarily the determination of dispersion credit allowed for stack heights that exceed good engineering practice, 567 IAC 23.1(5) as amended, shall apply and is hereby made a part of this article by reference.

(Code 2006, § 10.5; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-59. - Permit fees.

- (a) Initial applications. Every applicant for a permit to operate, a permit for variance, a permit for authorization to install any article, machinery, equipment or other contrivance for which such permit or authorization is required by the terms of this article or otherwise required by law, shall pay a filing fee.
- (b) Annual fee for permit to operate.
 - (1) Each permit to operate shall be renewed on the annual operating fee due date, hereafter referred to as the invoice due date, set by the air pollution control officer. This provision shall apply to all permits to operate required by section 10-58(c).
 - (2) The annual renewal fee shall be payable for each permit to operate, and shall be paid by the invoice due date.

- (3) If the annual operating fee is not paid by the invoice due date, the permit shall expire and no longer be valid. The permit holder shall be notified by mail by the air pollution control officer.
- (4) The air pollution control officer shall have the authority to deny renewal of any permit to operate for equipment that is found to be out of compliance with the emission standards or requirements set out in this article. The air pollution control officer shall have the authority to deny issuance of, or the renewal of, any permit to any person who has been previously cited for any violation of this article and who has not paid in full all fines, court costs and restitution entered as a judgment against them or who is not in current with any court ordered payment plan for such fines, court costs and restitution. This provision does not limit the air pollution control officer's power to otherwise collect unpaid fines, court costs or restitution.
- (c) **Fees** associated with PSD Applications. Each owner or operator required to provide an application submittal, including air quality modeling as applicable, subject to 567 IAC Chapter 33, shall pay fees as adopted by the Iowa Department of Natural Resources and promulgated as 567 IAC 30.6(2), are hereby specifically incorporated by reference and adopted as part of this ordinance.
- (d) Fees associated with Title V Operating Permits. The Title V application fee regulations as adopted by the Iowa Department of Natural Resources and promulgated as 567 IAC 30.4(1), are hereby specifically incorporated by reference and adopted as part of this ordinance.
- (e) Filing fees for untimely permits. Notwithstanding subsection (a) or (b) of this section, all applicants for an authorization to install made after the initiation of on-site construction; for an authorization to install and a permit to operate for emission sources already in operation; or for renewals made after the expiration date; shall pay a late filing fee for each permit or renewal required. Nothing herein shall limit the air pollution control officer's power to enforce the penalty provisions of this article in lieu of or in addition to the collection of this filing fee.
- (f) Fees required under subsections (a), (b), and (e) of this section shall be recommended by the air pollution control officer and be established by resolution of the county board of supervisors.

(Code 2006, § 10.6; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-60. - Visible emissions.

- (a) No person shall allow, cause, or permit the emission of visible air contaminants of a density or shade equal to or darker than that designated 20 percent opacity, into the atmosphere from any equipment, internal combustion engine, **premises** fire, open fire, or stack, except as provided below and in section 10-68. 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.
- (b) To qualify as an observer, an individual must meet the requirements of 567 IAC 29.
 - (1) General exceptions.
 - a. *Residential heating equipment.* Residential natural or propane gas fired heating equipment serving dwellings of four family units or less is exempt.
 - b. *Gasoline-powered vehicles.* No person shall allow, cause or permit the emissions of visible air contaminants from gasoline-powered motor vehicles for longer than five consecutive seconds.
 - c. *Diesel-powered vehicles.* No person shall allow, cause, or permit the emission of visible air contaminants from diesel-powered motor vehicles of a shade or density equal to or darker than that designated as 40 percent opacity, for longer than five consecutive seconds.
 - d. *Diesel-powered locomotives.* No person shall allow, cause, or permit the emission of visible air contaminants from diesel-powered locomotives of a shade or density equal to or darker than that designated as 40 percent opacity, 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.

- e. *Startup and testing.* 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, is exempt.
 - f. *Exceptions for fire and cleaning.* A darkness or opacity equal to but no greater than 40 percent opacity shall be permitted for a period or periods aggregating six minutes in any 60-minute period when building a new fire, cleaning a fire, cleaning pollution control equipment or when blowing tubes and flues in a power plant, heating plant, or a domestic heating plant. This time may be extended for scheduled maintenance with the approval of the air pollution control officer.
 - g. *Uncombined water.* The provisions of this section shall apply to any emission which would be in violation of these provisions except for the presence of uncombined water, such as condensed water vapor.
- (2) Abnormal conditions or breakdown which cause emissions in excess of the limitations specified above shall comply with section 10-67.

(Code 2006, § 10.7; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-61. - Emissions from fuel-burning equipment.

(a) *General provisions.*

- (1) This section applies to installations in which fuel is burned for the primary purpose of producing steam, hot water, hot air or other liquids, gases or solids and in the course of doing so, the products of combustion do not come into direct contact with process materials. Fuel includes those such as coal, coke, lignite, coke breeze, fuel oil, and wood but does not include refuse. When any products or byproducts of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitations shall apply.
- (2) The heat content of coal shall be determined according to ASTM Standard method D-3176-84, Ultimate Analysis of Coal and Coke, and ASTM Standard method D-3180-84, Calculating Coal and Coke Analyses from As-Determined to Different Bases, or ASTM Standard test method D-3286-82, Gross Calorific Value of Solid Fuel by the Isothermal-Jacket Bomb Calorimeter. The heat content of oil shall be determined according to ASTM Standard test method D-240-76 (Re-approved 1980), Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter. The four publications cited in this section are hereby made part of this article by reference.
- (3) 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. The heat input value used shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input of all fuel-burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

(b) *Emission limitation.*

- (1) No person shall cause or permit the emission of particulate matter caused by combustion of fuel in fuel-burning equipment, from any stack or chimney in excess of the quantities set forth in the following table:

Heat input, millions of British thermal units per hour.	Maximum allowable emission of particulate matter in pounds per hour per million British thermal units of heat input.
10	0.600

50	0.412
100	0.352
500	0.242
1,000	0.207
4,000	0.150
8,000	0.102
10,000	0.0904
15,000	0.0717
20,000	0.0607
40,000	0.0409
50,000	0.0358
100,000	0.0243

(2) Interpolation of the data in this table for heat inputs greater than ten but less than 4,000,000,000 BTU per hour shall be accomplished by the use of the equation:

$$Y = 1.02 (X)^{-0.231}$$

Except as provided in subsection (c) of this section, fuel burning equipment with heat inputs less than 10,000,000 BTU, 0.6 lb./million BTU shall apply. Interpolation and extrapolation of the data for heat inputs equal to or greater than 4,000,000,000 BTU per hour shall be accomplished by use of the equation:

$$Y = 17.0 (X)^{-0.568}$$

Where Y equals the allowable rate of emission in pounds per 1,000,000 BTU and X equals the maximum equipment capacity rate in 1,000,000 BTU per hour.

- (3) For a new fossil fuel-fired steam generating unit of more than 250,000,000 BTU per hour heat input, subsection 10-62(b)(1). shall apply. For a new unit of between 150,000,000 and 250,000,000 (inclusive) BTU per hour heat input, the maximum allowable emissions from such new unit shall be 0.2 pounds of particulates per 1,000,000 BTU of heat input. For a new unit of less than 150,000,000 BTU per hour heat input, the maximum allowable emissions from such new unit shall be as determined in subsection (b)(1) of this section.

(c) *Exemption for residential heaters burning solid fuels.* Residential heaters meeting the definition of fuel burning equipment pursuant to subsection (a)(1) of this section, with a manufacturer rated heat input of 500,000 BTU/hr or less burning solid fuels, that was installed prior to October 1, 2009, and meets the following criteria and standards are exempt from the emission standard for particulate matter specified in subsection (b)(2) of this section.

- (1) Residential heaters shall be limited to the following solid fuels.
- Untreated wood;
 - Wood pellets made from untreated wood;

- c. Home heating oil in compliance with the applicable sulfur content limit, propane or natural gas may be used as starter fuels for dual-fired residential heaters as specifically permitted by manufacturer's instructions;
 - d. Trees, tree trimmings, branches, and stumps, but does not include brush, weeds, leaves, grass, shrubbery, yard trimmings, or other landscape wastes as allowed pursuant to section 10-63;
 - e. Biomass as defined in section 10-55.
- (2) Residential heaters located on property that is incorporated or zoned Urban Service Residential (USR), Rural Residential 1 (RR1), Rural Residential 2 (RR2), or Rural Residential 3 (RR3), Village Residential (VR), or Village Mixed-Use (VM):
- a. The owner shall not operate the residential heater during the period starting May 15 and ending September 15.
 - b. Excluding untreated wood or biomass generated on-site that may be openly burned pursuant to section 10-63, the owner shall not combust more than 18,000 lbs. (five cords) of fuel per annual heating season.
 - c. The residential heater shall either:
 - 1. Be no closer than 200 feet to the nearest property zoned USR, RR1, RR2, or RR3 VM, or VR not served by the residential heater; or
 - 2. Have, by no later than October 1, 2012, a permanent stack that extends two feet higher than the peak of any roof structure that is located within 300 feet of the residential heater not served by the residential heater but no less than 15 feet above ground level and need be no greater than 25 feet above ground level.
- (3) Residential heaters property that is not incorporated or zoned Urban Service Residential (USR), Rural Residential 1 (RR1), Rural Residential 2 (RR2), or Rural Residential 3 (RR3), Village Residential (VR) or Village Mixed-Use (VM):
- a. Excluding untreated wood or biomass generated on-site that may be openly burned pursuant to section 10-63, the owner shall not combust more than 54,000 lbs. (15 cords) of fuel per annual heating season.
 - b. If the residential heater is within 500 feet of an occupied structure not served by the boiler, then by no later than October 1, 2012, the residential heater shall have a permanent stack that extends 15 feet above ground level.
 - c. The owner of a residential heater may elect to comply with the requirements of subsection (b) of this section rather than the requirements specified in subsection (c) of this section.
- (d) *Nuisance conditions for fuel burning equipment.*
- (1) No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration that are injurious to human, plant or animal life or to property, or that unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, toxic, or deleterious emission, either alone or in combination with others.
 - (2) If existing fuel burning equipment is, through the course of a proper investigation by the department, creating a verifiable nuisance, the following steps shall be taken by the owner at the direction of the department.
 - a. Modifications made to the unit to eliminate the nuisance such as extending the chimney, fuel management, or relocating the residential heater or both.
 - b. Cease and desist operating the unit until reasonable steps can be taken to ensure that the residential heater will not be a nuisance.

(Code 2006, § 10.8; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-62. - Emission standards.

- (a) *Emissions of particulate matter.* No person shall permit, cause, suffer or allow the emission of particulate matter into the atmosphere in any one hour from any emission point from any process equipment at a rate in excess of that specified in Table 10-62-1 for the process weight rate allocated to such emission point. In any case, the emission of particulate matter from any process shall not exceed an emission standard of 0.1 grain per dry standard cubic foot of exhaust gas or Table 10-62-1 of this section, whichever would result in the lowest allowable emission rate.

TABLE 10-62-1
ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE *

Process Weight Rate	Rate of Emission	
Lb./Hr.	Tons/Hr.	Lb./Hr.
100	0.05	0.551
200	0.10	0.877
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	10.40
9,000	4.50	11.20
10,000	5.00	12.00
12,000	6.00	13.60
14,000	7.00	15.10
16,000	8.00	16.50
18,000	9.00	17.90
20,000	10.00	19.20
30,000	15.00	25.20
40,000	20.00	30.50

50,000	25.00	35.40
60,000	30.00	40.00
70,000	35.00	41.30
80,000	40.00	42.50
90,000	45.00	43.60
100,000	50.00	44.60
120,000	60.00	46.30
140,000	70.00	47.80
160,000	80.00	49.00
200,000	100.00	51.20
1,000,000	500.00	69.00
2,000,000	1,000.00	77.60
6,000,000	3,000.00	92.70

* 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:

$$E = 55.00(P^{0.11}) - 40$$

Where

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

P = process weight in tons/hr.

- (1) *General emission rate.* The emission standards specified in this section shall apply and those specified in section 10-61, this section and Table 10-62-1 shall not apply to each process of the types listed in the following sections, with the following exception: whenever the compliance status, history of operations, ambient air quality in the vicinity, or the type of control equipment utilized, would warrant maximum control, the air pollution control officer shall enforce 0.1 grains per dry standard cubic foot of exhaust gas, section 10-61 or this section, whichever would result in the lowest allowable emission rate.
- (2) *Asphalt batching plants.* No person shall cause, allow or permit the operation of an asphalt batching plant in a manner such that the particulate matter discharged to the atmosphere exceeds 0.15 grains per standard cubic foot of exhaust gas.
- (3) *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, particulate matter discharged from such kilns shall not exceed 0.1 grains per standard cubic foot of exhaust gas.

- (4) *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 determined from Table 10-62-2. The emission 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 10-194.

TABLE 10-62-2

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
14,000	20.15
16,000	21.60
18,000	23.40
20,000	25.10

- (5) *Electric furnaces for metallurgical melting.* The emissions of particulate matter to the atmosphere from electric furnaces used for metallurgical melting shall not exceed 0.1 grains per standard cubic foot of exhaust gas.
- (6) *Feed grinding and mixing plants.* No person shall cause, allow, or permit the operation of equipment for the handling, grinding, mixing, or blending of grain products for use as animal food or food supplement such that the particulate matter discharged to the atmosphere exceeds 0.1 grains per standard cubic foot of exhaust gas.
- (7) *Grain handling and processing plants.* No person shall cause, allow, or permit the operation of equipment at a permanent installation for the handling or processing of grain, grain products and

grain byproducts such that the particulate matter discharged to the atmosphere exceeds 0.1 grains per dry standard cubic foot of exhaust gas.

- a. The particulate matter discharged to the atmosphere from a grain bin vent at a country grain elevator, as country grain elevator is defined in 567 IAC 22.10(1), shall not exceed 1.0 grain per dry standard cubic foot of exhaust gas.
 - b. The particulate matter discharged to the atmosphere from a grain bin vent that was constructed, modified or reconstructed before March 31, 2008, at a country grain terminal elevator, as country grain terminal elevator is defined in 567 IAC 22.10(1), or at a grain terminal elevator, as grain terminal elevator is defined in 567 IAC 22.10(1), shall not exceed 1.0 grain per dry standard cubic foot of exhaust gas.
 - c. The particulate matter discharged to the atmosphere from a grain bin vent that is constructed or reconstructed on or after March 31, 2008, at a country grain terminal elevator, as country grain terminal elevator is defined in 567 IAC 22.10(1), or at a grain terminal elevator, as grain terminal elevator is defined in 567 IAC 22.10(1), shall not exceed 0.1 grain per dry standard cubic foot of exhaust gas.
- (8) *Lime kilns.* No person shall cause, allow, or permit the operation of a kiln for the processing of limestone such that the particulate matter in the gas discharged to the atmosphere exceeds 0.1 grains per standard cubic foot of exhaust gas.
- (9) *Meat smokehouses.* No person shall cause, allow, or permit 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 0.2 grains per standard cubic foot of exhaust gas.
- (10) *Phosphate processing plants.*
- a. 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 phosphorous pentoxide or equivalent input.
 - b. 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 pounds of fluoride per ton of phosphorous pentoxide or equivalent input.
 - c. 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.
 - d. No person shall cause, allow, 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 such that the unit emissions of fluoride exceed 0.4 pounds of fluoride per ton of phosphorous pentoxide or its equivalent input.
 - e. Notwithstanding subsections 1) through 4) of this section, no person shall allow, cause, or permit the operation of equipment for the processing of phosphorus 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.
 - f. Fluoride means elemental fluorine and all fluoride compounds as measured by reference methods specified in appendix A to 40 CFR part 60 as amended through March 12, 1996, as adopted in 567 IAC ch. 23.
 - g. 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.

- (11) *Portland cement batching plants.* No person shall cause, allow, or permit the operation of a Portland cement batching plant such that the particulate matter in the gas discharged to the atmosphere exceeds 0.1 grains per standard cubic foot of exhaust gas.
- (12) *Incinerator.* A person shall not cause, allow, or permit the operation of an incinerator unless it is provided with appropriate control of emissions of particulate matter and visible air contaminants.
- a. *Particulate matter.* A person shall not cause, allow, or permit the operation of an incinerator in a manner such that the particulate matter discharged to the atmosphere exceeds 0.2 grain per standard cubic foot of exhaust gas adjusted to 12 percent carbon dioxide.
- A person shall not allow, cause, or permit the operation of an incinerator with a rated refuse burning capacity of less than 1,000 pounds per hour in a manner such that the particulate matter discharged to the atmosphere exceeds 0.35 grains per standard cubic foot of exhaust gas adjusted to 12 percent carbon dioxide.
- b. *Visible emissions.* A person shall not allow, cause, or permit the operation of an incinerator in a manner such that it produces visible emissions which have an appearance, density, or shade darker than 20 percent opacity or that level specified in a federally enforceable permit; except that visible emissions which have an appearance, density, or shade not darker than 40 percent opacity may be emitted for a period or periods aggregating not more than three minutes in any 60 minute period during an operation breakdown or during the cleaning of air pollution control equipment.
- (13) *Sand handling and surface finishing operations in metal processing.* This subsection shall apply to any new foundry or metal processing operation not properly termed a combustion, melting, baking or pouring operation. For purposes of this subsection, a new process is any process which has not started operation, or the construction of which has not been 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 a manner that particulate matter discharged from any stack exceeds 0.05 grains per dry standard cubic foot of exhaust gas, regardless of the types and number of operations that discharge from the stack.
- (14) *Painting and surface coating operations.* No person shall allow, cause, or permit painting and surface coating operations in a manner such that particulate matter in the gas discharge exceeds 0.01 grains per standard cubic foot of exhaust gas.

