IOWA DEPARTMENT OF NATURAL RESOURCES

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November 20, 2018

Jim Gulliford
Regional Administrator
U.S. Environmental Protection Agency Region VII
11201 Renner Blvd
Lenexa, KS 66219

Dear Regional Administrator Gulliford:

The Iowa Department of Natural Resources (DNR) requests revisions to the Iowa State Implementation Plan (SIP) to address implementation of the 2015 National Ambient Air Quality Standards (NAAQS) for ozone.

The notice of public comment period and public hearing for the SIP was published in the Legal Notice section of the Des Moines Register on September 18, 2018. The public hearing was held on October 19, 2018. Two written comments were received during the public comment period. A copy of this information is included in the Public Comment and Hearing section of the SIP submittal.

If you have any questions regarding this submittal, please contact Jim McGraw at (515) 725-9543 or Wendy Walker at (515) 725-9570.

Sincerely,

Bruce Trautman
Acting Director
Iowa Department of Natural Resources

Enclosures

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Iowa State Implementation Plan Revision for the 2015 Ozone National Ambient Air Quality Standards

Iowa Department of Natural Resources
Environmental Services Division
Air Quality Bureau
502 E 9th Street
Des Moines, IA 50319

Final
November 20, 2018

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Introduction

This State Implementation Plan (SIP) revision demonstrates that the Iowa Department of Natural Resources (DNR) has the necessary plans, programs, and statutory authority to implement the requirements of Section 110 of the federal Clean Air Act (CAA) as they pertain to the 2015 ozone National Ambient Air Quality Standards (NAAQS). Under the current SIP and Iowa Code 455B.133 the State has the necessary infrastructure, resources, and general authority to implement the 2015 ozone NAAQS.

This document is organized by addressing: each pertinent section of CAA Section 110 (a)(2); the DNR's legal authorities; and the public comment period and public hearing. The appendix at the end of the document provides additional information on the administrative rule process. But first, a brief historical review is provided.

Background

The CAA requires the U.S. Environmental Protection Agency (EPA) to set NAAQS for specific pollutants known as criteria pollutants. The CAA also requires EPA to periodically review and update the standards as necessary to ensure they provide adequate health and environmental protection.

Each time EPA establishes a new or revises an existing NAAQS each state must adopt and submit a SIP revision that provides for the implementation, maintenance, and enforcement of that NAAQS. The SIP must demonstrate that the state meets the requirements of each applicable element of Section 110(a)(2) of the CAA. Since many of these elements pertain to the basic infrastructure of air quality management programs, such as having the necessary legal authority and adequate resources, this SIP is often referred to as an "Infrastructure SIP." The Infrastructure SIP is required by Section 110(a)(1) of the CAA and is due three years after any NAAQS is added or revised.

The ozone NAAQS was revised on October 1, 2015.[1] The ozone NAAQS began as a total photochemical oxidant standard in 1971. In 1979 the standard changed to ozone and was not revised again until 1997. In 2008 the primary and secondary standards were lowered from 0.08 part per million (ppm) to 0.075 ppm. In the 2015 NAAQS revision the standards were lowered to 0.070 ppm. This decision was based upon the latest review of available scientific information linking health effects to ozone concentrations.

Whenever EPA revises a NAAQS the CAA requires EPA to designate areas as "attainment" (meeting), "nonattainment" (not meeting), or "unclassifiable" (insufficient data). EPA must generally issue designations within 2 year of a NAAQS revision. If sufficient information is not available, EPA may delay designations for an additional year. On June 6, 2017, (82 FR 29246, June 28, 2017) EPA announced that there was insufficient information to complete area designations for the 2015 ozone NAAQS and that they were extending the designations deadline until October 1, 2018. On August 2, 2017, (82 FR 37318, August 10, 2017) EPA announced the withdrawal of that extension. On November 6, 2017, EPA signed designations for the entire state of Iowa for the 2015 8-hour ozone NAAQS, designating each county as Attainment/Unclassifiable. The designations were published in the Federal Register on November 16, 2017 (82 FR 54232) and became effective January 16, 2018. While designations are an important component of the NAAQS implementation process, it should be noted that most aspects of the Infrastructure SIP are independent of an area's designation.[2]

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[1] This revision date is defined as the promulgation date. Promulgation occurs when a NAAQS is signed by the EPA administrator and publicly disseminated. The final rule was signed and distributed on October 1, 2015, was published in the Federal Register on October 26, 2015 (80 FR 65291), and was effective on December 28, 2015.

