

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

POLICY/PROCEDURE STATEMENT

TOPIC: More than One Title V Operating Permit per Facility

Policy Procedure Number: 3-b-01

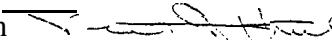
Replaces Number: New

Date: 8/1/97

Effective Date: Upon Approval : December 19, 1997

Preparer: Christine Spackman

Reviewer: Pete Hamlin

Approval: Bureau Chief: Pete Hamlin  Date: 12/10/97

Division Administrator: Allan Stokes  Date: 12/19/97

Applicable Code of Iowa or Iowa Administrative Code Rule:
IAC 22.104 Requirement to have a Title V permit

Attachments: None

REASON OR BACKGROUND

Mike Valde, University of Iowa, has asked if the University may apply for two Title V permits for one major stationary source. They would like to separate the power plant from the remainder of the Iowa City campus for operating permit purposes. Mike correctly points out that subsection 502 (c) of the Clean Air Act Amendments of 1990 states "A single permit may be issued for a facility with multiple sources." This may leave open the opportunity for more than one permit.

Anne says there is no legal reason from our rules/law that precludes issuance of more than one permit. EPA has no problem with issuance of more than *one* permit as long as the permits clearly state that the facility is one major stationary source.

The only situation where this would not be feasible is if a facility is requesting a plantwide limit or is proposing an alternative scenario.

DETAILS

If a facility requests more than one Title V permit per stationary source, the Department will consider issuance of more than one Title V permit.

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

POLICY/PROCEDURE STATEMENT

TOPIC: AS-BUILT ENFORCEMENT POLICY

Policy Procedure Number: 3-b-02

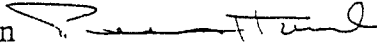
Replaces Number: N/A

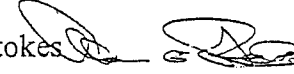
Date: 10/24/97

Effective Date: ~~July 1, 1997~~ October 24, 1997

Preparer: Chris M. Klemesrud

Reviewer: Catharine Fitzsimmons

Approval: Bureau Chief: Peter Hamlin  Date: 10/24/97

Division Administrator: Allan Stokes  Date: 10/24/97

Applicable Code of Iowa or Iowa Administrative Code Rule: IAC 567-22.1(1)

Attachments: None

Background

The purpose of this policy is to continue the success of the Bureau's amnesty period for unpermitted as-built sources. Many businesses remain unaware of environmental regulations affecting them. Iowa's Air Quality rules (567 IAC 22.1(1)) require a facility to obtain a construction permit, whenever installing or modifying a stationary source after September 23, 1970, unless exempted in 567 IAC 22.1(2)(Exemptions). Many facilities have installed or modified a source without obtaining a construction permit and therefore are in violation of the rule. If the facility subsequently discovers a permit is required for a source, it has two options. The facility can do nothing, waiting for the DNR to discover the source, or it can voluntarily disclose to the DNR that it has an unpermitted source and seek to have it permitted. The Air Quality Bureau amnesty period for facilities with unpermitted sources, ended July 1, 1997. This amnesty allowed facilities with unpermitted sources to obtain permits without the fear of a penalty.

Since the amnesty period ended, Linda King, Department of Economic Development, Small Business Liaison for Air Quality, proposed a policy for bringing unpermitted sources into compliance. The Bureau, Linda King, and the Iowa Air Emission Assistance Program have worked to develop this policy.

Iowa has the authority to exercise enforcement discretion and to grant exemptions or variances to sources not subject to NSPS, NESHAP, or PSD requirements, or those required to meet nonattainment permitting requirements. These are the sources this policy is targeting. The application of the voluntary disclosure provisions of this policy may not be made for sources that are subject to federal standards. Because NSPS and NESHAP programs are federal programs

delegated to the state, the Bureau has less enforcement latitude in working with these sources. Similarly, PSD is a federal program adopted into Iowa's State Implementation Plan (SIP). Therefore, the Bureau can not give exemptions for PSD violations, either. At any facility where sources are subject to PSD, only those sources which do not emit those pollutants subject to that PSD permitting would be eligible to utilize the Voluntary Disclosure. Likewise, sources subject to federally established nonattainment area permitting (pollutant specific) may not utilize this voluntary disclosure provision.