 (b) *New source performance standards.* The federal standards of performance for new stationary sources, as defined in 40 CFR part 60 as amended or corrected through ~~November 14, 2018~~ October 7, 2020, as adopted in 567 IAC 23.1(2), are adopted by reference except sections 60.530 through 60.539b (part 60, subpart AAA), and shall apply to the following affected facilities. The corresponding 40 CFR part 60 subpart designation is in parentheses. A different date for adoption by reference may be included with the subpart designation in parentheses. Reference test methods (appendix A), performance specifications (appendix B), determination of emission rate change (appendix C) quality assurance procedures (appendix F) and the general provisions (subpart A) of 40 CFR part 60 also apply to the affected facilities.

- (1) *Fossil Fuel-Fired Steam Generators.* A fossil fuel-fired steam generating unit of more than 250,000,000 BTU heat input for which construction, reconstruction, or modification is commenced after August 17, 1971. Any facility covered under subsection (26) of this section is not covered under this subsection. (subpart D, as amended through January 20, 2011)
- (2) *Incinerators.* An incinerator of more than 50 tons per day charging rate. (subpart E)
- (3) *Portland Cement Plants.* Any of the following in a Portland cement plant: kiln; clinker cooler; raw mill system; finish mill system; raw mill dryer; raw material storage; clinker storage;

finished product storage; conveyor transfer points, bagging and bulk loading and unloading systems. (subpart F)

- (4) Nitric Acid Plants. A nitric acid production unit. Unless otherwise exempted, these standards apply to any nitric acid production unit that commences construction or modification after August 17, 1971, and on or before October 14, 2011. (subpart G)
- (5) Sulfuric Acid Plants. A sulfuric acid production unit. (subpart H)
- (6) Hot Mix Asphalt Plants. An asphalt concrete plant. Each hot mix asphalt facility that commenced construction or modification after July 11, 1973. For the purpose of this paragraph, a hot mix asphalt facility is comprised only of any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler, systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems. (subpart I)
- (7) Reserved.
- (8) Reserved.
- (9) Secondary Brass and Bronze Ingot Production Plants. Any of the following at a secondary brass and bronze ingot production plant: Reverberatory and electric furnaces of 1,000 kilograms (2,205 pounds) or greater production capacity and blast (cupola) furnaces of 250 kilograms per hour (550 pounds per hour) or greater production capacity. (subpart M)
- (10) Iron and Steel Plants. A basic oxygen process furnace. (subpart N)
- (11) Sewage Treatment Plants. An incinerator which burns the sludge produced by municipal sewage treatment plants. (subpart O of 40 CFR 60 and subpart E of 40 CFR 503)
- (12) Steel Plants. Either of the following at a steel plant: Electric arc furnaces and dust-handling equipment constructed, modified, or reconstructed after October 21, 1974, and on or before August 17, 1983. (subpart AA)
- (13) Reserved.
- (14) Reserved.
- (15) Reserved.
- (16) Reserved.
- (17) Wet Process Phosphoric Acid Plants in the Phosphate Fertilizer Industry. A wet process phosphoric acid plant, which includes any combination of the following: Reactors, filters, evaporators and hotwells. (subpart T)
- (18) Superphosphoric Acid Plants in the Phosphate Fertilizer Industry. A superphosphoric acid plant, which includes any combination of the following: Evaporators, hotwells, acid sumps, and cooling tanks. (subpart U)
- (19) Diammonium Phosphate Plants in the Phosphate Fertilizer Industry. A granular diammonium phosphate plant, which includes any combination of the following: Reactors, granulators, dryers, coolers, screens and mills. (subpart V)
- (20) Triple Superphosphate Plants in the Phosphate Fertilizer Industry. A triple superphosphate plant, which includes any combination of the following: Mixers, curing belts (dens), reactors, granulators, dryers, cookers, screens, mills and facilities which store run-of-pile triple superphosphate. (subpart W)
- (21) Granular Triple Superphosphate Storage Facilities in the Phosphate Fertilizer Industry. A granular triple superphosphate storage facility, which includes any combination of the following: Storage or curing piles, conveyors, elevators, screens and mills. (subpart X)
- (22) Coal Preparation Plants. Any of the following at a coal preparation plant which processes more than 200 tons per day: Thermal dryers; pneumatic coal cleaning equipment (air tables);

coal processing and conveying equipment (including breakers and crushers); coal storage systems; and coal transfer and loading systems. (subpart Y)

- (23) Ferroalloy Production. Any of the following: Electric submerged arc furnaces which produce silicon metal, ferrosilicon, calcium silicon, silicomanganese zirconium, ferrochrome silicon, silvery iron, high-carbon ferrochrome, charge chrome, standard ferromanganese, silicomanganese, ferromanganese silicon, or calcium carbide; and dust-handling equipment. (subpart Z)
- (24) Kraft Pulp Mills. Any of the following in a Kraft pulp mill: Digester system; brown stock washer system; multiple effect evaporator system; black liquor oxidation system; recovery furnace; smelt dissolving tank; lime kiln; and condensate stripper system. In pulp mills where Kraft pulping is combined with neutral sulfite semichemical pulping, the provisions of the standard of performance are applicable when any portion of the material charged to the affected facility is produced by the Kraft pulping operation. (subpart BB, as amended or corrected through February 27, 2014)
- (25) Lime Manufacturing Plants. A rotary lime kiln or a lime hydrator used in the manufacture of lime at other than a Kraft pulp mill. (subpart HH)
- (26) Electric Utility Steam Generating Units. An electric utility steam gathering unit that is capable of combusting more than 25,000,000 BTUs per hour (73 megawatts) heat input of fossil fuel for which construction or modification or reconstruction is commenced after September 18, 1978, or an electric utility combined cycle gas turbine that is capable of combusting more than 250,000,000.00 BTUs per hour (73 megawatts) heat input. An electric steam generating unit is any fossil fuel-fired combustion of more than 25 megawatts electric (MW) that serves a generator that produces electricity for sale. A unit that cogenerates steam and electricity and supplies more than one-third of its potential electric output capacity and more than 25 MW output to any utility power distribution system for sale is also an electric utility steam generating unit. (subpart Da, as amended through January 20, 2011)
- (27) Stationary Gas Turbines. Any simple cycle gas turbine, regenerative cycle gas turbine, or any gas turbine portion of a combined cycle steam/electric generating system that is not self-propelled. It may, however, be mounted on a vehicle for portability. (subpart GG)
- (28) Petroleum Storage Vessels. Unless exempted, any storage vessels for petroleum liquids for which the construction, reconstruction, or modification commenced after June 11, 1973, and prior to May 19, 1978, having a storage capacity greater than 151,416 liters (40,000 gallons). (subpart K)
- (29) Petroleum Storage Vessels. Unless exempted, any storage vessel for petroleum liquids for which the construction, reconstruction or modification commenced after May 18, 1978 and prior to July 23, 1984, having a storage capacity greater than 151,416 liters (40,000 gallons). (subpart Ka)
- (30) Glass Manufacturing Plants. Any glass melting furnace. (subpart CC)
- (31) Automobile and Light-Duty Truck Surface Coating Operations at Assembly Plants. Any of the following in an automobile or a light-duty truck assembly plant: Prime coating operations, guide coat operations, and topcoat operations. (subpart MM)
- (32) Ammonium Sulfate Manufacture. Any of the following in the ammonium sulfate industry: Ammonium sulfate dryers in the caprolactam byproduct, synthetic, and coke-oven byproduct sectors of the industry. (subpart PP)
- (33) Surface Coating of Metal Furniture. Any metal furniture surface coating operation in which organic coatings are applied. (subpart EE)
- (34) Lead-Acid Battery Manufacturing Plants. Any lead-acid battery manufacturing plant which uses any of the following: Grid casting, paste mixing, three-process operation, lead oxide manufacturing, lead reclamation, or other lead-emitting operations. (subpart KK)

- (35) Phosphate Rock Plants. Any phosphate rock plant which has a maximum plant production capacity greater than four tons per hour including the following: Dryers, calciners, grinders, and ground rock handling and storage facilities, except those facilities producing or preparing phosphate rock solely for consumption in elemental phosphorus production. (subpart NN)
- (36) Graphic Arts Industry. Publication rotogravure printing. Any publication rotogravure printing press except proof presses. (subpart QQ)
- (37) Industrial Surface Coating—Large Appliances. Any surface coating operation in a large appliance surface coating line. (subpart SS)
- (38) Metal Coil Surface Coating. Any of the following at a metal coil surface coating operation: Prime coat operation, finish coat operation, and each prime and finish coat operation combined when the finish coat is applied wet-on-wet over the prime coat and both coatings are cured simultaneously. (subpart TT)
- (39) Asphalt Processing and Asphalt Roofing Manufacturing. Any saturator, mineral handling and storage facility at asphalt roofing plants; and any asphalt storage tank and any blowing still at asphalt processing plants, petroleum refineries, and asphalt roofing plants. (subpart UU)
- (40) Equipment Leaks of Volatile Organic Compounds in the Synthetic Organic Chemicals Manufacturing Industry. Standards for affected facilities in the synthetic organic chemicals manufacturing industry (SOCMI) that commenced construction, reconstruction, or modification after January 5, 1981, and on or before November 7, 2006 are set forth in subpart VV. Standards for affected SOCMI facilities that commenced construction, reconstruction or modification after November 7, 2006 are set forth in subpart VVa. The standards apply to pumps, compressors, pressure relief devices, sampling systems, open-ended valves or lines (OEL), valves and flanges or other connectors which handle volatile organic compounds (VOC). (subpart VV and subpart VVa)
- (41) Beverage Can Surface Coating. Any beverage can surface coating lines for two-piece steel or aluminum containers in which soft drinks or beer are sold. (subpart WW)
- (42) Bulk Gasoline Terminals. The total of all loading racks at bulk gasoline terminals which deliver liquid product into gasoline tank trucks. (subpart XX)
- (43) Pressure Sensitive Tape and Label Surface Coating Operations. Any coating line used in the tape manufacture of pressure sensitive tape and label materials. (subpart RR)
- (44) Metallic Mineral Processing Plants. Any ore processing and handling equipment. (subpart LL)
- (45) Synthetic Fiber Production Facilities. Any solvent-spun synthetic fiber process that produces more than 500 megagrams of fiber per year. (subpart HHH)
- (46) Equipment Leaks of VOC in Petroleum Refineries. A compressor and all equipment (defined in 40 CFR part 60.591) within a process unit for which the construction, reconstruction, or modification commenced after January 4, 1983. (subpart GGG)
- (47) Flexible Vinyl and Urethane Coating and Printing. Each rotogravure printing line used to print or coat flexible vinyl or urethane products. (subpart FFF)
- (48) Petroleum Dry Cleaners. Petroleum dry cleaning plant with a total manufacturer's rated dryer capacity equal to or greater than 38 kilograms (84 pounds): Petroleum solvent dry cleaning dryers, washers, filters, stills, and settling tanks. (subpart JJJ)
- (49) Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 17, 1983. Steel plants that produce carbon, alloy, or specialty steels: Electric arc furnaces, argon-oxygen decarburization vessels, and dust handling systems. (subpart AAA)
- (50) Wool Fiberglass Insulation Manufacturing Plants. Rotary spin wool fiberglass manufacturing line. (subpart PPP)

- (51) Iron and Steel Plants. Secondary emissions from basic oxygen process steelmaking facilities for which construction, reconstruction, or modification commenced after January 20, 1983. (subpart Na)
- (52) Equipment Leaks of VOC from On-Shore Natural Gas Processing Plants. A compressor and all equipment defined in 40 CFR, part 60.631, unless exempted, for which construction, reconstruction, or modification commenced after January 20, 1984. (subpart KKK)
- (53) On-Shore Natural Gas Processing: SO₂ Emissions. Unless exempted, each sweetening unit and each sweetening unit followed by a sulfur recovery unit for which construction, reconstruction, or modification commenced after January 20, 1984. (subpart LLL)
- (54) Nonmetallic Mineral Processing Plants. Unless exempted, each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or rail car loading station in fixed or portable nonmetallic mineral processing plants for which construction, reconstruction, or modification commenced after August 31, 1983. (subpart OOO)
- (55) Industrial-Commercial-Institutional Steam Generating Units. Unless exempted, each steam generating unit for which construction, reconstruction, or modification commenced after June 19, 1984, and which has a heat input capacity of more than 100,000,000 BTU/hour. (subpart Db, as amended through January 20, 2011)
- (56) Volatile Organic Liquid Storage Vessels. Unless exempted, volatile organic liquid storage vessels for which construction, reconstruction, or modification commenced after July 23, 1984. (subpart Kb)
- (57) Rubber Tire Manufacturing Plants. Unless exempted, each undertread cementing operation, each sidewall cementing operation, each tread end cementing operation, each bead cementing operation, each green tire spraying operation, each Michelin-A operation, each Michelin-B operation, and each Michelin-C automatic operation that commences construction or modification after January 20, 1983. (subpart BBB)
- (58) Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines. Each spray booth in which plastic parts for use in the manufacture of business machines receive prime coats, color coats, texture coats, or touch-up coats for which construction, modification, or reconstruction begins after January 8, 1986. (subpart TTT)
- (59) VOC Emissions from Petroleum Refinery Wastewater Systems. Each individual drain system, each oil-water separator, and each aggregate facility for which construction, modification, or reconstruction is commenced after May 4, 1987. (subpart QQQ)
- (60) Magnetic Tape Coating Facilities. Unless exempted, each coating operation and each piece of coating mix preparation equipment for which construction, modification, or reconstruction is commenced after January 22, 1986. (subpart SSS)
- (61) Polymeric Coating of Supporting Substrates. Unless exempted, each coating operation and any on-site coating mix preparation equipment used to prepare coatings for the polymeric coating of supporting substrates for which construction, modification, or reconstruction begins after April 30, 1987. (subpart VVV)
- (62) VOC Emissions from Synthetic Organic Chemical Manufacturing Industry Air Oxidation Unit Processes. Unless exempted, any air oxidation reactor, air oxidation reactor and recovery system or combination of two or more reactors and the common recovery system used in the production of any of the chemicals listed in 40 CFR § 60.617 for which construction, modification, or reconstruction commenced after October 21, 1983. (subpart III)
- (63) VOC Emissions from Synthetic Organic Chemical Manufacturing Industry Distillation Operations. Unless exempted, any distillation unit, distillation unit and recovery system or combination of two or more distillation units and the common recovery system used in the

production of any of the chemicals listed in 40 CFR § 60.667 for which construction, modification, or reconstruction commenced after December 30, 1983. (subpart NNN)

- (64) Small Industrial-Commercial-Institutional Steam Generating Units. Each steam generating unit for which construction, modification, or reconstruction is commenced after June 9, 1989, and that has a maximum design heat input capacity of 100,000,000 BTU per hour or less, but greater than or equal to 10,000,000 BTU per hour. (subpart Dc, as amended through January 20, 2011)
- (65) VOC Emissions from the Polymer Manufacturing Industry. Each of the following process sections in the manufacture of polypropylene and polyethylene - raw materials preparation, polymerization reaction, material recovery, product finishing, and product storage; each material recovery section of polystyrene manufacturing using a continuous process; each polymerization reaction section of poly(ethylene terephthalate) manufacturing using a continuous process; each material section of poly(ethylene terephthalate) manufacturing using a continuous process that uses dimethyl terephthalate; each raw material section of poly(ethylene terephthalate) manufacturing using a continuous process that uses terephthalic acid; and each group of fugitive emissions equipment within any process unit in the manufacturing of polypropylene, polyethylene, or polystyrene (including expandable polystyrene). The applicability date for construction, modification, or reconstruction for polystyrene and poly(ethylene terephthalate) affected facilities and some polypropylene and polyethylene affected facilities is September 30, 1987. For the other polypropylene and polyethylene affected facilities the applicability date for these regulations is January 10, 1989. (subpart DDD)
- (66) Municipal Waste Combustors. Unless exempted, a municipal waste combustor with a capacity greater than 225 megagrams per day of municipal solid waste for which construction is commenced after December 20, 1989, and on or before September 20, 1994, and modification or reconstruction is commenced after December 20, 1989, and on or before June 19, 1996. (subpart Ea)
- (67) Grain Elevators. A grain terminal elevator or any grain storage elevator except as provided under 40 CFR 60.304(b), August 31, 1993. A grain terminal elevator means any grain elevator which has a permanent storage capacity of more than 2,500,000 U.S. bushels except those located at animal food manufacturers, pet food manufacturers, cereal manufacturers, breweries, and livestock feedlots. A grain storage elevator means any grain elevator located at any wheat flour mill, wet corn mill, dry corn mill (human consumption), rice mill or soybean oil extraction plant which has a permanent grain storage capacity of 1,000,000 bushels. Any construction, modification, or reconstruction after August 3, 1978, is subject to this subsection. (subpart DD)
- (68) Mineral Processing Plants. Each calciner and dryer at a mineral processing plant unless excluded for which construction, modification, or reconstruction is commenced after April 23, 1986. (subpart UUU)
- (69) VOC Emissions from Synthetic Organic Chemical Manufacturing Industry Reactor Processes. Unless exempted, each affected facility that is part of a process unit that produces any of the chemicals listed in 40 CFR § 60.707 as a product, coproduct, byproduct, or intermediate for which construction, modification, or reconstruction commenced after June 29, 1990. Affected facility is each reactor process not discharging its vent stream into a recovery system, each combination of a reactor process and the recovery system into which its vent stream is discharged, or each combination of two or more reactor processes and the common recovery system into which their vent streams are discharged. (subpart RRR)
- (70) Municipal Solid Waste Landfills, as defined by 40 CFR 60.751. Unless exempted, each municipal solid waste landfill that commenced construction, reconstruction or modification or began accepting waste on or after May 30, 1991, must comply. (subpart WWW, as amended through April 10, 2000)

(71) Municipal Waste Combustors. Unless exempted, each municipal waste combustor with a combustion capacity greater than 250 tons per day of municipal solid waste for which construction, modification or reconstruction is commenced after September 20, 1994. (subpart Eb)

(72) Hospital/medical/infectious waste incinerators. Unless exempted, a hospital/medical/infectious waste incinerator for which construction is commenced after June 20, 1996, or for which modification is commenced after March 16, 1998. (subpart Ec)

As of November 24, 2010, the adoption by reference of part 60 subpart Ec is rescinded.