[2] Those elements in CAA 110(a)(2) that apply only to nonattainment areas (and thus do not apply in Iowa for the 2015 ozone NAAQS) are typically addressed in attainment plans that are due on a different schedule than infrastructure SIPs.

Statutory and Regulatory Requirements

The requirements under Section 110(a)(2) of the CAA mandate that each SIP shall:

Section 110(a)(2)(A) Emission limits and other control measures

"(A) include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this chapter;" (42 USC 7410(a)(2)(A))[3]

The DNR fulfills the requirements of 110(a)(2)(A) through Iowa law, administrative rules, permits, and consent orders. The DNR is the designated agency to prevent, abate, or control air pollution (Iowa Code 455B.132). The Environmental Protection Commission (EPC) is the governing commission for the environmental services portion of the DNR (Iowa Code 455A.6).

The EPC has the duty and authority to develop plans for the abatement, control, and prevention of air pollution, which includes emission limits and schedules for compliance. The EPC is required to adopt, amend, or repeal rules as necessary to obtain approval of the SIP under Section 110 of the federal CAA. Further, the EPC is charged with adopting, amending, or repealing ambient air quality standards necessary to protect the public health and welfare. EPC also shall adopt, amend or repeal emissions limits relating to the maximum quantities of air contaminants that may be emitted from an air contaminant source (Iowa Code 455B.133(1-4)).

Administrative rules establish procedures for compliance with emission limits and variance provisions (567 Iowa Administrative Code (IAC) Chapter 21). The 2015 ozone NAAQS are anticipated to be adopted in 2019 and will be codified in IAC Chapter 28.[4] The DNR has an established process for performing administrative rulemakings (see Appendix A).

Iowa has statutory and regulatory authority to establish additional emissions limitations and other measures, as necessary to address attainment and maintenance of the ozone standard.[5] The Iowa SIP adequately addresses the requirements of Section 110(a)(2)(A) for the 2015 ozone NAAQS.

Section 110(a)(2)(B) Ambient air quality monitoring/data system

"(B) provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to—

(i) monitor, compile, and analyze data on ambient air quality, and

(ii) upon request, make such data available to the Administrator;" (42 USC 7410(a)(2)(B))

The DNR ambient air quality monitoring program meets the requirements of 110(a)(2)(B). The Iowa Code requires the DNR Director to monitor air quality (455B.134(4)). Ambient air monitoring is implemented with agreements with the University of Iowa's State Hygienic Laboratory, the Linn County Local Program, and the Polk County Local Program. The ambient air quality monitoring program collects air monitoring data, quality assures the results, and reports the data. DNR submits an annual monitoring network plan to EPA for approval, including

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[3] The Clean Air Act was incorporated into the United States Code as Title 42, Chapter 85.

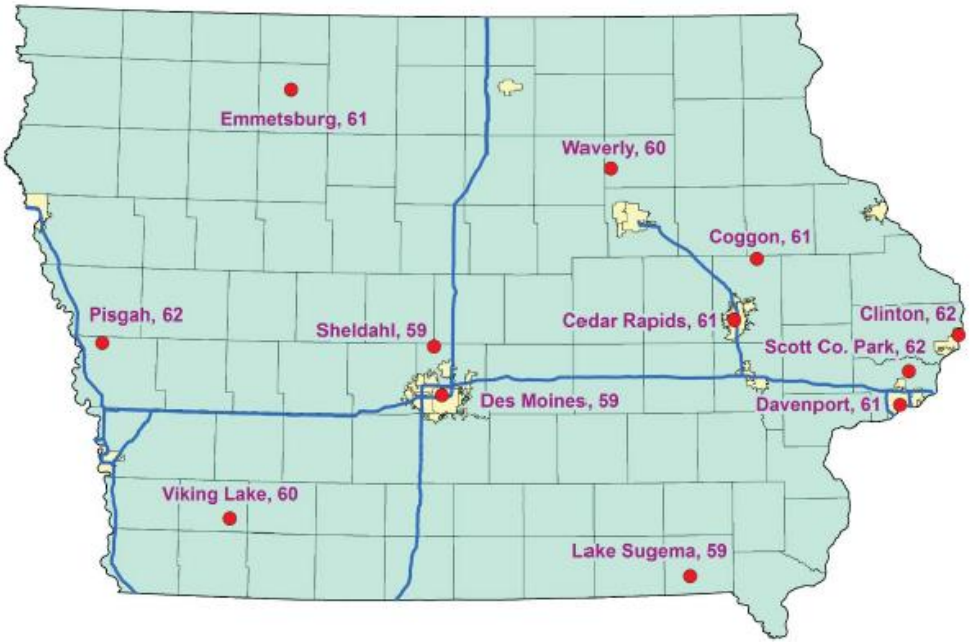
[4] In the meantime, the 2015 ozone NAAQS as codified in 40 CFR 50.19 are still fully applicable in Iowa.