Details

All cases of failure to obtain a construction permit will be reviewed on a case-by-case basis.

1. Voluntary Disclosure of Non-compliance

1.1 Voluntary disclosure occurs when a facility informs the IDNR it has an unpermitted source. This may be done by submitting a completed permit application to the IDNR or submitting a statement of non-compliance with a compliance plan to the IDNR. The facility should request that their disclosure be reviewed under this policy. For valid application of this policy the submission must be done before the IDNR discovers the unpermitted source. The IDNR will not impose an initial fine upon an eligible facility. The facility will receive a notification, stating the facility's non-compliance with Iowa's regulations, and must submit an acceptable compliance plan within 15 days.

1.2 A source will not be eligible under this option if:

- IDNR has evidence the facility had prior knowledge of the requirement to obtain a construction permit. Evidence of knowledge may include, but is not limited to:
 - The facility has an IDNR construction permit.
 - In the past, IDNR has taken enforcement action against the facility for failure to obtain a construction permit.
 - The facility has received written notification from the IDNR stating the facility needs to obtain a construction permit.
- The source is subject to an NSPS or NESHAP standard.
- The source is subject to PSD.

2. IDNR discovers the unpermitted source

An unpermitted source is discovered by the IDNR. This is a violation of IAC 567-22.1(1). When this occurs, the IDNR will issue an Administrative Order with a de minimus fine of \$500. This amount is flexible based on the facility's ability to pay and the severity of the violation. The facility will receive a Notice of Violation (NOV) and must submit an acceptable compliance plan within 15 days.

3. Continued Non-Compliance

This occurs when the facility fails to meet the deadlines or obligations imposed by options 1 or 2. When this occurs, the IDNR will follow normal enforcement policy, which may include an Administrative Order with a monetary penalty and/or referral to the Iowa Attorney General's office.

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

POLICY/PROCEDURE STATEMENT

TOPIC: Appointment of Individuals to Task Forces or Working Groups

Policy Procedure Number: 3-b-03

Replaces Number:

Date: 12/29/97

Effective Date: June 3, 1998

Preparer: Policy Advisory Committee

Reviewer: Christine Spackman

Approval: Bureau Chief: Pete Hamlin



Date: 6/15/98

Division Administrator: Allan Stokes



Date: 6/3/98

Applicable Code of Iowa or Iowa Administrative Code Rule:

none

Attachments:

none

REASON OR BACKGROUND

The purpose of this policy is to promote the bureau's commitment to working with businesses, industries, interested groups, and individuals affected by Iowa air quality regulations and air bureau policies. Over the past few years, it has been the practice of the bureau to encourage the regulated community and others to provide input on issues, permits, or "policies". For the most part, this has been an informal process with no defined organization. During the past year, as significant issues or concerns developed, the Bureau has sought input from selected individuals who were willing to lend their expertise and time to assist them. As task forces or working groups are put together for a specific project, it seems the same individuals are willing to serve. While there has not been a problem, the Bureau has a concern that utilizing the "same" individuals time after time might be questioned.

The Bureau, therefore, recommends the following policy be followed in appointment individuals to air quality task forces or working groups.

DETAILS

When Air Quality Bureau working groups or task forces are put together, the following guidelines will be used.

1. All task forces and working groups will be balanced with representatives from business, industry, environmental advisory groups, and the Bureau.
2. Individuals selected to participate on a task force or working groups will be drawn from a list developed by the Bureau. Individuals will be recruited from volunteers; requests from the bureau; nominations from consultants, business/industry, trade organizations, environmental advisory groups and other interested organizations and individuals.
3. Selection of those individuals who will serve on a task force or working group will be made by the Bureau chief and his/her staff.
4. The organization and direction of the task force or working group will be determined by the Bureau chief and his/her staff.
5. Individuals selected to participate on a task force or working group are expected to participate until its assigned tasks are completed. If unable, the Bureau will name a replacement if it deems it necessary to maintain fair representation.
6. The Bureau retains the right to accept or reject any or all task force or working group recommendations.
7. All costs to attend, participate, and travel will be the burden of the participant.