(73) New Small Municipal Waste Combustion Units. Unless exempted, this standard applies to a small municipal waste combustion unit that commenced construction after August 30, 1999, or small municipal waste combustion units that commenced reconstruction or modification after June 6, 2001. (part 60, subpart AAAA)

(74) Commercial and Industrial Solid Waste Incineration. Unless exempted, this standard applies to units for which construction is commenced after November 30, 1999, or for which modification or reconstruction is commenced on or after June 1, 2001. (part 60, subpart CCCC)

(75) Other Solid Waste Incineration (OSWI) Units. Unless exempted, this standard applies to other solid waste incineration (OSWI) unit for which construction is commenced after December 9, 2004, or for which modification or reconstruction is commenced on or after June 16, 2006. (part 60, subpart EEEE)

(76) Reserved.


(77) Stationary Compression Ignition Internal Combustion Engines. Unless otherwise exempted, these standards apply to each stationary compression ignition internal combustion engine whose construction, modification or reconstruction commenced after July 11, 2005. (part 60, subpart IIII)

(78) Stationary Spark Ignition Internal Combustion Engines. These standards apply to each stationary spark ignition internal combustion engine whose construction, modification or reconstruction commenced after June 12, 2006. (part 60, subpart JJJJ)

(79) Stationary Combustion Turbines. Unless otherwise exempted, these standards apply to stationary combustion turbines with a heat input at peak load equal to or greater than 10 MMBtu per hour, based on the higher heating value of the fuel, that commence construction, modification, or reconstruction after February 18, 2005. (part 60, subpart KKKK).

(80) Nitric Acid Plants. Unless otherwise exempted, these standards apply to any nitric acid production unit that commenced construction, reconstruction or modification after October 14, 2011. (part 60, subpart Ga)

(81) Sewage sludge incineration units. Each sewage sludge incineration (SSI) unit for which construction or reconstruction commenced after October 14, 2010, or for which modification commenced after September 21, 2011, must comply. (Subpart LLLL)

 *Emission standards for hazardous air pollutants.* The federal standards for emissions of hazardous air pollutants, 40 CFR part 61 as amended or corrected through October 7, 2020, and 40 CFR part 503 as adopted on August 4, 1999, as adopted in IAC § 23.1(3), are adopted by reference, except 40 CFR §§ 61.20—61.26, 61.90—61.97, 61.100—61.108, 61.120—61.127, 61.190—61.193, 61.200—61.205, 61.220—61.225, and 61.250—61.256 and shall apply to the following affected pollutants and facilities and activities listed below. The corresponding 40 CFR part 61 subpart designation is in parentheses. A different date for adoption by reference may be included with the subpart designation in parentheses. Reference test methods (appendix B), compliance status information requirements (appendix A), quality assurance procedures (appendix C) and the general provisions (subpart A) of part 61 also apply to the affected activities or facilities.

- (1) *Asbestos*. Any of the following involving asbestos emissions: Asbestos mills, surfacing of roadways, manufacturing operations, fabricating, insulating, waste disposal, spraying applications and demolition and renovation operations. (subpart M)
- (2) *Reserved*.
- (3) *Reserved*.
- (4) *Mercury*. Any of the following involving mercury emissions: Mercury ore processing facilities, mercury cell chlor-alkali plants, sludge incineration plants, sludge drying plants, and a combination of sludge incineration plants and sludge drying plants. (subpart E)
- (5) *Vinyl Chloride*. Ethylene dichloride purification and the oxychlorination reactor in ethylene dichloride plants. Vinyl chloride formation and purification in vinyl chloride plants. Any of the following involving polyvinyl chloride plants: Reactor; stripper; mixing, weighing, and holding containers; monomer recovery system; sources following the strippers. Any of the following involving ethylene dichloride, vinyl chloride, and polyvinyl chloride plants: Relief valve discharge; fugitive emission sources. (subpart F)
- (6) *Equipment Leaks of Benzene (fugitive emission sources)*. Any pumps, compressors, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, flanges and other connectors, product accumulator vessels, and control devices or systems which handle benzene. (subpart J)
- (7) *Equipment Leaks of Volatile Hazardous Air Pollutants (fugitive emissions sources)*. Any pumps, compressors, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, flanges and other connectors, product accumulator vessels, and control devices or systems which handle volatile hazardous air pollutants. (subpart V)
- (8) *Reserved*.
- (9) *Reserved*.
- (10) *Inorganic Arsenic Emissions from Primary Copper Smelters*. Each copper converter at any new or existing primary copper smelter except as noted in 40 CFR 61.172(a). (subpart O)
- (11) *Benzene Emissions from Coke Byproduct Recovery Plants*. Each of the following sources at furnace and foundry coke byproduct recovery plants: tar decanters, tar storage tanks, tar-intercepting sumps, flushing-liquor circulation tanks, light-oil sumps, light-oil condensers, light-oil decanters, wash-oil decanters, wash-oil circulation tanks, naphthalene processing, final coolers, final-cooler cooling towers, and the following equipment that is intended to operate in benzene service: pumps, valves, exhausters, pressure relief devices, sampling connection systems, open-ended valves or lines, flanges or other connectors, and control devices or systems required by 40 CFR § 61.135.

The provisions of this subpart also apply to benzene storage tanks, BTX storage tanks, light-oil storage tanks, and excess ammonia-liquor storage tanks at furnace coke byproduct recovery plants. (subpart L)
- (12) *Benzene Emissions from Benzene Storage Vessels*. Unless exempted, each storage vessel that is storing benzene having a specific gravity within the range of specific gravities specified in ASTM D 836-84 for Industrial Grade Benzene, ASTM D 835-85 for Refined Benzene-485, ASTM D 2359-85a for Refined Benzene-535, and ASTM D 4734-87 for Refined Benzene-545. These specifications are incorporated by reference as specified in 40 CFR § 61.18. (subpart Y)
- (13) *Benzene Emissions from Benzene Transfer Operations*. Unless exempted, the total of all loading racks which benzene is loaded into tank trucks, rails cars, or marine vessels at each benzene production facility and each bulk terminal. (subpart BB)
- (14) *Benzene Waste Operations*. Unless exempted, the provisions of this subsection apply to owners and operators of chemical manufacturing plants, coke byproduct recovery plants,

petroleum refineries, and facilities at which waste management units are used to treat, store, or dispose of waste generated by any of these listed facilities. (subpart FF)

- (d) **Emission standards for hazardous air pollutants for source categories.** The federal standards for emissions of hazardous air pollutants for source categories, 40 CFR part 63 as amended or corrected through November 3, 2020, as adopted in 567 IAC 23.1(4), are adopted by reference, except those provisions which cannot be delegated to the states. The corresponding 40 CFR part 63 subpart designation is in parentheses. A different date for adoption by reference may be included with the subpart designation in parentheses, or as indicated in this introductory paragraph. 40 CFR part 63 subpart B incorporates the requirements of Clean Air Act sections 112(g) and 112(j) and does not adopt standards for a specific affected facility. Test methods (appendix A, as amended or corrected through December 2, 2020), sources defined for early reduction provisions (appendix B), and determination of the fraction biodegraded (Fbio) in the biological treatment unit (appendix C) of part 63 also apply to the affected activities or facilities. For the purposes of this subsection hazardous air pollutant has the same meaning found in 567 IAC 22.100. For the purposes of this subsection a major source means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, ten tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless a lesser quantity is established, or in the case of radionuclides, where different criteria are employed. For the purposes of this subsection an area source means any stationary source of hazardous air pollutants that is not a major stationary source as defined in this subsection. 567 IAC 23.1(4)a, general provisions (subpart A) of part 63, shall apply to owners or operators who are subject to subsequent subparts of 40 CFR 63 (except when otherwise specified in a particular subpart or in a relevant standard) as adopted by reference below.
- (1) General Provisions. General provisions apply to owners or operators of affected activities or facilities except when otherwise specified in a particular subpart or in a relevant standard. (40 CFR part 63, subpart A)
 - (2) Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections 112(g) and 112(j). (part 63, subpart B)
 - a. Section 112(g) requirements. For the purposes of this subsection 10-58(d)(2)a), the definitions shall be the same as the definitions found in 40 CFR 63.2 and 40 CFR 63.41 as amended through December 27, 1996. The owner or operator of a new or reconstructed major source of hazardous air pollutants must apply maximum achievable control technology (MACT) for new sources to the new or reconstructed major source. If the major source in question has been specifically regulated or exempted from regulation under a standard issued pursuant to section 112(d), section 112(h), or section 112(j) of the Clean Air Act and incorporated in another subpart of 40 CFR part 63, excluded in 40 CFR 63.40(e) and (f), or the owner or operator of such major source has received all necessary air quality permits for such construction or reconstruction project before June 29, 1998, then the major source in questions is not subject to the requirements of this subsection. The owner or operator of an affected source shall apply for a construction permit as required in 567 - paragraph 22.1(1)b. The construction permit application shall contain an application for a case-by-case MACT determination for the major source.
 - b. Section 112(j) requirements. The owner or operator of a new or existing major source of hazardous air pollutants which includes one or more stationary sources included in a source category or subcategory for which the U.S. Environmental Protection Agency has failed to promulgate an emission standard within 18 months of the deadline established under 112(d) must submit an application for a Title V permit or an application for a significant permit modification or for an administrative amendment, whichever is applicable. The application must be made in accordance with procedures established under Title V, by the section 112(j) deadline. In addition, the owner or operator of a new emission unit may submit an application for a Notice of MACT Approval before construction.
 - (3) Reserved.

- (4) Compliance Extensions for Early Reductions of Hazardous Air Pollutants. Compliance extensions for early reductions of hazardous air pollutants are available to certain owners or operators of an existing source who wish to obtain a compliance extension from a standard issued under section 112(d) of the Act. (part 63, subpart D)
- (5) Reserved.
- (6) Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Chemical Manufacturing Industry. These standards apply to chemical manufacturing process units that are part of a major source. These standards include applicability provisions, definitions and other general provisions that are applicable to subparts F, G, and H of 40 CFR 63. (part 63, subpart F)
- (7) Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater. These standards apply to all process vents, storage vessels, transfer racks, and wastewater streams within a source subject to subpart F of 40 CFR 63. (part 63, subpart G)
- (8) Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks. These standards apply to emissions of designated organic hazardous air pollutants from specified processes that are located at a plant site that is a major source. Affected equipment includes: pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, instrumentation systems and control devices or systems required by this subpart that are intended to operate in organic hazardous air pollutant service 300 hours or more during the calendar year within a source subject to the provisions of a specific subpart in 40 CFR part 63. In organic hazardous air pollutant or in organic hazardous air pollutant service means that a piece of equipment either contains or contacts a fluid (liquid or gas) that is at least five percent by weight of total organic hazardous air pollutants as determined according to the provisions of 40 CFR part 63.161. The provisions of 40 CFR part 63.161 also specify how to determine that a piece of equipment is not in organic hazardous air pollutant service. (part 63, subpart H)
- (9) Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to Negotiated Regulation for Equipment Leaks. These standards apply to emissions of designated organic hazardous air pollutants from specified processes (defined in 40 CFR 63.190) that are located at a plant site that is a major source. Subject equipment includes pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, and instrumentation systems at certain source categories. These standards establish the applicability of subpart H for sources that are not classified as synthetic organic chemical manufacturing industries. (part 63, subpart I)
- (10) Reserved.
- (11) Reserved.
- (12) Emission Standards for Coke Oven Batteries. These standards apply to existing coke oven batteries, including byproduct and non-recovery coke oven batteries and to new coke oven batteries, or as defined in the subpart. (part 63, subpart L)
- (13) Perchloroethylene Air Emission Standards for Dry Cleaning Facilities. These standards apply to the owner or operator of each dry cleaning facility that uses perchloroethylene (also known as perc). New and existing major source dry cleaning facilities are required to control emissions to the level of the maximum achievable control technology (MACT), and must use state-of-the-art equipment, as specified in the federal regulations, to detect and repair perc leaks from dry cleaning machines. New and existing area source dry cleaning facilities are required to control emissions to the level specified in the federal regulations. New area sources that are located in residential buildings and that commence operation after July 13, 2006, are prohibited from using perc. New area sources located in residential buildings that commenced operation between December 21, 2005, and July 13, 2006, must install the emission control equipment as specified in the federal regulations, conduct weekly inspection and repair of equipment leaks, and eliminate all use of perc by July 27, 2009. Existing area sources located in residential buildings must

conduct enhanced leak detection and repair as specified in the federal regulations and eliminate all use of perc by December 21, 2020. New area sources that are not located in residential buildings are prohibited from using transfer machines, and must conduct inspection and repair of equipment leaks as specified in the federal regulations. Existing area sources that are not located in residential buildings must also conduct the specified leak detection and repair and are prohibited from operating transfer machines after July 27, 2008. (part 63, subpart M as amended through July 27, 2006, and corrected on September 21, 2006)

- (14) Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks. These standards limit the discharge of chromium compound air emissions from existing and new hard chromium electroplating, decorative chromium electroplating, and chromium anodizing tanks at major and area sources. (part 63, subpart N)
- (15) Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations. New and existing major source ethylene oxide commercial sterilization and fumigation operations are required to control emissions to the level of the maximum achievable control technology (MACT). New and existing area source ethylene oxide commercial sterilization and fumigation operations are required to control emissions to the level achieved by generally available control technologies (GACT). Certain sources are exempt as described in 40 CFR 63.360. (part 63, subpart O)
- (16) Reserved.
- (17) Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers. These standards apply to all new and existing industrial process cooling towers that are operated with chromium-based water treatment chemicals on or after September 8, 1994, and are either major sources or are integral parts of facilities that are major sources. (part 63, subpart Q)
- (18) Emission Standards for Hazardous Air Pollutants for Sources Categories: Gasoline Distribution: (Stage 1). These standards apply to all existing and new bulk gasoline terminals and pipeline breakout stations that are major sources of hazardous air pollutants or are located at plant sites that are major sources. Bulk gasoline terminals and pipeline breakout stations located within a contiguous area or under common control with a refinery complying with 40 CFR Subpart CC are not subject to 40 CFR subpart R standards. (part 63, subpart R)
- (19) Emission Standards for Hazardous Air Pollutants for Pulp and Paper (Noncombustion). These standards apply to pulping and bleaching process sources at Kraft, soda, sulfite, and stand-alone semi-chemical pulp mills. Affected sources include pulp mills and integrated mills (mills that manufacture pulp and paper/paperboard) that chemically pulp wood fiber (using Kraft, sulfite, soda, or semi-chemical methods); pulp secondary fiber; pulp non-wood fiber; and mechanically pulp wood fiber. (part 63, subpart S)
- (20) Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning. These standards require batch vapor solvent cleaning machines and in-line solvent cleaning machines to meet emission standards reflecting the application of maximum achievable control technology (MACT) for major or area sources; area source batch cold cleaning machines are required to achieve generally available control technology (GACT). The subpart regulates the emissions of the following halogenated hazardous air pollutant solvents: methylene chloride, perchloroethylene, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, and chloroform. (part 63, subpart T)
- (21) Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins. Applicable to existing and new major sources that emit organic hazardous air pollutants (HAP) during the manufacture of one or more elastomers, including, but not limited to, producers of butyl rubber, halobutyl rubber, epichlorohydrin elastomers, ethylene propylene rubber, Hypalon TM, neoprene, nitrile butadiene rubber, nitrile butadiene latex, polybutadiene rubber/styrene butadiene rubber by solution, polysulfide rubber, styrene butadiene rubber by emulsion, and styrene butadiene latex. MACT is required for major sources. (part 63, subpart U)