[5] Specific emissions limits or other control measures necessary to resolve ozone nonattainment or monitored NAAQS violations are addressed in attainment plans and not infrastructure SIPs. No such measures are needed in Iowa at this time because all areas in the state attain the 2015 ozone NAAQS.

plans for its ozone monitoring network, as required by 40 CFR 58.10. Prior to submission, Iowa provides the plans for public review on DNR's website.

The DNR operates monitors in the largest metropolitan statistical areas,[6] monitors to measure background concentrations, and monitors for regional transport (see Figure 1 for ozone monitor locations in Iowa). Iowa is currently in attainment with the 2015 ozone standards.

Figure 1. Iowa Ozone Monitoring Network with the 2015-2017 ozone design values (part per billion).



Section 110(a)(2)(C) Program for enforcement of control measures

"(C) include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D;" (42 USC 7410(a)(2)(C))

Iowa statute requires the DNR to enforce the requirements of control measures necessary to meet the requirements of Section 110(a)(2)(C). The EPC approves administrative rules that establish the schedule or range of civil penalties (Iowa Code 455B.109, 567 IAC Chapter 10). The DNR Director has the duty and authority to issue orders consistent with administrative rules to control air pollution or ensure compliance with permit conditions (Iowa Code 455B.134(9); 455B.138). The State of Iowa may seek judicial review and legal action to enforce the rules and regulations (Iowa Code 455B.140-141). Criminal penalties may also be sought by the State of Iowa (Iowa Code 455B.146A).

The DNR's compliance program has staff in both the central office and six field offices to ensure that industry, businesses, institutions, and individuals are in compliance with state and federal air quality regulations.

[6] Maximum ozone concentrations are typically measured downwind of a metropolitan statistical area (MSA). The site intended to record the maximum ozone concentration resulting from a given MSA may be located outside the MSA boundaries.

DNR is required to implement a SIP approved pre-construction permit and prevention of significant deterioration (PSD) program (Iowa Code 455B.133(6); 37 FR 10842, 50 FR 37176, and 72 FR 27056). The pre-construction permit program reviews design and performance objectives for sources of air contaminants to determine their likely compliance with state and federal requirements. New facilities must be designed to meet emissions standards and shall not cause or contribute to a violation of ambient air quality standards. DNR is prohibited from issuing a permit if the project would result in violation of emission limits or other provisions in the SIP (567 IAC Chapters 22-23 and 33).

The DNR also is required to implement a fully approved operating permit program (Iowa Code 455B.133(8), 567 IAC Chapter 22) which is commonly known as Title V. A Title V facility, also referred to as a major stationary source of air pollutants, is a facility that has the potential to emit 100 tons per year (tpy) or more of any air pollutant subject to regulation; or the potential to emit 10 tpy or more of any individual hazardous air pollutant; or the potential to emit 25 tpy or more of any combination of hazardous air pollutants.

A Title V operating permit incorporates into one document all of the pre-construction permits and state and federal regulatory requirements of the air quality program for each facility that is a major source of air pollution. The operating permit includes provisions describing how compliance with each requirement will be maintained on a continuous basis. Facilities are required to provide semi-annual emissions monitoring reports and an annual compliance certification report. The Title V operating permit provides a comprehensive review of a facility's requirements under the Act.

Section 110(a)(2)(D) Interstate transport

"(D) contain adequate provisions—

(i) prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will—

(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard, or

(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility,

(ii) insuring compliance with the applicable requirements of sections 7426 and 7415 of this title (relating to interstate and international pollution abatement);" (42 USC 7410(a)(2)(D))

Section 110(a)(2)(D)(i) includes four distinct interstate transport, or "good neighbor," components which the state must address in this SIP. The first two components, or prongs, are codified in Section 110(a)(2)(D)(i)(I) and require that the SIP contain adequate provisions that prohibit any source or other type of emissions activity in the state from contributing significantly to nonattainment of the NAAQS in another state (prong 1) or interfering with maintenance of the NAAQS in another state (prong 2). The third and fourth prongs, which are codified in Section 110(a)(2)(D)(i)(II), require that the SIP contain adequate provisions that prohibit emissions activity in the state from interfering with measures required to prevent significant deterioration of air quality in another state (prong 3) or interfering with measures to protect visibility in another state (prong 4).

