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IOWA DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION DIVISION

POLICY/PROCEDURE STATEMENT

TOPIC: EPA Policy Review and Adoption Process Draft
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Policy Procedure Number:

Replaces Number:

Date: 02-26-98

Effective Date:

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Reviewer: Catharine Fitzsimmons

Approval: Bureau Chief: Pete R. Hamlin 

Date: 9/17/98

Division Administrator: Allan Stokes

Date:

REASON OR BACKGROUND

IDNR Air Quality Bureau periodically receives memoranda from USEPA that informs states, trade organizations and other groups that federal policy has been adopted that modifies federal, air regulations or federal law. These EPA memoranda may include policy interpretations and clarifications that would affect the implementation of federal regulations, if state government adopted the memoranda. Examples of EPA interpretation include temporary relief from compliance due dates, record keeping requirements, and emission limits found in Code of Federal Regulations requirements.

EPA frequently forwards final policy revisions to trade organizations and small business assistance groups before IDNR receives copies of these materials from the regional EPA office. As a result, facilities may incorrectly assume that state government has adopted EPA policies and without being informed otherwise, these facilities may decide to modify their processes in conformity with EPA guidelines and without prior approval from IDNR. Facilities may not be aware that IDNR has delegated authority for many EPA programs, and consequently, may not realize that IDNR must adopt EPA policies before these policies become effective in Iowa.

To reduce confusion, insure consistency among regulated facilities, and improve regulatory compliance, IDNR needs to adopt as written, modify or reject EPA policy promptly following EPA issuance of policy. The purpose of this policy is to provide guidelines that the IDNR Air Quality Bureau will follow for adopting, modifying or rejecting EPA policy changes.

DETAILS

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IDNR Air Quality staff, individuals, groups or organizations may bring EPA policies to IDNR Air Quality staff for review by presenting a copy of the materials in person, by mail, or by e-mail. Within 30 days of the IDNR Air Quality Bureau receiving notification of EPA policy that may affect Iowa's air program, IDNR will either adopt as written, adopt with amendments, or reject EPA policy. For policies that were issued more than one year prior to being brought forward to IDNR, or for policies that are highly complex and require extensive evaluation and research, IDNR will establish an alternative **timeline** for review not to exceed 120 days.

The procedure for reviewing policies will be as follows. Two meetings will be arranged to complete this process of reviewing the EPA policy guidance. IDNR personnel, and staff from the Department of Economic Development Regulatory Assistance Team, Iowa Air Emissions Assistance Program (IAEAP), the Compliance and Permit Assistance Team (COMPASS), and other affected parties will be invited to participate in both meetings. The following **timeline** will be maintained and tracked by staff assigned by the section supervisor most involved with the policy issue being debated.

- **Notification of interested parties**

At the 1st Client Contact meeting after the request for review has been made, the date of the first meeting to review the EPA policy will be announced and copies of the policy will be made available. DNR will try to schedule the meeting within 2 weeks of the Client Contact meeting, unless the proposed date presents scheduling conflicts for a number of the interested parties.

- **Meeting One:**

‡ A copy of the EPA policy to be discussed will be provided to all meeting participants one week prior to the meeting, to allow time to review the EPA proposal. This meeting will serve as an opportunity to report on the policy, to allow discussion of the distinct parts of the EPA policy, to decide what questions need to be resolved, and finally, to determine when and where a second, follow-up meeting will take place.

- **Meeting Two:**

Within four weeks of the first meeting a decision-making meeting will take place. The purpose of this meeting will be to attempt to reach a consensus to adopt, modify or reject the EPA policy. IDNR may choose to draft and adopt an alternative policy to that of EPA, however, the alternative state policy may not be stricter than similar federal policy, as required by the Code of Iowa (455B.133). The policy statement must include a brief description of the issue, the decision to adopt, modify or reject the EPA policy, and an explanation why this decision was made. Adoption and dissemination of the policy will follow the "Policy Procedures and Definitions" policy.