- (22) Reserved.
- (23) Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Nonnylon Polyamides Production. These standards apply to all existing, new and reconstructed manufacturers of basic liquid epoxy resins and manufacturers of wet strength resins that are located at a plant site that is a major source. (part 63, subpart W)
- (24) Reserved.
- (25) Emission Standards for Marine Tank Vessel Tank Loading Operations. This standard requires existing and new major sources to control emissions using maximum achievable control technology (MACT) to control hazardous air pollutants (HAP). (part 63, subpart Y).
- (26) Reserved.
- (27) Emission Standards for Hazardous Air Pollutants for Phosphoric Acid Manufacturing. These standards apply to all new and existing major sources of phosphoric acid manufacturing. Affected processes include, but are not limited to, wet process phosphoric acid process lines, superphosphoric acid process lines, phosphate rock dryers, phosphate rock calciners, and purified phosphoric acid process lines. (part 63, subpart AA)
- (28) Emission Standards for Hazardous Air Pollutants for Phosphate Fertilizers Production. These standards apply to all new and existing major sources of phosphate fertilizer production plants. Affected processes include, but are not limited to, diammonium and monoammonium phosphate process lines, granular triple superphosphate process lines, and granular triple superphosphate storage buildings. (part 63, subpart BB)
- (29) Reserved.
- (30) Emission Standards for Hazardous Air Pollutants for Off-Site Waste and Recovery Operations. This rule applies to major sources of HAP emissions which receive certain wastes, used oil, and used solvents from off-site locations for storage, treatment, recovery, or disposal at the facility. Maximum achievable control technology (MACT) is required to reduce HAP emissions from tanks, surface impoundments, containers, oil-water separators, individual drain systems and other material conveyance systems, process vents, and equipment leaks. Regulated entities include, but are not limited to, businesses that operate any of the following: hazardous waste treatment, storage, and disposal facilities; Resource Conservation and Recovery Act (RCRA) exempt hazardous wastewater treatment facilities other than publicly owned treatment works; used solvent recovery plants; RCRA exempt hazardous waste recycling operations; used oil refineries. The regulations also apply to federal agency facilities that operate any of the waste management or recovery operations. (part 63, subpart DD)
- (31) Emission Standards for Magnetic Tape Manufacturing Operations. These standards apply to each new and existing magnetic tape manufacturing operation located at a major source of hazardous air pollutant emissions. (part 63, subpart EE)
- (32) Reserved.
- (33) National Emission Standards for Hazardous Air Pollutants for Source Categories: Aerospace Manufacturing and Rework Facilities. These standards apply to major sources involved in the manufacture, repair, or rework of aerospace components and assemblies, including, but not limited to, airplanes, helicopters, missiles, and rockets for civil, commercial, or military purposes. Hazardous air pollutants regulated under this standard include chromium, cadmium, methylene chloride, toluene, xylene, methyl ethyl ketone, ethylene glycol, and glycol ethers. (part 63, subpart GG)
- (34) Emission Standards for Hazardous Air Pollutants for Oil and Natural Gas Production. These standards apply to all new and existing major sources of oil and natural gas production. Affected sources include, but are not limited to, processing of liquid or gaseous hydrocarbons, such as ethane, propane, butane, pentane, natural gas, and condensate extracted from field natural gas. (part 63, subpart HH)

- (35) Reserved.
- (36) Emission Standards for Hazardous Air Pollutants for Hazardous Air Pollutant (HAP) Emissions from Wood Furniture Manufacturing Operations. These standards apply to each facility that is engaged, either in part or in whole, in the manufacture of wood furniture or wood furniture components and that is located at a plant site that is a major source. (part 63, subpart JJ)
- (37) Emission Standards for Hazardous Air Pollutants for the Printing and Publishing Industry. Existing and new major sources are required to control hazardous air pollutants (HAP) using the maximum achievable control technology (MACT). Affected units are publication rotogravure, product and packaging rotogravure, or wide-web flexographic printing. (part 63, subpart KK)
- (38) Reserved.
- (39) Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills. (part 63, subpart MM as amended or corrected through October 11, 2017)
- (40) Reserved.
- (41) Emission standards for tanks - level 1. These provisions apply when another subsection under this rule references the use of this subsection for such air emission control. These air emission standards are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions subsection (4)a of this section, general provisions (subpart A), do not apply to this paragraph except as specified in a referencing subsection. (part 63, subpart OO)
- (42) Emission Standards for Containers. These provisions apply when another paragraph under this rule references the use of this subsection for such air emission control. These air emission standards are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions of subsection (4)a of this section, general provisions (subpart A), do not apply to this subsection except as specified in a referencing subsection. (part 63, subpart PP)
- (43) Emission Standards for Surface Impoundments. These provisions apply when another subsection under this rule references the use of this subsection for such air emission control. These air emission standards are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions of subsection (4)a of this section, general provisions (subpart A), do not apply to this subsection except as specified in a referencing subsection. (part 63, subpart QQ)
- (44) Emission Standards for Individual Drain Systems. These provisions apply when another subsection under this rule references the use of this subsection for such air emission control. These air emission standards are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing subsection. The provisions of subsection (4)a of this section, general provisions (subpart A), do not apply to this subsection except as specified in a referencing subsection. (part 63, subpart RR)
- (45) Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process. These provisions apply when another subsection under this rule references the use of this subsection for such air emission control. These air emission standards are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing subsection. The provisions of subsection (4)a of this section, general provisions, (subpart A), do not apply to this paragraph except as specified in a referencing paragraph. (part 63, subpart SS)
- (46) Emission Standards for Equipment Leaks - Control Level 1. These provisions apply to the control of air emissions from equipment leaks for which another subsection under this rule references the use of this subsection for such emission control. These air emission standards for equipment leaks are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing subsection. The provisions of subsection (4)a

of this section, general provisions, (subpart A), do not apply to this subsection except as specified in a referencing subsection. (part 63, subpart TT)

- (47) Emission Standards for Equipment Leaks - Control Level 2 Standards. These provisions apply to the control of air emissions from equipment leaks for which another subsection under this rule references the use of this subsection for such air emission control. These air emission standards for equipment leaks are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing subsection. The provisions of subsection (4)a of this section, general provisions (subpart A), do not apply to this subsection except as specified in a referencing subsection. (part 63, subpart UU)
- (48) Emission Standards for Oil-water Separators and Organic-water Separators. These provisions apply when another subsection under this rule references the use of this subsection for such air emission control. These air emission standards are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing subsection. The provisions of subsection (4)a of this section, general provisions (subpart A), do not apply to this subsection except as specified in a referencing subsection. (part 63, subpart VV)
- (49) Emission Standards for Storage Vessels (Tanks) - Control Level 2. These provisions apply to the control of air emissions from storage vessels for which another subsection under this rule references the use of this subsection for such air emission control. These air emission standards for storage vessels are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing subsection. The provisions of subsection (4)a of this section, general provisions, (subpart A), do not apply to this subsection except as specified in a referencing subsection. (part 63, subpart WW)
- (50) Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations. This standard applies to hazardous air pollutants (HAPs) from heat exchange systems and waste streams at new and existing ethylene production units. (part 63, subpart XX).
- (51) Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology (Generic MACT). These standards apply to new and existing major sources of acetal resins (AR) production, acrylic and modacrylic fiber (AMF) production, hydrogen fluoride (HF) production and polycarbonate (PC) production. Affected processes include, but are not limited to, producers of homopolymers and copolymers of alternating oxymethylene units, acrylic fiber, modacrylic fiber synthetics composed of acrylonitrile (AN) units, hydrogen fluoride and polycarbonate. (part 63, subpart YY, as amended or corrected through October 8, 2014)
- (52)—(55) Reserved.
- (56) Emission Standards for Hazardous Air Pollutants for Mineral Wool Production. These standards apply to all new and existing major sources of mineral wool production. Affected processes include, but are not limited to, cupolas and curing ovens. (part 63, subpart DDD)
- (57) Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors. These standards apply to all hazardous waste combustors: hazardous waste incinerators, hazardous waste burning cement kilns, hazardous waste burning lightweight aggregate kilns, hazardous waste solid fuel boilers, hazardous waste liquid fuel boilers, and hazardous waste hydrochloric acid production furnaces, except as provided in subpart EEE. Both area sources and major sources are subject to this subpart as of April 19, 1996, and are subject to the requirement to apply for and obtain a Title V permit. (part 63, subpart EEE)
- (58) Reserved.
- (59) Emission Standards for Hazardous Air Pollutants for Pharmaceutical Manufacturing. These standards apply to producers of finished dosage forms of drugs, for example, tablets, capsules, and solutions, that contain an active ingredient generally, but not necessarily, in association with inactive ingredients. Pharmaceuticals include components whose intended primary use is to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the body of humans or other

animals. The regulations do not apply to research and development facilities. (part 63, subpart GGG)

- (60) Emission Standards for Hazardous Air Pollutants for Natural Gas Transmission and Storage. These standards apply to all new and existing major sources of natural gas transmission and storage. Natural gas transmission and storage facilities are those that transport or store natural gas prior to its entering the pipeline to a local distribution company. Affected sources include, but are not limited to, mains, valves, meters, boosters, regulators, storage vessels, dehydrators, compressors, and delivery systems. (part 63, subpart HHH)
- (61) Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production. These standards apply to producers of slabstock, molded, and rebond flexible polyurethane foam. The regulations do not apply to processes dedicated exclusively to the fabrication (i.e., gluing or otherwise bonding foam pieces together) of flexible polyurethane foam or to research and development. (part 63, subpart III)
- (62) Emission Standards for Hazardous Air Pollutants: Group IV Polymers and Resins. Applicable to existing and new major sources that emit organic HAP during the manufacture of the following polymers and resins: acrylonitrile butadiene styrene resin (ABS), styrene acrylonitrile resin (SAN), methyl methacrylate acrylonitrile butadiene styrene resin (MABS), methyl methacrylate butadiene styrene resin (MBS), polystyrene resin, poly (ethylene terephthalate) resin (PET), and nitrile resin. MACT is required for all major sources. (part 63, subpart JJJ)
- (63) Reserved.
- (64) Emission Standards for Hazardous Air Pollutants for Portland Cement Manufacturing Operations. These standards apply to all new and existing major and area sources of Portland cement manufacturing unless exempted. Cement kiln dust (CKD) storage facilities, including CKD piles and landfills, are excluded from this standard. Affected processes include, but are not limited to, all cement kilns and in-line kiln/raw mills, unless they burn hazardous waste. (part 63, subpart LLL)
- (65) Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production. These standards apply to all new and existing major sources of pesticide active ingredient production that manufacture organic pesticide active ingredients (PAI), including herbicides, insecticides and fungicides. Affected processes include, but are not limited to, processing equipment, connected piping and ducts, associated storage vessels, pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves and connectors. Exempted sources include research and development facilities, storage vessels already subject to another 40 CFR part 63 NESHAP, production of ethylene, stormwater from segregated sewers, water from fire-fighting and deluge systems (including testing of such systems) and various spills. (part 63, subpart MMM)
- (66) Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing. These standards apply to all new and existing major sources of wool fiberglass manufacturing. Affected processes include, but are not limited to, all glass-melting furnaces, rotary spin (RS) manufacturing lines that produce bonded building insulation, flame attenuation (FA) manufacturing lines producing bonded pipe insulation and new FA manufacturing lines producing bonded heavy-density products. (part 63, subpart NNN)
- (67) Emission Standards for Hazardous Air Pollutants for Amino/Phenolic Resins Production. These standards apply to new or existing facilities that own or operate an amino or phenolic resins production unit. (part 63, subpart OOO)
- (68) Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production. These standards apply to all new and existing major sources of polyether polyols. Polyether polyols are compounds formed through polymerization of ethylene oxide, propylene oxide or other cyclic ethers with compounds having one or more reactive hydrogens to form polyethers. Affected processes include, but are not limited to, storage vessels, process vents, heat exchange systems, equipment leaks and wastewater operations. (part 63, subpart PPP)

- (69) Reserved.
- (70) Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production. (part 63, subpart RRR).
- (71)-(72) Reserved.
- (73) Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units. This standard applies to a new or existing petroleum refinery that is located at a major source of hazardous air pollutant (HAP) emissions. (part 63, subpart UUU)
- (74) Emission Standards for Hazardous Air Pollutants Publicly Owned Treatment Works (POTW). These standards apply to new or reconstructed nonindustrial POTW and industrial POTW. (part 63, subpart VVV)
- (75)-(78) Reserved.
- (79) Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills. This standard applies to existing and new municipal solid waste (MSW) landfills. (part 63, subpart AAAA, as amended or corrected through April 20, 2006)
- (80) Reserved.
- (81) Emission Standards for Hazardous Air Pollutants for the Manufacturing of Nutritional Yeast. (part 63, subpart CCCC)
- (82) Emission Standards for Hazardous Air Pollutants for Plywood and Composite Wood Products (formerly Plywood and Particle Board Manufacturing). These standards apply to new and existing major sources with equipment used to manufacture plywood and composite wood products. This equipment includes dryers, refiners, blenders, formers, presses, board coolers, and other process units associated with the manufacturing process. This also includes coating operations, on-site storage and wastewater treatment. However, only certain process units (defined in the federal rule) are subject to control or work practice requirements. (part 63, subpart DDDD, as amended or corrected through October 29, 2007)
- (83) Emission Standards for Hazardous Air Pollutants for Organic Liquids Distribution (Non-Gasoline). These standards apply to new and existing major source organic liquids distribution (non-gasoline) operations, which are carried out at storage terminals, refineries, crude oil pipeline stations, and various manufacturing facilities. (part 63, subpart EEEE, as amended or corrected through July 17, 2008)
- (84) Emission Standards for Hazardous Air Pollutants for Miscellaneous Organic Chemical Manufacturing (MON). These standards establish emission limits and work practice standards for new and existing major sources with miscellaneous organic chemical manufacturing process units, wastewater treatment and conveyance systems, transfer operations, and associated ancillary equipment. (part 63, subpart FFFF, as amended or corrected through July 14, 2006)
- (85) Emission Standards for Hazardous Air Pollutants for Solvent Extraction for Vegetable Oil Production. (part 63, subpart GGGG)
- (86) Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production. This standard applies to wet-formed fiberglass mat production plants that are major sources of hazardous air pollutants. These plants may be stand-alone facilities or located with asphalt roofing and processing facilities. (part 63, subpart HHHH)
- (87) Emission Standards for Hazardous Air Pollutants for Surface Coating of Automobiles and Light-Duty Trucks. These standards apply to new, reconstructed, or existing affected sources, as defined in the standard that are located at a facility which applies topcoat to new automobile or new light-duty truck bodies or body parts for new automobiles or new light-duty trucks, and that is a major source, is located at a major source, or is part of a major source of emissions of hazardous air pollutants. Additional applicability criteria and exemptions from these standards may apply. (part 63, subpart IIII)

- (88) Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating. This standard applies to a facility that is engaged in the coating of paper, plastic film, metallic foil, and other web surfaces located at a major source of hazardous air pollutant (HAP) emissions. (part 63, subpart JJJJ)
- (89) Emission Standards for Hazardous Air Pollutants for Surface Coating of Metal Cans. These standards apply to a metal can surface coating operation that uses at least 5,700 liters (1,500 gallons (gal)) of coatings per year and is a major source, is located at a major source, or is a part of a major source of hazardous air pollutant emissions. Coating operations located at an area source are not subject to this rule. Additional applicability criteria and exemptions from these standards may apply. (part 63, subpart KKKK)
- (90) Reserved.
- (91) Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products. These standards apply to miscellaneous metal parts and products surface coating major source facilities, or is located at a major source, or is part of a major source of hazardous air pollutant emissions. A miscellaneous metal parts and products surface coating facility that is located at an area source is not subject to this standard. Certain sources are exempt as described in the standard. (part 63, subpart MMMM)
- (92) Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances. This standard applies to a facility that applies coatings to large appliance parts or products, and is a major source, is located at a major source, or is part of a major source of emissions of hazardous air pollutants (HAPs). The large appliances source category includes facilities that apply coatings to large appliance parts or products. Large appliances include white goods such as ovens, refrigerators, freezers, dishwashers, laundry equipment, trash compactors, water heaters, comfort furnaces, electric heat pumps and most HVAC equipment intended for any application. (part 63, subpart NNNN)
- (93) Emission Standards for Hazardous Air Pollutants for Printing, Coating, and Dyeing of Fabrics and Other Textiles. These standards apply to new and existing facilities with fabric or other textile coating, printing, slashing, dyeing, or finishing operations, or group of such operations, that are a major source of hazardous air pollutants or are part of a facility that is a major source of hazardous air pollutants. Coating, printing, slashing, dyeing, or finishing operations located at an area source are not subject to this standard. Several exclusions from this source category are listed in the standard. (part 63, subpart OOOO)
- (94) Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products. This standard applies to plastic parts and products surface coating facilities. Plastic parts and products include, but are not limited to, plastic components of the following types of products as well as the products themselves: Motor vehicle parts and accessories for automobiles, trucks, recreational vehicles; sporting and recreational goods; toys; business machines; laboratory and medical equipment; and household and other consumer products. Surface coating is the application of coating to a substrate using, for example, spray guns or dip tanks. When application of coating to a substrate occurs, then surface coating also includes associated activities, such as surface preparation, cleaning, mixing, and storage. Several exclusions from this category are listed in the standard. (part 63, subpart PPPP)
- (95) Emission Standards for Hazardous Air Pollutants for Surface Coating of Wood Building Products. These standards establish emission limitations, operating limits, and work practice requirements for wood building products surface coating facilities that use at least 1,100 gallons of coatings per year and are a major source, located at a major source, or are part of a major source of hazardous air pollutant emissions. Wood building products surface coating facilities located at an area source are not subject to this standard. Several exclusions from this source category are listed in the standard. (part 63, subpart QQQQ)
- (96) Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture. This standard applies to a metal furniture surface coating facility that is a major source, is located at a major source, or is part of a major source of HAP emissions. A metal furniture surface coating

facility is one that applies coatings to metal furniture or components of metal furniture. Metal furniture means furniture or components that are constructed either entirely or partially from metal. (part 63, subpart RRRR)