Through the development and implementation of several previous federal rulemakings,[7] including most recently the Cross-State Air Pollution Rule (CSAPR) Update, the following four-step process has emerged as the framework for addressing interstate transport prongs 1 and 2 for the ozone NAAQS: 1) identify downwind areas, often referred to as receptors, expected to have problems attaining or maintaining the NAAQS; 2) identify upwind states that contribute enough to those areas to warrant further review and analysis; 3) identify the

[7] See, for example, the Clean Air Interstate Rule (CAIR) Final Rule (70 FR 25161, May 12, 2005); the CSAPR Final Rule (76 FR 48207, August 8, 2011); and the CSAPR Update Final Rule (81 FR 74504, October 26, 2016).

emissions reductions necessary (if any), considering cost and air quality factors, to prevent an identified upwind state from contributing significantly to those areas; and 4) adopt permanent and enforceable measures needed to achieve those emissions reductions.

Fully implementing step 2 requires that a state's contribution to each downwind area (the receptors identified in step 1) be compared to a screening threshold to determine if further review is warranted under steps 3 and 4. A state whose downwind impacts are less than the screening threshold does not contribute significantly to nonattainment or interfere with maintenance of the NAAQS in a downwind area. Historically, EPA has used 1% of the NAAQS as the screening threshold. However, Attachment A to EPA's March 27, 2018, memo[8] discusses potential analytical flexibilities states may consider when developing their SIPs, including the use of a different contribution (screening) threshold.

On April 17, 2018, EPA released a memo[9] and supporting information which documents a threshold for determining whether an ozone air quality impact is significant. That threshold, or significant impact level (SIL), is 1 part per billion (ppb). Although SILs are generally employed within the context of new source review (NSR), and most commonly within the PSD program, EPA notes in the SIL technical basis document[10] that the statistical methods and data reflected in their analysis "may be applicable for multiple regulatory applications where EPA and state agencies seek to quantify a level of impact on air quality that they consider to be either 'significant' or 'not significant.'"

Additional support for use of a 1 ppb screening threshold is found in EPA's August 31, 2018, contribution thresholds analysis memo.[11] The purpose of that memo is to provide analytic information for the 2015 ozone NAAQS regarding the degree to which certain air quality thresholds capture the collective amount of upwind contribution to downwind receptors. Three alternative contribution thresholds were evaluated by EPA: 1% of the NAAQS (0.70 ppb), 1 ppb, and 2 ppb. Based on the results of their analyses, EPA believes that a threshold of 1 ppb may be appropriate for states to use to develop SIP revisions addressing the good neighbor provisions for the 2015 ozone NAAQS.

EPA's analysis shows that the amount of upwind contributions captured using the 1% and 1 ppb screening thresholds are generally similar. This statement is true for the Milwaukee County, Wisconsin, and Allegan County, Michigan, receptors. These are the only receptors to which Iowa is linked at the historical 1% (0.70 ppb) screening threshold.[12] According to the data provided in Table 3 of the August 31, 2018 memo, for the

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[8] March 27, 2018, "Information on the Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I)," Memorandum from Peter Tsirigotis, Director, EPA Office of Air Quality Planning and Standards, to EPA Regional Air Division Directors.

[9] April 17, 2018, "Guidance on Significant Impact Levels for Ozone and Fine Particles in the Prevention of Significant Deterioration Permitting Program," Memorandum from Peter Tsirigotis, Director, EPA Office of Air Quality Planning and Standards, to EPA Regional Air Division Directors.

[10] April 2018, "Technical Basis for the EPA's Development of the Significant Impact Thresholds for $PM_{2.5}$ and Ozone," EPA Office of Air Quality Planning and Standards, EPA-454/R-18-001.

[11] August 31, 2018, "Analysis of Contribution Thresholds for Use in Clean Air Act Section 110(a)(2)(D)(i)(I) Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards," Memorandum from Peter Tsirigotis, Director, EPA Office of Air Quality Planning and Standards, to EPA Regional Air Division Directors.