- (97) Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil. This standard requires that all new and existing major air toxin sources in the metal coil coating industry meet specific emission limits. Metal coil coating is the process of applying a coating (usually protective or decorative) to one or both sides of a continuous strip of sheet metal. Industries using coated metal include: Transportation, building products, appliances, can manufacturing, and packaging. Other products using coated metal coil include measuring tapes, ventilation systems for walls and roofs, lighting fixtures, office filing cabinets, cookware, and sign stock material. (part 63, subpart SSSS)
- (98) Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations. This standard applies to a new or existing leather finishing operation that is a major source of hazardous air pollutant (HAP) emissions or that is located at, or is part of, a major source of HAP emissions. In general, a leather finishing operation is a single process or group of processes used to adjust and improve the physical and aesthetic characteristics of the leather surface through multistage application of a coating comprised of dyes, pigments, film-forming materials, and performance modifiers dissolved or suspended in liquid carriers. (part 63, subpart TTTT)
- (99) Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing. This standard applies to a new or existing cellulose products manufacturing operation that is located at a major source of HAP emissions. Cellulose products manufacturing includes both the miscellaneous viscose processes source category and the cellulose ethers production source category. (part 63, subpart UUUU)
- (100) Emission Standards for Hazardous Air Pollutants for Boat Manufacturing. (part 63, subpart VVVV)
- (101) Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production. This standard applies to a new or an existing reinforced plastic composites production facility that is located at a major source of HAP emissions. (part 63, subpart WWWW)
- (102) Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing. This standard applies to a rubber tire manufacturing facility that is located at, or is a part of, a major source of hazardous air pollutant (HAP) emissions. Rubber tire manufacturing includes the production of rubber tires and/or the production of components integral to rubber tires, the production of tire cord, and the application of puncture sealant. (part 63, subpart XXXX)
- (103) Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines. These standards apply to stationary combustion turbines which are located at a major source of hazardous air pollutant emissions. Several subcategories have been defined within the stationary combustion turbine source category. Each subcategory has distinct requirements as specified in the standards. These standards do not apply to stationary combustion turbines located at an area source of hazardous air pollutant emissions. (part 63, subpart YYYY, as amended or corrected through April 20, 2006)
- (104) Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. These standards apply to new and existing major sources and to new and existing area sources with stationary reciprocating internal combustion engines (RICE). For purposes of these standards, stationary RICE means any reciprocating internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile. (part 63, subpart ZZZZ)
- (105) Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants. These standards regulate hazardous air pollutant emissions from new and existing lime manufacturing plants that are major sources, collocated with major sources or are part of major sources. Additional applicability criteria and exemptions from these standards may apply. (part 63, subpart AAAAA, as amended or corrected through April 20, 2006)

- (106) Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing. This standard applies to semiconductor manufacturing facilities that is a major source of hazardous air pollutant (HAP) emissions or that is located at, or is part of, a major source of HAP emissions. (part 63, subpart BBBB)
- (107) Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks. This standard applies to a new or existing coke oven battery at a plant that is a major source of HAP emissions. (part 63, subpart CCCCC)
- (108) Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters. These standards apply to new and existing major sources with industrial, commercial or institutional boilers and process heaters. (part 63, subpart DDDDD)*

*As of April 15, 2009, the adoption by reference of part 63, subpart DDDDD, is rescinded. On July 30, 2007, the United States Court of Appeals for the District of Columbia Circuit issued its mandate vacating 40 CFR 63, subpart DDDDD, in its entirety, and requiring the EPA to re-promulgate final standards for industrial, commercial or institutional boilers and process heaters at new and existing major sources.

- (109) Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries. These standards apply to each new or existing iron and steel foundry that is a major source of hazardous air pollutant emissions. A new affected source is an iron and steel foundry for which construction or reconstruction began after December 23, 2002. An existing affected source is an iron and steel foundry for which construction or reconstruction began on or before December 23, 2002. (part 63, subpart EEEEE)
- (110) Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing. These standards apply to affected sources at an integrated iron and steel manufacturing facility that is (or is part of) a major source of hazardous air pollutant emissions. The affected sources are each new or existing sinter plant, blast furnace, and basic oxygen process furnace (BOPF) shop at an integrated iron and steel manufacturing facility that is (or is part of) a major source of hazardous air pollutant emissions. (part 63, subpart FFFFF, as amended or corrected through July 13, 2006)
- (111) Emission Standards for Hazardous Air Pollutants: Site Remediation. These standards apply to new and existing major sources with certain types of site remediation activity on the source's property or on a contiguous property. These standards control hazardous air pollutant (HAP) emissions at major sources where remediation technologies and practices are used at the site to clean up contaminated environmental media (e.g., soil, groundwater, or surface water) or certain stored or disposed materials that pose a reasonable potential threat to contaminate environmental media.

Some site remediations already regulated by rules established under the Comprehensive Environmental Response and Compensation Liability Act (CERCLA) or the Resource Conservation and Recovery Act (RCRA) are not subject to these standards, as specified in subpart GGGGG. There are also exemptions for short-term remediation and for certain leaking underground storage tanks, as specified in subpart GGGGG. (part 63, subpart GGGGG, as amended or corrected through November 29, 2006)
- (112) Emission Standards for Hazardous Air Pollutants for Miscellaneous Coating Manufacturing. These standards establish emission limits and work practice requirements for new and existing miscellaneous coating manufacturing operations, including, but not limited to, process vessels, storage tanks, wastewater, transfer operations, equipment leaks, and heat exchange systems. (part 63, subpart HHHHH)
- (113) Emission Standards for Mercury Emissions from Mercury Cell Chlor-Alkali Plants. These standards apply to the chlorine production source category. This source category contains the mercury cell chlor-alkali plant subcategory and includes all plants engaged in the manufacturing

of chlorine and caustic in mercury cells. These standards define two affected sources: Mercury cell chlor-alkali production facilities, and mercury recovery facilities. (part 63, subpart IIIII)

- (114) Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing. These standards apply to new and existing brick and structural clay products manufacturing facilities that are, are located at, or are part of, a major source of hazardous air pollutant emissions. (part 63, subpart JJJJJ) *

* As of April 15, 2009, the adoption by reference of part 63, subpart JJJJJ, is rescinded. On June 18, 2007, the United States Court of Appeals for the District of Columbia Circuit issued its mandate vacating 40 CFR 63, subpart JJJJJ, in its entirety, and requiring the EPA to re-promulgate final standards for brick and structural clay products manufacturing at new and existing major sources.

- (115) Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing. These standards apply to clay ceramics manufacturing facilities that are, are located at, or are part of, a major source of hazardous air pollutant emissions. The clay ceramics manufacturing source category includes those facilities that manufacture pressed floor tile, pressed wall tile, and other pressed tile; or sanitary ware, such as toilets and sinks. (part 63, subpart KKKKK)
- (116) Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing. This standard applies to an existing or new asphalt processing or asphalt roofing manufacturing facility that is a major source of hazardous air pollutant (HAP) emissions, or is located at, or is part of a major source of HAP emissions. (part 63, subpart LLLLL)
- (117) Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations. This standard applies to a new or existing source at a flexible polyurethane foam fabrication facility. The standard defines two affected sources (units or collections of units to which a given standard or limit applies) corresponding to the two subcategories, loop slitter adhesive use or flame lamination. (part 63, subpart MMMMM)
- (118) Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production. This standard applies to a new or existing HCl production facility that produces a liquid HCl product at a concentration of 30 weight percent or greater during its normal operations and is located at, or is part of, a major source of HAP. This does not include HCl production facilities that only occasionally produce liquid HCl product at a concentration of 30 weight percent or greater. (part 63, subpart NNNNN)
- (119) Reserved.
- (120) Emission Standards for Hazardous Air Pollutants: Engine Test Cells/Stands. This standard applies to an engine test cell/stand that is located at a major source of HAP emissions. An engine test cell/stand is any apparatus used for testing uninstalled stationary or uninstalled mobile engines. (part 63, subpart PPPP)
- (121) Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities. This standard applies to a new or existing friction materials manufacturing facility that is (or is part of) a major source of hazardous air pollutant (HAP) emissions. Friction materials manufacturing facilities produce friction materials for use in brake and clutch assemblies. (part 63, subpart QQQQQ)
- (122) Reserved.
- (123) Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing. This standard applies to a new or existing refractory products manufacturing facility that is, is located at, or is part of, a major source of hazardous air pollutant (HAP) emissions. (part 63, subpart SSSSS).
- (124)—(126) Reserved.
- (127) Emission Standards for Hazardous Air Pollutants for Hospital Ethylene Oxide Sterilizer Area Sources. This standard applies to a hospital that is an area source for hazardous air pollutant

emissions and that owns or operates a new or existing ethylene oxide sterilization facility. (part 63, subpart WWWWWW)

- (128) Reserved.
- (129) Emission Standards for Hazardous Air Pollutants for Electric Arc Furnace Steelmaking Area Sources.
- (130) Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundry Area Sources. This standard applies to new or existing iron and steel foundries that are area sources for hazardous air pollutant emissions. (part 63, subpart ZZZZZZ)
- (131) Reserved.
- (132) Emission Standards for Hazardous Air Pollutants for Gasoline Distribution Area Sources: Bulk Terminals, Bulk Plants and Pipeline Facilities. This standard applies to new and existing bulk gasoline terminals, pipeline breakout stations, pipeline pumping stations and bulk gasoline plants that are area sources for hazardous air pollutant emissions. (part 63, subpart BBBBBB)
- (133) Emission Standards for Hazardous Air Pollutants for Area Sources: Gasoline Dispensing Facilities. This standard applies to new and existing gasoline dispensing facilities (GDF) that are area sources for hazardous air pollutant emissions. The affected equipment includes each gasoline cargo tank during delivery of product to GDF and also includes each storage tank. The equipment used for refueling of motor vehicles is not covered under these standards. (part 63, subpart CCCCCC)
- (134)—(137) Reserved.
- (138) Emission Standards for Hazardous Air Pollutants for Area Sources: Paint Stripping and Miscellaneous Surface Coating Operations. This standard applies to new or existing area sources of hazardous air pollutant emissions that engage in any of the following activities: 1. Paint stripping operations that use methylene chloride (MeCl)-containing paint stripping formulations; 2. Spray application of coatings to motor vehicles or mobile equipment; or 3. Spray application of coatings to plastic or metal substrate with coatings that contain compounds of chromium (Cr), lead (Pb), manganese (Mn), nickel (Ni) or cadmium (Cd). (part 63, subpart HHHHHH)
- (139) Reserved.
- (140) Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers. This standard applies to new and existing industrial, commercial, and institutional boilers that are area sources of hazardous air pollutant emissions. (Part 63, Subpart JJJJJJ)
- (141) Reserved.
- (142) Emissions Standard for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources. This standard applies to acrylic or modacrylic fibers production plants that are area sources for hazardous air pollutant emissions. (part 63, subpart LLLLLL)
- (143) Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources. This standard applies to carbon black production plants that are area sources for hazardous air pollutants. (part 63, subpart MMMMMM)
- (144) Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Chromium Compounds Area Sources. This standard applies to plants that produce chromium compounds and are area sources for hazardous air pollutants. (part 63, subpart NNNNNN)
- (145) Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources. This standard applies to plants that produce flexible polyurethane foam or rebond foam, and plants that fabricate polyurethane foam, that are area sources for hazardous air pollutants. This standard applies to both new and existing area sources. An affected source is existing if construction or reconstruction commenced on or before April 4, 2007. An

affected source is new if construction or reconstruction commenced after April 4, 2007. (part 63, subpart OOOOOO)

- (146) Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources. This standard applies to lead acid battery manufacturing plants that are area sources for hazardous air pollutants. Affected sources include all grid casting facilities, paste mixing facilities, three-process operation facilities, lead oxide manufacturing facilities, lead reclamation facilities, and any other lead-emitting operation that is associated with a lead acid manufacturing plant. This standard applies to both new and existing area sources. An affected source is existing if construction or reconstruction commenced after April 4, 2007. (part 63, subpart PPPPPP)
- (147) Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources. This standard applies to wood preserving operations that are area sources for hazardous air pollutants. This standard applies to both new and existing area sources. An affected source is existing if construction or reconstruction commenced on or before April 4, 2007. An affected source is new if construction or reconstruction commenced after April 4, 2007. (part 63, subpart QQQQQQ)
- (148) Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources. This standard applies to any new or existing clay ceramics manufacturing facility with an atomized glaze spray booth or kiln that fires glazed ceramic ware, that processes more than 50 tons per year of wet clay, and that is an area source for hazardous air pollutant emissions. (part 63, subpart RRRRRR)
- (149) Emission standards for hazardous air pollutants for glass manufacturing area sources. This standard applies to any new or existing glass manufacturing facility that is an area source for hazardous air pollutant emissions and meets the following criteria: (1) manufactures flat glass, glass containers or pressed and blown glass by melting a mixture of raw materials to produce molten glass and form the molten glass into sheets, containers or other shapes; and (2) uses one or more continuous furnaces to produce glass at a rate of at least 50 tons per year and that contains compounds of one or more glass manufacturing metal HAP, as defined in 40 CFR 63.11459, as raw materials in a glass manufacturing batch formulation. (part 63, subpart SSSSSS)
- (150) Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources. This standard applies to any new or existing secondary nonferrous metals processing facility that is an area source for hazardous air pollutant emissions. This standard applies to all crushing and screening operations at a secondary zinc processing facility and to all furnace melting operations located at any secondary nonferrous metals processing facility. (part 63, subpart TTTTTT)
- (151) Reserved.
- (152) Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Manufacturing. This standard applies to chemical manufacturing at new and existing facilities that are area sources for hazardous air pollutant emissions. (part 63, subpart VVVVVV)
- (153) Emission Standards for Hazardous Air Pollutants for Area Sources: Plating and Polishing. This standard applies to plating and polishing activities at new and existing facilities that are area sources for hazardous air pollutant emissions. (part 63, subpart WWWWWW)
- (154) Emission Standards for Hazardous Air Pollutants for Area Sources: Metal Fabrication and Finishing. This standard applies to new and existing facilities in which the primary activities at the facility is metal fabrication and finishing and that are area sources for hazardous air pollutant emissions. (part 63, subpart XXXXXX)
- (155) Reserved.
- (156) Emission Standards for Hazardous Air Pollutants for Area Sources: Aluminum, Copper, and Other Nonferrous Foundries. This standard applies to aluminum, copper, and other nonferrous foundries at new and existing facilities that are area sources of hazardous air pollutant emissions. (part 63, subpart ZZZZZZ)

(157), (158) Reserved.

(159) Emission Standards for Hazardous Air Pollutants for Area Sources: Paint and Allied Products Manufacturing. This standard applies to paint and allied products manufacturing at new and existing facilities that are area sources for hazardous air pollutant emissions. (part 63, subpart CCCCCC)

(160) Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing. This standard applies to prepared feeds manufacturing that produces animal feed products (not including feed for cats or dogs) and uses chromium or manganese compounds at new and existing facilities that are area sources for hazardous air pollutant emissions. (part 63, subpart DDDDDDD)

(e) **Emission guidelines.** Except as hereafter modified the emission guidelines regulations as adopted by the state department of natural resources and promulgated as 567 IAC ch. 23.1(5), are hereby specifically incorporated by reference and adopted as part of this article.

(f) **Calculation of emission limitations based upon stack height.** This rule sets limits for the maximum stack height credit to be used in ambient air quality modeling for the purpose of setting an emission limitation and calculating the air quality impact of a source. This rule does not limit the actual physical stack height for any source. For the purpose of this subsection, the definitions of the terms "stack," "a stack in existence," "dispersion technique," "nearby" and "excessive concentration" as set forth in 40 CFR § § 51.100(ff) through (hh), (jj) and (kk) as amended through June 14, 1996, are adopted by reference.

(1) Good engineering practice (GEP) stack height means the greater of:

- a. 65 meters, measured from the ground level elevation at the base of the stack; or
- b. For stacks in existence on January 12, 1979, and for which the owner and operator had obtained all applicable permits or approvals required under section 10-58 and 40 CFR § 52.21 as amended through June 13, 2007,

$$H_g = 2.5H$$

Provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation;

For all other stacks,

$$H_g = H + 1.5L$$

Where:

H_g = good engineering practice stack height, measured from the ground level elevation at the base of the stack,

H = height of nearby structures measured from the ground level elevation at the base of the stack,

L = lesser dimension, height or projected width, of nearby structures, provided that the department may require the use of a field study or fluid model to verify GEP stack height for the source; or

- c. The height demonstrated by a fluid model or a field study approved by the department, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features. Public notification of the availability of

such study and opportunity for public hearing are required prior to approval by the department.

- (2) The degree of emission limitation required for control of any air contaminant under this chapter shall not be affected in any manner by:
- The consideration of that portion of a stack which exceeds GEP stack height; or
 - Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of the pollutants; or
 - Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combined exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase gas plume rise.

This rule is intended to implement I.C.A. § 455B.133.

(Code 2006, § 10.9; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-63. - Open burning.

(a) No person shall allow, cause or permit open burning of combustible materials, except as follows:

- (1) Open burning of the following types may be allowed provided a valid open burning permit is obtained:
- Dangerous materials.* Fires for the disposal of dangerous materials or for the prevention of a fire hazard when other alternative methods of disposal are not available or impractical.
 - Training fires.* For the purpose of this section, the term "training fire" means a fire set for the purpose of conducting a bona fide training of public or industrial employees in firefighting methods. For the purpose of this subsection, the term "bona fide training" means training that is conducted according to the National Fire Protection Association 1403 Standard on 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 training fire on a building is conducted with the building structurally intact.
 - The training fire does not include the controlled burning of a demolished building.
 - If the training fire is to be conducted on a building, written notification must be provided to the director and the department on IDNR Form 542-8010, Notification of an Iowa Training Fire-Demolition or a Controlled Burn of a Demolished Building, and must be postmarked or delivered to the director at least ten working days before such action commences.
 - Notification shall be made in accordance with 40 CFR § 61.145 as amended through January 16, 1991, which is the Standard for Demolition and Renovation of the asbestos National Emission Standard for Hazardous Air Pollutants.
 - All asbestos-containing material shall be removed prior to the training fire.
 - Asphalt shingles may be burned in a training fire only if notification to the director contains testing results indicating that none of the layers of asphalt shingles contain asbestos. During each calendar year, each fire department may conduct no more than two training fires on buildings where asphalt shingles have not been removed, provided that for each of those training fires the asphalt roofing material present has been tested to ensure that it does not contain asbestos.
 - Rubber tires and other trash or garbage materials are not allowed substances for inclusion in training fires.

8. A copy of all asbestos test results shall be submitted to the department. The air pollution control officer reserves the authority to inspect the proposed burning premises to verify compliance with the above listed requirements before issuing the open burning permit. The air pollution control officer may deny any training fire request based on factors such as public health, air quality in the vicinity and effects to the local environment or where evidence suggests that allowing the burning would cause the violation of any National Ambient Air Quality Standards.
- c. *Agricultural structures.* The open burning of agricultural structures, provided that the open burning occurs on the premises, and for agricultural structures located within a city or town, at least one-fourth mile from any building inhabited by a person other than the landowner, a tenant, or an employee of the landowner or tenant conducting the open burning unless a written waiver in the form of an affidavit is submitted by the owner of the building to the department prior to the open burning. All chemicals and asphalt shingles shall be removed. All structures shall be inspected for suspect asbestos content by a state certified asbestos inspector. All asbestos-containing material shall be removed prior to burning. Burning shall be conducted only when weather conditions are favorable with respect to surrounding property. Tires shall not be used to ignite agricultural structures. The asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), as amended through January 16, 1991, requires that burning of agricultural structures to be conducted in accordance with 40 CFR § 61.145, Standard for Demolition and Renovation.

For the purposes of this subsection, the term "agricultural structures" means barns, machine sheds, storage cribs, animal confinement buildings, and homes located on the premises and used in conjunction with crop production, livestock or poultry raising and feeding operations. The term "agricultural structures," for asbestos NESHAP purposes, includes all of the above, with the exception of a single residential structure on the premises having four or fewer dwelling units, which has been used only for residential purposes.
- d. *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.
- e. *Flare stacks.* The open burning or flaring of waste gases, providing such open burning or flaring is conducted in compliance with section 10-60.
- f. *Landscape wastes.* Fires set for the disposal of landscape wastes including grass, leaves, weeds, trees, tree limbs, natural growth for land clearing, agricultural wastes, etc., providing these fires comply with section 10-60. 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. Burning shall be conducted when weather conditions are favorable with respect to surrounding property. Rubber tires shall not be used to ignite landscape waste. The open burning of landscape waste is limited to the property where such waste is generated.
- g. *Ceremonial burning.* Fires for ceremonial/recreational purposes such as American Legion flag burning, pep rallies, religious ceremonies, etc. These fires must be under the legitimate sponsorship of a bona fide civic, fraternal, religious, educational, or similar organization and must comply with sections 10-60 and 10-64.
- h. *Trees and tree trimmings.* The open burning of trees and tree trimmings not originated 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 unless a written waiver in the form of an affidavit is submitted by the owner of the building to the department and to the

local governmental entity prior to the first instance of open burning at the site. The written waiver shall become effective only upon recording in the office of the recorder of deeds of the county in which the inhabited building is located. When the open burning of trees and tree trimmings causes air pollution as defined in I.C.A. § 455B.131(3), the department may take appropriate action to secure relocation of the burning operation. Rubber tires shall not be used to ignite trees and tree trimmings.

- i. *Other burning.* Other open burning such as, but not limited to, native prairie management may be allowed on a case by case basis, through the issuing of an open burning permit, provided the air pollution control officer has determined that the burning will not adversely affect the air quality or will not violate any sections of this article and is reasonable and practical as compared to other alternatives available.
- (2) Open burning permits shall be issued under the direction of the air pollution control officer.
- a. Every application for an open burning permit required under this section shall be filed in the manner and form prescribed by the air pollution control officer.
 - b. Fees for open burning permits shall be recommended by the air pollution control officer and be established by resolution of the county board of supervisors, except federal, state, or local government agencies or public districts are not required to pay such fee.
 - c. Open burning permits are valid provided the following conditions are met and maintained:
 1. The permit fee has been paid. Fees not paid in person shall be deemed paid on the date of mailing;
 2. Burning is authorized during the dates stated on the permit which shall be for a period of one year;
 3. Unless otherwise approved by the fire chief having jurisdiction, burning shall be conducted during the hours of one-half hour after sunrise until one-half hour before sunset. The sheriff's department shall be notified upon such approval by the permit applicant;
 4. Burning is conducted in a safe and reasonable manner so as not to endanger life or property;
 5. Fires must be attended by the permit applicant or his agent at all times, this person shall have the burning permit in their possession at the time of burning;
 6. The air pollution control officer shall have the authority to deny issuance of an open burning permit to any person who has failed to pay the fee for a previously issued open burning permit; who has been previously cited for any violation of this article and has failed to pay in full all fines, court costs and restitution entered as a judgment against them or who is not current with any court ordered payment plan for such fines, court costs and restitution. This provision does not limit the air pollution control officer's power to otherwise collect unpaid fees, fines, court costs and restitution.
- (3) The following types of open burning are exempt and may be conducted without an open burning permit.
- a. Open burning used solely for cooking, heating, and/or other recreational activities. These fires must be no larger than three feet in diameter and must burn charcoal or untreated wood. Wood must also be free of all leaves, needles or other vegetative matter. These fires must comply with section 10-60.
 - b. Camp fires and outdoor fireplaces burning untreated wood material, when in association with camping out, cooking, or similar related recreational activities provided that these fires comply with all other sections of this article and are no larger than three feet in diameter.
 - c. Fires for the disposal of residential waste, but not to include rubber, tires, asphalt compounds or garbage at dwellings of four family units or less, in which fires are maintained by the

occupant of the dwelling and the burning is conducted in an approved container. An approved container shall be any container which has a capacity that does not exceed 55 gallons in volume and has a one-inch spaced wire or other suitable spark arresting device for the control of windblown materials.

No person shall allow, cause or permit fires for the disposal of household rubbish at dwellings of more than four family units.

- d. Paper seed bags. The disposal by open burning of paper seed bags resulting from farming activities occurring on the premises. Such open burning 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, livestock area, wildlife area, or water source. The amount of paper seed bags that can be disposed of by open burning shall not exceed one day's accumulation or 50 pounds, whichever is less. However, when the burning of paper seed bags causes a nuisance, the air pollution control officer may take action to secure relocation of the burning operation.
 - e. Fire extinguisher training. For the purpose of this subsection, the term "training fire" means a fire set for the purpose of conducting a bona fide training of public or industrial employees in firefighting methods. For the purpose of this subsection, the term "bona fide training" means training that is conducted according to the National Fire Protection Association 1403 Standard on 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:
 - 1. The training fire is to be conducted in an approved container not to exceed 55 gallons in volume for educational and safety purposes on the proper use of a fire extinguisher.
 - 2. Materials used in the training fire shall be limited to diesel fuel, gasoline, or a combination of both.
 - 3. Variance from rules. Any person wishing to conduct open burning of materials not listed in subsection (a)(1) of this section may make application for a variance as specified in section 10-68. In addition to requiring the information specified in section 10-68, the air pollution control officer may require any person applying for a variance from the open burning rules to submit adequate documentation to allow the air pollution control officer to assess whether granting the variance will hinder attainment of a National Ambient Air Quality Standard (NAAQS).
- (b) Unavailability of exemptions in certain areas. Notwithstanding subsections (a)(1)i and (a)(3)c of this section, no person shall allow, cause or permit the open burning of residential waste, including landscape waste and leaves, within the city limits of Cedar Rapids, Hiawatha or Marion, Iowa.
- Notwithstanding subsections (a)(1)i and (a)(3)c of this section, no person shall allow, cause or permit the open burning of residential waste, including landscape waste and leaves, within one half mile of Cedar Rapids, Hiawatha or Marion, Iowa which is classified as Urban Services Residential (USR) district in accordance with the Unified Development Code or otherwise incorporated. The effective date of this rule is January 1, 2009.
- (c) Any fire in violation of this section may be ordered extinguished by any agency designated by the air pollution control officer. This provision shall not limit the air pollution control officer from seeking penalties provided for in this article.

(Code 2006, § 10.10; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-64. - Emissions of objectionable odors.

- (a) No person shall cause or permit the emission of any objectionable odorous matter into the ambient air.


- (b) Upon receipt of a legally petitioned complaint concerning odor, the air pollution control officer shall make an investigation as set forth in subsection (c) of this section.
- (c) An objectionable odor will be deemed to be objectionable as defined in section 10-55 or when it has been substantiated by the air pollution control officer. The air pollution control officer shall consider the complaint valid when odor is detectable:
 - (1) On or adjacent to residential, recreational, or institutional, retail sales, hotel, premises, after ambient air is diluted with four volumes of odor-free air;
 - (2) On or adjacent to industrial premises, after ambient air is diluted with 20 volumes of odor-free air; and
 - (3) On or adjacent to premises other than those herein before designated after ambient air is diluted with eight volumes of odor-free air.

The sampling of ambient air to establish that an objectionable odor exists shall be at or beyond the property line of the emission source or at or near a location of human habitation. For field measurements, dilution methods for determining odor concentrations shall be in accordance with test procedures employed in the use of the Barnebey-Cheney Scentometer Model 1-3 or its equivalent.

- (d) If a violation is determined to exist, then the air pollution control officer shall, by an appropriate order, require the elimination of said objectionable odor in accordance with the installation, permitting, and variance procedures set forth in this article.

(Code 2006, § 10.11; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-65. - Sulfur compounds.

- (a) The provisions of this section shall apply to any installation from which sulfur compounds are emitted into the atmosphere.
 - (1) Sulfur dioxide from use of fuels.
 - a.  No person shall allow, cause, or permit the emission of sulfur dioxide into the atmosphere in an amount greater than five pounds of sulfur dioxide, maximum two-hour average, per 1,000,000 BTUs of heat input from any solid fuel-burning installation for any combination of fuels burned.
 - b. No person shall allow, cause, or permit the emission of sulfur dioxide into the atmosphere in an amount greater than 1.5 pounds of sulfur dioxide, maximum two-hour average, per 1,000,000 BTUs of heat input from any liquid fuel-burning installation.
 - c. No person shall allow, cause, or permit the combustion of number 1 or number 2 fuel oil exceeding a sulfur content of 0.5 percent by weight.
 - (2) Other processes capable of emitting sulfur dioxide. No person shall allow, cause, or permit the emission of sulfur dioxide from any process, in excess of 500 parts per million, based on volume. This section 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.
 - (3) New source performance standards sources capable of emitting sulfur compounds. All sources subject to new source performance standards shall conform to requirements of subsection (2) of this section.

(Code 2006, § 10.12; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-66. - Fugitive dust.

- (a) *Attainment and unclassified areas.* A person shall take reasonable precautions to prevent particulate matter from becoming airborne in quantities sufficient to cause a nuisance as defined in I.C.A. § 657.1

when the person allows, causes or permits any materials to be handled, transported or stored or a building, its appurtenances or a construction haul road to be used, constructed, altered, repaired or demolished, with the exception of farming operations or dust generated by ordinary travel on unpaved roads. 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. All persons, with the above exceptions, shall take reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property on which the emissions originate. The public highway authority shall be responsible for taking corrective action in those cases where said authority has received complaints of or has actual knowledge of dust conditions which require abatement pursuant to this subsection. Reasonable precautions may include, but are not limited to, the following procedures:

- (1) Use, where practical, of water or chemicals for control of dusts in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land.
 - (2) Application of suitable materials such as, but not limited to, asphalt, oil, water, or chemicals, on unpaved roads, material stockpiles, racetracks, and other surfaces which can give rise to airborne dusts.
 - (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.
 - (4) Covering, at all times when in motion, open-bodied vehicles transporting material likely to give rise to airborne dusts.
 - (5) Prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth-moving equipment, erosion by water, or other means.
 - (6) Reducing the speed of vehicles traveling over on-property surfaces as necessary to minimize the generation of airborne dusts.
- (b) *Nonattainment areas.* Subsection (a) of this section notwithstanding, no person shall allow, cause or permit any visible emission of fugitive dust in a nonattainment area for particulate matter to go beyond the lot line of the property on which a traditional source is located without taking reasonable precautions to prevent emission. Traditional source means a source category for which a particulate emission standard has been established in section 10-62, and includes a quarry operation, haul road, or parking lot associated with the traditional source. This section does not modify the emission standard stated in section 10-62, but rather establishes a separate requirement for fugitive dust from such sources.

For guidance on the types of controls which may constitute reasonable precautions, see Identification of Techniques for the Control of Industrial Fugitive Dust Emissions *, adopted by the State of Iowa Environmental Protection Commission on May 19, 1981.

Available from the department

(Code 2006, § 10.13; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-67. - Excess emission.

(a) Excess emission reporting.

- (1) Excess emission during periods of startup, shutdown, or cleaning of control equipment. Excess emission during a period of startup, shutdown, or cleaning of control equipment is not a violation of the emission standard if the startup, shutdown or cleaning is accomplished expeditiously and in a manner consistent with good practice for minimizing emissions. Cleaning of control equipment which does not require the shutdown of the process equipment shall be limited to a period or periods aggregating not more than six minutes in any one-hour period.
- (2) Initial reports of excess emissions.

- a. An incident of excess emission (other than an incident of excess emission during startup, shutdown or cleaning) shall be reported to the air pollution control officer within eight hours of, or at the start of the first working day following the onset of the incident. The reporting exemption for an incident of excess emission during startup, shutdown or cleaning does not relieve the owner or operator of a source with continuous monitoring equipment of the obligation of submitting reports required in section 10-70.
 - b. An initial report of excess emission is not required for a source which operates continuous monitoring equipment (as specified in section 10-70) if the incident of excess emission continues for less than 30 minutes and does not exceed the applicable visible emission standard by more than ten percent opacity.
 - c. The initial report shall be made by electronic mail (e-mail), in person, or by telephone and shall include as a minimum the following:
 - 1. The identity of the equipment or source operation from which the excess emission originated and the associated stack or emission point;
 - 2. The estimated quantity of the excess emission;
 - 3. The time and expected duration of the excess emission;
 - 4. The cause of the excess emission;
 - 5. The steps being taken to remedy the excess emission;
 - 6. The steps being taken to limit the excess emission in the interim period.
- (3) Written report of excess emission. A written report of an incident of excess emission shall be submitted to the air pollution control officer as a follow-up to all required initial reports, within seven days of the onset of the incident and shall include, as a minimum, the following:
- a. The identity of the equipment source operation from which the excess emission originated and the associated stack or emission point;
 - b. The estimated quantity of the excess emission;
 - c. The time and duration of the excess emissions;
 - d. The cause of the excess emission;
 - e. The steps that were taken to remedy and to prevent the recurrence of the incident of excess emission;
 - f. The steps that were taken to limit the excess emission;
 - g. If the owner claims that the excess emission was due to a malfunction, documentation to support this claim.
- (4) Excess emissions.
- a. An incident of excess emission, other than an incident during startup, shutdown, or cleaning of control equipment, shall be considered a violation of this article.
 - b. 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 a 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 excess emission 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 or control equipment. Additional time may be granted if conditions are such that an eight-hour period can be shown to be impractical. In each case the air pollution control officer shall make this determination after review of the extenuating circumstances and making any on-site inspections as necessary.

- c. 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 air pollution control officer shall, upon investigation, reasonably determine that continued operation constitutes an unjustifiable environmental hazard and issues an order that such operation is not in the public interest and requires a process shutdown to commence immediately.
- (5) Compliance with other sections. Notwithstanding subsections (a)(1) through (4) of this section, a fossil fuel-fired steam generator to which section 10-62(b)(1), (b)(1)(26), or (b)(1)(55) applies shall comply with said subsections.
- (b) Maintenance and repair requirements.
 - (1) Maintenance and repair. The owner or operator of any equipment or control equipment shall:
 - a. Maintain and operate the equipment or control equipment at all times in a manner consistent with good practice for minimizing emissions.
 - b. Remedy any cause of excess emission in an expeditious manner.
 - c. 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.
 - d. Implement measures contained in any contingency plan prepared in accordance with subsection (b)(2)c of this section.
 - e. Schedule, at a minimum, routine maintenance of equipment or control equipment during periods of process shutdown to the maximum extent possible.
 - (2) Maintenance plans. A maintenance plan will be required for equipment or control equipment where, in the judgment of the air pollution control 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:
 - a. A complete preventive maintenance schedule, including identification of the persons responsible for inspecting, maintaining and repairing control equipment, a description of 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;
 - b. An identification of the equipment and air pollution control 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;
 - c. A contingency plan for minimizing the amount and duration of any excess emissions to the maximum extent possible during periods of such emissions.

(Code 2006, § 10.14; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-68. - Variances.

- (a) *Application for variances.* A person may make application for a variance from applicable rules, standards or other provisions specified in this chapter.



- (1) *Contents.* Each application for a variance shall be submitted to the air pollution control officer, stating the following:

- a. 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;
 - b. The type of business or activity involved;
 - c. 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;
 - d. The exact location of the operation or process involved;
 - e. The reasons for considering that compliance with the provisions specified in this chapter will produce serious hardship without equal or greater benefits to the public, and the reasons why no other reasonable method can be used for such operations without resulting in a hazard to health or property;
 - f. The certification by a responsible official as defined in section 10-55 of truth and accuracy. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information provided are true and accurate.
- (2) *Variance extension.* The request for extension of a variance shall be accompanied by one of the following applicable items:
- a. A program to meet the emission limitations as specified in subsection (b) of this section.
 - b. A substantiated statement as to why a program cannot be developed.
- (3) *Processing of applications.* Each application for a variance and its supporting material shall be reviewed and an investigation of the facilities shall be made by the air pollution control officer for evaluation of whether or not the emissions involved will produce the following effects:
- a. *Endanger human health.* Endanger or tend to endanger the health of persons residing in or otherwise occupying the area affected by said emissions.
 - b. *Create safety hazards.* Create or tend to create safety hazards, such as, but not limited to, interference with traffic due to reduced visibility.
 - c. *Damage to livestock or plant life.* Damage or tend to damage any livestock harbored on or any plant life on property that is affected by said emissions and under other ownership.
 - d. *Damage property.* Damage or tend to damage any property on land that is affected by said emissions and under other ownership.
 - e. *Nonattainment.* Granting the variance shall not compromise the attainment of any National Ambient Air Quality Standards for any regulated pollutant.
- (4) *Trial burns for alternative fuels.* An alternative fuel shall be defined as a fuel for which the emissions from combusting the fuel are not known and shall exclude natural gas, coal, liquid propane, and all petroleum distillates.
- a. *Variance from construction permit.* The air pollution control officer may grant a variance for the purpose of testing an alternative fuel and quantifying the emissions from the alternative fuel, except as prohibited under subsection (5)c of this section.
 - b. *Baseline testing.* In addition to submitting the information required in subsection (a) of this section, the applicant may be required to submit baseline emission data for all applicable pollutants as a condition of approval.
 - c. *Source testing.* Emissions testing deemed necessary for any pollutants may be required as a condition of the variance and shall be conducted in accordance with section 10-70(b).
- (5) *Decision.* Upon completion of the investigation, the air pollution control officer shall evaluate the findings and:

- a. *Granting of variance.* The air pollution control officer shall grant a variance when the air pollution control officer concludes that the action is appropriate. The variance may be granted subject to conditions specified by the air pollution control officer. The air pollution control officer shall specify time intervals as are considered appropriate for submission of reports on the progress attained in the emission reduction program;
- b. *Denial of variance.* Deny the variance when such action is appropriate. The applicant may request a review hearing before the board of health if the application is denied;
- c. *The air pollution control officer shall not grant a variance from any of the following requirements:*
 - 1. Case-by-case MACT, 567 IAC 22.1(1)b;
 - 2. PSD, 567 IAC 22.4;
 - 3. New source performance standards, section 10-62(b);
 - 4. Emission standards for hazardous air pollutants, section 10-62(c);
 - 5. Emission standards for hazardous air pollutants for source categories, section 10-62(d); or
 - 6. Emission guidelines, 567 IAC 23.1(5).
- d. Require through the state department of natural resources a SIP revision for any variances issued pertaining to sections 10-61 and 10-62.

(b) *Emission reduction program.*

- (1) *Content.* An air contaminant emission reduction program submitted to the air pollution control officer pursuant to these rules shall include a 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 emission standard specified in this chapter. The schedule must include, as a minimum, the following five increments of progress:
 - a. The date of submittal of the final control plan to the department;
 - b. The date by which contracts will be awarded for emission control systems or process modification or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process modifications;
 - c. The date that initiation of on-site construction or installation of emission control equipment or process modifications is to start;
 - d. The date by which on-site construction or installation of emission control equipment or process modification is to be completed.
 - e. The date by which final compliance is to be achieved.
- (2) *Action.* The air pollution control officer shall approve the programs if they are adequate and reasonable.
 - a. Upon approval of a program, a variance is granted for one year or until the final compliance date, whichever period is shorter. Emission reduction programs shall be reviewed annually by the air pollution control officer and a variance extension granted for ongoing approved emission reduction programs which show satisfactory progress toward the elimination or prevention of air pollution. The air pollution control officer may specify under what conditions and to what extent the variance or variance extension is granted.
 - b. If the air pollution control officer disapproves a program, the applicant may appeal to the board of health, and the applicant shall have a period of 30 days from date of notification by the air pollution control officer in which to file an appeal.



- c. Failure to meet any increment of progress in the compliance schedule contained in an approved emission reduction program may result in the disapproval by the air pollution control officer and termination of the associated variance.
- (3) *Reports.* Each person responsible for an approved program shall make periodic written progress reports to the air pollution control officer at completion of each phase of the program. The air pollution control officer shall make periodic reports to the board of health on emission reduction programs submitted, and on the recommendations related to such programs.
- (c) *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 two megawatts in capacity for a period of not longer than ten 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 ten calendar days. The electric utility shall provide an oral report to the air pollution control officer 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, the number of generators used, the capacity of the generators used, the fuel type of the generators, and the duration of use of each generator. For purposes of this rule, the term "disaster" shall be as defined in I.C.A. § 29C.2(1), and a disaster may occur before, with, or without a gubernatorial or federal disaster proclamation.

(Code 2006, § 10.15; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-69. - Circumvention.

- (a) It shall be unlawful to install a device to conceal emissions for the purpose of circumvention of this or other applicable air pollution ordinances. No person, firm, corporation, association, or public agency shall build, erect, install, or use any article, machine, equipment, or other contrivance, the primary purpose of which is to dilute or conceal an air contaminating emission unless it shall result in a reduction in the total release of contaminants to the atmosphere and which alone or in conjunction with other such equipment will bring compliance with the permissible standards set up in this or other applicable ordinances.
- (1) Evidence used in establishing that a violation has or is occurring. Notwithstanding any other provisions of these rules, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any provisions herein.
 - a. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at a source:
 - 1. A monitoring method approved for the source and incorporated in an operating permit pursuant to section 10-58;
 - 2. Compliance test methods specified in section 10-70; or
 - 3. Testing or monitoring methods approved for the source in a construction permit issued pursuant to section 10-58.
 - b. The following testing, monitoring or information-gathering methods are presumptively credible testing, monitoring, or information-gathering methods:
 - 1. Any monitoring or testing methods provided in these rules; or
 - 2. Other testing, monitoring, or information-gathering methods that produce information comparable to that produced by any rule in subsection (1)a of this section.

(Code 2006, § 10.16; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-70. - Testing and sampling of new and existing equipment.

- (a) *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 250,000,000 BTUs 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 subsection (g) of this section. The air pollution control 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.
- (b) *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 subsection (g) of this section.
- (c) *Maintenance of records of continuous monitors.* The owner or operator of any facility which is required 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.
- (d) *Reporting of continuous monitoring information.* The owner or operator of any facility required to install a continuous monitoring system shall provide quarterly reports to the air pollution control officer, no later than 30 calendar days following the end of the calendar quarter, on forms provided by the air pollution control officer. This provision shall not excuse compliance with more stringent applicable reporting requirements. All periods of recorded emissions in excess of the applicable standards, 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.
- (e) *Tests by owner.*
 - (1) 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.
 - (2) General. The owner of new or existing equipment or the owner's authorized agent shall notify the air pollution control officer in writing not less than 15 days before a required test or before a performance evaluation of a continuous emission monitor to determine compliance with applicable requirements of section 10-62 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 shall not consider the test results or performance evaluation results to be a valid demonstration of compliance with the applicable rules or permit conditions. At the department's request, a pretest meeting shall be held not later than five days before the owner or operator conducts the compliance demonstration. A testing protocol shall be submitted to the department no later than 15 days before the owner or operator conducts the compliance demonstration. A representative of the department shall be permitted to witness the tests. Results of the tests shall be submitted in writing to the air pollution control officer in the form of a comprehensive report within six weeks of the completion of the testing.
 - a. New or modified equipment. Unless otherwise specified by the department, all new or modified equipment shall be tested by the owner or the owner's authorized agent to determine compliance with applicable emission limits. Tests conducted to demonstrate

compliance with the requirement 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.

- b. Existing equipment. The air pollution control officer may require the owner or the owner's authorized agent to conduct an emission test on any equipment if the air pollution control officer has reason to believe that the equipment does not comply with applicable requirements. Grounds for requiring such a demonstration of compliance include a modification of control or process equipment, age of equipment, or observation of opacities or other parameters outside the range of those indicative of properly maintained and operated equipment. Testing may be required as necessary to determine actual emissions from a source where that source is believed to have a significant impact on the public health or ambient air quality of an area. The air pollution control officer shall provide the owner or agent not less than 30 days to perform the compliance demonstration and shall provide written notice of the requirement.
- (f) *Tests by department.* Representatives of the department may conduct separate and additional air contaminant emission tests and continuous monitor performance tests of an installation on behalf of the county and at the expense of the county. Sampling holes, safe scaffolding and pertinent allied facilities, but not instruments or sensing devices, as needed, shall be requested in writing by the air pollution control officer and shall be provided by and at the expense of the owner of the installation at such points as specified in the request. The owner shall provide a suitable power source to the points of testing so that sampling instruments can be operated as required. Analytical results shall be furnished to the owner.
- (g) *Methods and procedures.* Stack sampling and associated analytical methods used to evaluate compliance with emission limitations of sections 10-61, 10-62 and 10-65 or a permit condition are as follows:
- (1) *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 or corrected through ~~November 14, 2018~~ October 7, 2020); 40 CFR 60, appendix A (as amended or corrected through ~~November 14, 2018~~ October 7, 2020); 40 CFR 61, appendix B (as amended or corrected through October 7, 2020); and 40 CFR 63, appendix A (as amended or corrected through ~~November 14, 2018~~ December 2, 2020). The owner of the equipment or the owner's authorized agent may use an alternative methodology if approved by the department in writing before testing. Each test shall consist of at least three separate test runs. Unless otherwise specified by the department, compliance shall be assessed on the basis of the arithmetic mean of the emissions measured in the three test runs.
 - (2) *Continuous monitoring systems.* Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, appendix B (as amended or corrected through ~~November 14, 2018~~ October 7, 2020); 40 CFR 60, appendix F (as amended or corrected through ~~November 14, 2018~~ October 7, 2020); 40 CFR 75, appendix A (as amended or corrected through August 30, 2016); 40 CFR 75, appendix B (as amended or corrected through August 30, 2016); and 40 CFR 75, appendix F (as amended or corrected through August 30, 2016). The owner of the equipment or the owner's authorized agent may use an alternative methodology for continuous monitoring systems if approved by the department in writing prior to conducting the minimum performance specification and quality assurance procedures.
 - (3) *Permit and compliance demonstration requirements.* After October 24, 2012, all stack sampling and associated analytical methods used to evaluate compliance with emission limitations of section 10-61, 10-62 or 10-65 or required in a permit issued by the department pursuant to section 10-57 or 10-58 or 567 IAC ch. 33 shall be conducted using the methodology referenced in this rule. If stack sampling was required for a compliance demonstration pursuant to section 10-61, 10-62 or 10-65 or for a performance test required in a permit issued by the department pursuant to section 10-57 or 10-58 or 567 IAC ch. 33 before October 24, 2012 and the demonstration or

test was not required to be completed before October 24, 2012, then the methodology referenced in this subsection applies retroactively.

- (h) *Exemptions from continuous monitoring requirements.* The owner or operator of any source is exempt if it can be demonstrated that any of the conditions set forth in this section are met with the provision that periodic recertification of the existence of these conditions can be requested.
 - (1) An affected source is subject to a new source performance standard promulgated in 40 CFR part 60 as amended through September 28, 2007.
 - (2) 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 or the projected use of the unit indicates the annual capacity factor will not be increased above 30 percent in the future.
 - (3) The air pollution control 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 air pollution control officer, that the malfunction was unavoidable and is being repaired as expeditiously as practical.
- (i) *Extensions.* The owner or operator of any source may request an extension of time provided for installation of the required monitor by demonstrating to the air pollution control officer that good faith efforts have been made to obtain and install the monitor in the prescribed time.
- (j) *Continuous monitoring of sulfur dioxide from emission points involved in an alternative emission control program.* The owner or operator of any facility applying for an alternative emission control program under 567 IAC 22.7(1) that involves the trade-off of sulfur dioxide emissions shall install, calibrate, maintain and operate continuous sulfur dioxide monitoring equipment consistent with EPA reference methods (40 CFR 60, appendix B, as amended through September 28, 2007). The equipment shall be operational within three months of EPA approval of an alternative emission control program.
- (k) *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 part 75, including appendices A, B, F and K as amended through January 24, 2008 (appendix F also was corrected on August 30, 2016), are adopted by reference.

(Code 2006, § 10.17; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-71. - Analysis fees.

Whenever the air pollution control officer determines that an analysis of the emissions from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, a collection of samples shall be ordered and the analysis made by qualified personnel of the county public health department laboratory or by another recognized laboratory. The cost for collecting samples, making the analysis and preparing the necessary reports shall be charged against the owner or operator of such premises.

(Code 2006, § 10.18; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-72. - Submission of information.

The air pollution control officer may require information about points of emission of air contaminants or the process creating the air contaminants, whether by stack, duct, flue, equipment, or by any other means, when such information is necessary for the conduct of the work of the air pollution control officer. A period of 30 days shall be allowed for the submission of such information. However, in case of emergency, the air pollution control officer may designate any lesser time which is necessary under the circumstances.

(Code 2006, § 10.19; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-73. - Public records and fair information practices.

Information received by the board of health or the department shall be made available to the public or be granted confidential treatment in accordance with the provisions of I.C.A. chs. 22 and 455B. Anyone making a request for reproduction of the department's records will pay for services at rates established by resolution of the county board of health.

(Code 2006, § 10.20; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-74. - Prevention of air pollution emergency episodes.

(a) *General.*

(1) *Purpose.* The provisions of this section are designed to prevent the excessive buildup of air contaminants during air pollution episodes thereby preventing the occurrence of an emergency due to the effects of these contaminants on the health of persons.

(b) *Episode criteria.*

(1) *Evaluation.* Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency shall be deemed to exist whenever the air pollution control officer determines that the meteorological conditions are such that the accumulation of air contaminants in any place is reaching, or has reached, levels which could, if sustained or exceeded, lead to a substantial threat to the health of the public.

a. *Air pollution forecast.* Initial consideration of air pollution episode activities will be activated by receipt from the National Weather Service of an air stagnation advisory indicating that meteorological conditions conducive to an air pollution episode may be imminent, along with prediction of the duration and termination of such conditions. Receipt of such an advisory shall be the basis for activities such as, but not limited to, increased monitoring of air contaminants in the area involved.

(2) *Declaration.* In making determinations for the declaration of an air pollution episode condition, the air pollution control officer will be guided by the criteria stated in the following subsections.

a. *Air pollution alert.* An alert will be declared when any one of the following levels is reached at any monitoring site, and when meteorological conditions are such that the contaminant concentration can be expected to remain at those levels for 12 or more hours, or increase, unless control actions are taken:

1. Sulfur dioxide: 800 micrograms per cubic meter (0.3 ppm), 24-hour average;
2. Particulate matter(PM₁₀): 350 micrograms per cubic meter, 24-hour average;
3. Sulfur dioxide and particulate matter combined: Product of micrograms sulfur dioxide per cubic meter (24-hour average) and micrograms particulate matter per cubic meter (24-hour average) equal to 65,000;
4. Carbon monoxide: 17 milligrams per cubic meter (15 ppm), eight-hour average;
5. Ozone: 200 micrograms per cubic meter (0.2 ppm), one-hour average;
6. Nitrogen dioxide: 1,130 micrograms per cubic meter (0.6 ppm), one-hour average, or 282 micrograms per cubic meter (0.15 ppm), 24-hour average.

b. *Air pollution warning.* A warning will be declared when any one of the following levels is reached at any monitoring site and when meteorological conditions are such that the contaminant concentrations can be expected to remain at those levels for 12 or more hours, or increase, unless control actions are taken:

1. Sulfur dioxide: 1,600 micrograms per cubic meter (0.6 ppm), 24-hour average;
2. Particulate matter (PM₁₀): 420 micrograms per cubic meter, 24-hour average;

3. Sulfur dioxide and particulate matter combined: Products of micrograms sulfur dioxide per cubic meter (24-hour average) and micrograms particulate matter per cubic meter (24-hour average) equal to 261,000;
 4. Carbon monoxide: 34 milligrams per cubic meter (30 ppm), eight-hour average;
 5. Oxidants (ozone): 800 micrograms per cubic meter (0.4 ppm), one-hour average;
 6. Nitrogen dioxide: 2,260 micrograms per cubic meter (1.2 ppm), one-hour average, or 565 micrograms per cubic meter (0.3 ppm), 24-hour average.
- c. *Air pollution emergency.* An emergency shall be declared when any one of the following levels is reached at any monitoring site and when meteorological conditions are such that this condition can be expected to continue for 12 or more hours:
1. Sulfur dioxide: 2,100 micrograms per cubic meter (0.8 ppm), 24-hour average;
 2. Particulate matter (PM₁₀): 500 micrograms per cubic meter, 24-hour average;
 3. Sulfur dioxide and particulate matter combined: Product of micrograms sulfur dioxide per cubic meter (24-hour average) and micrograms particulate matter per cubic meter (24-hour average) equal to 393,000;
 4. Carbon monoxide: 46 milligrams per cubic meter (40 ppm), eight-hour average;
 5. Ozone: 1,200 micrograms per cubic meter (0.6 ppm), one-hour average;
 6. Nitrogen dioxide: 3,000 micrograms per cubic meter (1.6 ppm), one-hour average, or 750 micrograms per cubic meter (0.4 ppm), 24-hour average.
- d. *Termination.* Once declared, any status reached by application of these criteria will remain in effect until the criteria for that level are no longer met. As meteorological factors and air contaminants change, an appropriate change in episode level will be declared.
- (b) *Preplanned abatement strategies.* Standby plans shall be designed to reduce or eliminate emissions of air contaminants in accordance with the objectives set forth in Tables 10-74-1 through 10-74-3, which are made a part of this section.
- (1) *Plan preparation.*
 - a. Any person responsible for the operation of a source of air contaminants as set forth in Tables III through V shall prepare standby plans for reducing the emission of air contaminants, which shall be implemented upon the declaration of an air pollution episode and continued for the duration of the declared episode.
 - b. Any person responsible for the operation of a source of air contaminants not set forth under this section shall, when requested by the air pollution control officer in writing, prepare standby plans for reducing the emission of such air contaminants during periods of an air pollution episode, as specified in this section.
 - (2) *Plan content.* Standby plans as required under this section shall be in writing. Each standby plan shall identify the sources of air contaminants, the approximate amount of reduction of contaminants, and a brief description of the manner in which the reduction will be achieved during an air pollution alert, air pollution warning, or air pollution emergency, as specified in this section.
 - (3) *Review of plans.* Standby plans as required by this section shall be submitted to the air pollution control officer. Each standby plan shall be subject to review. If, in the opinion of the air pollution control officer, a standby plan does not provide for adequate reduction of emissions, the air pollution control officer may disapprove such plan, state the reasons for disapproval, and order the preparation of an amended standby plan within a time period specified in the order.
 - (4) *Availability.* During a declared air pollution episode, standby plans as required by this section shall be made available on the premises to any person authorized to enforce this article.

(c) *Actions during episodes.* Emissions reduction activities. Any person responsible for the operation of a source of air contaminants as set forth in Tables 10-74-1 through 10-74-3 herein, whose source is located within the area involved, shall follow the actions specified below during periods of an air pollution alert, air pollution warning or air pollution emergency as may be declared.

- (1) *Air pollution alert.* When an air pollution alert has been declared, all persons in the area involved responsible for the operation of a source of air contaminants as set forth in Table 10-74 herein, shall take all air pollution alert actions as required for such sources of air contaminants, and persons responsible for the operation of specific sources set forth in Table 10-74 herein, shall put into effect the preplanned abatement strategy for an air pollution alert.
- (2) *Air pollution warning.* When an air pollution warning has been declared, all persons in the area involved responsible for the operation of a source of air contaminants as set forth in Table 10-74-2 herein, shall take all air pollution warning actions as required for such sources of air contaminants, and persons responsible for the operation of specific sources set forth in Table 10-74-2 herein, shall put into effect the preplanned abatement strategy for an air pollution warning.
- (3) *Air pollution emergency.* When an air pollution emergency has been declared, all persons in the area involved responsible for the operation of a source of air contaminants as set forth in Table 10-74-3 herein, shall take all air pollution emergency actions as required for such sources of air contaminants, and persons responsible for the operation of specific sources set forth in Table 10-74-3 herein, shall put into effect the preplanned abatement strategy for an air pollution emergency.
- (4) *Special conditions.* When the air pollution control officer determines that a specific episode level has been reached at one or more monitoring sites solely because of emissions from a limited number of sources, they shall notify the persons responsible for such sources that the preplanned abatement strategy of Tables 10-74-1, 10-74-2, or 10-74-3, or the standby plans, are required insofar as they apply to such sources, and such actions shall be put into effect until notified that the criteria of the specified level are no longer met.

TABLE 10-74-1

ABATEMENT STRATEGIES EMISSION REDUCTION ACTIONS ALERT LEVEL

General

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.
2. The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12:00 noon and 4:00 p.m.
3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 p.m.
4. Persons operating motor vehicles should eliminate all unnecessary operations.

Source Curtailment

Any person responsible for the operation of a source of air contaminants listed below shall take all required control actions for this alert level.

Source of Air Pollution	Control Action
1. Coal or oil-fired electric power generating facilities.	a. Substantial reduction by utilization of fuel having low ash and sulfur content.
	b. Maximum utilization of mid-day (12:00 noon

	to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	c. Substantial reduction by diverting electric power generating to facilities outside the alert level.
2. Coal and oil-fired process steam generating facilities.	a. Substantial reduction by utilization of fuels having low ash and sulfur content.
	b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	c. Substantial reduction of steam load demands consistent with continuing plant operation.
3. Manufacturing industries of the following classification: Primary Metals Industries Petroleum Refining Operations Chemical Industries Mineral Processing Industries Paper and Allied Products Grain Industry	a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and all operation.
	b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors, or malodorous substances.
	c. Maximum reduction of heat load demands for processing.
	d. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

TABLE 10-74-2

ABATEMENT STRATEGIES EMISSION REDUCTION ACTIONS WARNING LEVEL

General

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.
2. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.
3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 p.m.
4. Persons operating motor vehicles must reduce operations by the use of car pools and increased use of public transportation and elimination of unnecessary operation.

Source Curtailment

Any person responsible for the operation of a source of air contaminants listed below shall take all required control actions for this warning level.

Source of Air Pollution	Control Action
1. Coal or oil-fired electric power generating facilities.	a. Substantial reduction by utilization of fuels having lowest ash and sulfur content.
	b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	c. Maximum reduction by diverting electric power generation to facilities outside the warning area.
2. Coal and oil-fired process steam generating facilities.	a. Maximum reduction by utilization of fuels having lowest ash and sulfur content.
	b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	c. Making ready for use a plan of action to be taken if an emergency develops.
3. Manufacturing industries which require considerable lead time for	a. Maximum reduction of air contaminants from manufacturing operations by, if

<p>shutdown including the following classifications: Primary Metals Industries Petroleum Refining Operations Chemical Industries Paper and Allied Products Glass Industries</p>	<p>necessary, assuming reasonable economic hardships by postponing production and allied operation.</p>
	<p>b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors, or malodorous substances.</p>
	<p>c. Maximum reduction of heat load demands for processing.</p>
	<p>d. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.</p>
<p>4. Manufacturing industries which require relatively short lead times for shutdown, including the following classifications: Primary Metal Industries Chemical Industries Mineral Processing Industries Grain Industries</p>	<p>a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring, production and allied operations to the extent possible without causing injury to persons or damage to equipment.</p>
	<p>b. Elimination of air contaminants from trade waste disposal processes which emit solid particles, gases, vapors or malodorous substances.</p>
	<p>c. Maximum reduction of heat load demands for processing.</p>
	<p>d. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.</p>

TABLE 10-74-3

ABATEMENT STRATEGIES EMISSION REDUCTION ACTIONS EMERGENCY LEVEL

General.

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.
2. The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.
3. All places of employment described below shall immediately cease operations:
 - (i) Mining and quarrying of nonmetallic materials.
 - (ii) All construction work except that which must proceed to avoid emergent physical harm.
 - (iii) All manufacturing establishments except those required to have in force an air pollution emergency plan.
 - (iv) All wholesale trade establishments, i.e., places of business primarily engaged in selling merchandise to retailers or industrial, commercial, institutional or professional users or to other wholesalers or those acting as agents in buying merchandise for or selling merchandise to such persons or companies, except those engaged in the distribution of drugs, surgical supplies and food.
 - (v) All offices of local, county, and state government including authorities, joint meetings, and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county, or state government, authorities, joint meetings, and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this article.
 - (vi) All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food.
 - (vii) Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services, offices of insurance carriers, agents and brokers, and real estate offices.
 - (viii) Wholesale and retail laundries, laundry services and cleaning and dyeing establishments, photographic studios, beauty shops, barber shops, shoe repair shops.
 - (ix) Advertising offices, consumer credit reporting, adjustment and collection agencies, duplicating, addressing, blueprinting, photocopying, mailing, mailing list and stenographic services, equipment rental services, and commercial testing laboratories.
 - (x) Automotive repair, automobile services, and garages.
 - (xi) Establishments rendering amusement and recreational services including motion picture theaters.
 - (xii) Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.
4. All commercial and manufacturing establishments not included in this article will institute such actions as will result in maximum reduction of air contaminants from their operations by ceasing, curtailing, or postponing operations which emit air pollutants to the extent possible without causing injury to persons or damage to equipment.
5. The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.

Source Curtailment

Any person responsible for the operation of a source of air contaminants listed below shall take all required control actions for this emergency level.

Source of Air Pollution	Control Action
1. Coal or oil-fired electric power generating facilities.	a. Maximum reduction by utilization of fuels having lowest ash and sulfur content.
	b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	c. Maximum reduction by diverting electric power generation to facilities outside the emergency area.
2. Coal and oil-fired process steam generating facilities.	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
	b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	c. Taking the action called for in emergency plan.
3. Manufacturing industries of the following classifications: Primary Metals Industries Petroleum Refining Operations Chemical Industries Paper and Allied Products Mineral Processing Industries Grain Industries	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
	b. Elimination of air contaminants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.

	c. Maximum reduction of heat load demands for processing.
	d. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

(Code 2006, § 10.21; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-75. - Enforcement.

- (a) It shall be the duty of the air pollution control officer to enforce the provisions of this article. For the purpose of enforcement of this article, the air pollution control officer or a duly authorized representative, after presentation of credentials, is hereby empowered to enter the premises of any dwelling, industry, or other public or private place now or hereafter established or located within the county, for the purpose of determining whether or not said premises are operating in violation of this article. Specific powers and duties of the air pollution control officer related to this article shall include the power to:
- (1) Supervise the execution of this article pertaining to air pollution.
 - (2) Institute complaints against all persons violating any provisions of this article; institute necessary legal proceedings to prosecute violations of this article; issue citations to persons committing county infractions and compel the prevention and abatement of air pollution or nuisance arising therefrom.
 - (3) Approve or disapprove, in accordance with the requirements of this article, plans for fuel-burning and air pollution control equipment.
 - (4) Make or supervise inspections and tests of existing and newly installed, constructed, reconstructed or altered fuel-burning or refuse-burning equipment and process control equipment to determine if there is compliance with the provisions of this article.
 - (5) Prepare and present to the board of health and the county board of supervisors for their approval or disapproval proposals for ordinances and additions or revisions to this article or any ordinance pertaining to air pollution control.
 - (6) Review those matters related to air pollution referred by other county, state, or federal agencies and make recommendations.
 - (7) Submit monthly reports concerning permits and variances issued, status of air quality and other information of general interest required by state or federal law.
 - (8) Do any and all acts which may be necessary for the successful enforcement of the provisions of this article.

(Code 2006, § 10.22; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-76. - Sealing.

- (a) After three notifications of the same violation of this article within a 12-month period, in respect to the emission of air contaminants from the same source, a violator shall be notified by certified mail to show

cause before the county board of health within 30 days why the offending equipment shall not be sealed. The notice shall be directed to the last address of the person to be notified, or if the person or their whereabouts is unknown, then the notice shall be posted on or near the premises at which the violations have occurred.

- (1) The violator or an agent or attorney representing the violator may appear before the county board of health and be heard. The county board of health shall then determine whether or not to direct the air pollution control officer to seal the equipment until such time as corrective measures are taken.
- (2) It shall be unlawful for any person to break a seal that has been duly affixed by the air pollution control officer or an authorized representative unless authorized in writing by the air pollution control officer to do so after the corrective measures have been taken.
- (3) Any equipment sealed under this section shall remain sealed during any appeal process.
- (4) Nothing herein shall limit the air pollution control officer's power to enforce the penalty provisions of this article in lieu of or in addition to sealing equipment which is being operated in violation of this article.

(Code 2006, § 10.23; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Sec. 10-77. - Penalty.

(a) A violation of any of the requirements of this article is subject to the following penalties:


- (1) A violation of any provision of this article or any code, rules, or regulations adopted herein by reference shall constitute a county infraction.
- (2) Open burning penalties.
 - a. Any person convicted of committing a county infraction based upon section 10-61(c) (Residential Heaters) or section 10-63 (Open Burning) of this article shall be fined as follows:
 1. First offense: \$100.00.
 2. Second offense: \$200.00.
 3. Third and subsequent offense: according to the provisions of subsection (3) of this section.
 - b. Notwithstanding subsection (2)(a) of this section, any person convicted of committing a county infraction based upon section 10-61(c) (Residential Heaters) or section 10-63 (Open Burning) of this ordinance shall be fined according to the provisions of subsection (3) of this section if the material contained in the open burning involves any of the following:
 1. Tires or other rubber materials.
 2. Asphalt shingles or other asphalt materials.
 3. Any material potentially containing asbestos, unless it was tested by an approved laboratory prior to the burning and proven to be negative.
 4. Creosote treated wood.
 5. Trade waste materials.
 - c. Notwithstanding subsection (2)(a) of this section, any person convicted of committing a county infraction based upon section 10-61(c) (Residential Heaters) or section 10-63 (Open Burning) shall be fined according to the provisions of subsection (3) of this section if the burning involves commercially generated waste including, but not limited to, burning to avoid fees for proper disposal, burning in conjunction with scrapping or salvaging operations, or burning material hauled from other locations.

- (3) Pursuant to authority granted by I.C.A. § 455B.146, any person charged with committing a county infraction based upon any section of this article (except section 10-61(c) or section 10-63 as specifically exempted above) shall, upon conviction be subject to a civil penalty of not more than \$10,000.00 per day for each day of the violation. Each day that a violation occurs or is permitted to exist by the violator shall constitute a separate offense.
- (4) The citation for a county infraction may be served by personal service or by certified mail return receipt requested. A copy of the citation shall be retained by the air pollution control officer and one copy shall be sent to the clerk of the district court.
- (5) A person found guilty of a county infraction is liable for the court costs and fees.
- (6) In addition to any civil penalty imposed for violation of this article, the court may grant appropriate relief to abate or halt the violation.
- (7) If a violator willfully fails to pay the civil penalty or violates the terms of any other order imposed by the court, such failure shall constitute contempt.
- (8) Notwithstanding the provisions of subsections (a) and (c) of this section any person found guilty of a violation of any of the provisions of this article may be subject to a criminal penalty pursuant to I.C.A. § 455B.146A. Each day that a violation occurs or is permitted to exist by the violator shall constitute a separate offense.
- (9) The provisions of this article shall not preclude the bringing of a civil action by ordinary proceedings to enjoin or abate any nuisance.
- (10) Nothing herein shall preclude the Environmental Protection Agency Administration's right of enforcement under any section of the Clean Air Act.
- (11) Civil penalties assessed for violations of this article shall be deposited in the fine and penalty revenue fund as established by the county finance department to be used for community health benefit specifically to achieve the department's purpose as identified in section 10-54.

(Code 2006, § 10.24; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

State Law reference— Authorized penalties for ordinance violations, I.C.A. §§ 331.302(2), 301.307, 903.1(1a).

Sec. 10-78. - Jurisdiction.

The provisions of this article shall apply throughout the county. 

(Code 2006, § 10.25; Ord. No. 1-1-2015, 1-28-2015; Ord. No. 3-5-2018, 5-30-2018)

Secs. 10-79—10-99. - Reserved.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. SAVING. The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

First reading on the _____ day of _____, 2022.

Second reading on the _____ day of _____, 2022.

Third reading and final passage on the _____ day of _____, 2022.

Published in *The Gazette* on the _____ day of _____, 2022.

LINN COUNTY BOARD OF SUPERVISORS

Chairperson

Vice Chairperson

Supervisor

ATTEST:

Joel D. Miller, Linn County Auditor

STATE OF IOWA)
)ss
COUNTY OF LINN)

I, _____, County Auditor of Linn County, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance passed by the Linn County Board of Supervisors at a regular meeting of said Board held on _____, 2022 and published as provided by law on _____, 2022.

Linn County Auditor

Subscribed and sworn to me this _____ day of _____, 2022.

Notary Public, State of Iowa