[12] Attachments to the March 27, 2018, memo include results of technical analyses conducted by EPA that help inform steps 1 and 2 of the four-step framework. Attachment B contains a list of areas (receptors) projected to have problems attaining or maintaining the 2015 ozone NAAQS (step 1). Attachment C provides the projected ozone contributions from each state to those receptors (used in step 2). The projected ozone contributions, which were calculated using state-level ozone source apportionment modeling with the CAMx Anthropogenic Precursor Culpability Analysis (APCA) technique,

Milwaukee County (WI) receptor the 1 ppb threshold captures 83.0% of those contributions captured using the 1% threshold. For the Allegan County (MI) receptor, that percentage increases to 94.2%. This means a substantial portion of the transported contribution at the 1% threshold is also captured at these receptors using the 1 ppb threshold, and it supports the conclusion that a 1 ppb screening threshold is appropriate.

Based on the contribution modeling conducted by EPA, sources in Iowa are not linked to any nonattainment or maintenance receptors using the more appropriate 1 ppb screening threshold. The DNR agrees with the results of that analysis and concludes that emissions in the state do not contribute significantly to nonattainment (prong 1) or interfere with maintenance (prong 2) of the 2015 ozone NAAQS. This satisfies the requirements of Section 110(a)(2)(D)(i)(I) of the CAA.

For prong 3, the Department's implementation of the SIP approved pre-construction review and PSD program prevents source emissions in Iowa from interfering with any other state's part C program, as required by Section 110(a)(2)(D)(i)(II)), and it fulfills the notification requirements of Section 110(a)(2)(D)(ii).

The visibility (prong 4) requirements of Section 110(a)(2)(D)(i)(II) are being addressed under the regional haze program. The DNR submitted the initial regional haze SIP to EPA in March 2008, before the DC Circuit Court remanded the Clean Air Interstate Rule (CAIR). On June 26, 2012 (77 FR 38006) EPA approved all aspects of Iowa's regional haze SIP that were unrelated to the state's reliance on CAIR. That action, combined with EPA's prior publication (77 FR 33642, June 7, 2012) of a Federal Implementation Plan (FIP) that replaced reliance on CAIR with reliance on the CSAPR, satisfied the applicable obligations of the initial regional haze SIP.[13] The DNR submitted the five-year progress review in July 2013 and it was approved by EPA on August 15, 2016 (81 FR 53924). The next ten-year regional haze planning period, 2021-2028, will be assessed in a regional haze SIP currently due July 31, 2021. As needed, the DNR will work with states containing downwind mandatory federal Class I areas to address visibility impairment attributable to Iowa sources.

The state's SIP also contains adequate provisions to comply with the remaining obligations (relating to interstate and international pollution abatement) of Section 110(a)(2)(D)(ii). As evidence, no source or sources within Iowa are the subject of a finding under 42 USC 7426 (Section 126 of the CAA) or 42 USC 7415 (Section 115 of the CAA) with respect to ozone (or any other NAAQS).

Section 110(a)(2)(E) Adequate authority and resources

"(E) provide

(i) necessary assurances that the State (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof),

(ii) requirements that the State comply with the requirements respecting State boards under section 7428 of this title, and

(iii) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision;" (42 USC 7410(a)(2)(E))

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are also available in the spreadsheet "2015 Ozone NAAQS Interstate Transport Assessment Design Values and Contributions."

[13] On September 29, 2017 (82 FR 45481), EPA affirmed their previous decision (77 FR 33642, June 7, 2012) that participation in CSAPR satisfied Best Available Retrofit Technology (BART).

The DNR has adequate personnel, funding, and authority to fulfill the requirements of the SIP. Detailed information on authority is listed above in the portion on Section 110(a)(2)(A). There are no legal impediments to implementing the 2015 ozone NAAQS. The program's budget is funded by the State General Fund, the State Environment First Fund, EPA grants authorized under Sections 103 and 105 of the CAA, and fees. More information on fees is provided under CAA Section 110(a)(2)(L). EPA conducts periodic program reviews to ensure that the state has adequate resources and funding to implement the SIP.

As indicated earlier, the EPC was established in Iowa Code 455A.6. Members of the EPC must comply with ethics, gift restrictions, and conflict of interest requirements as outlined in Iowa law (Iowa Code 68B, 69). The Governor's Office provides annual training to new board and commission members to explain the requirements.

DNR has delegated the duties for the abatement, control, and prevention of air pollution to the Linn County Health Department Air Quality Division and the Polk County Public Works Air Quality Division, for each of their respective counties (Iowa Code 455B.144-146). The Linn County and Polk County programs were initially approved into the SIP in 1989 (54 FR 33526, 54 FR 33528).

DNR and the Linn & Polk County Local Programs annually negotiate and sign comprehensive letters of agreement or contracts. Program emphasis is placed on the collection and assessment of information regarding air quality, the permitting of sources of air emissions, the enforcement of emission limits and the attainment and maintenance of ambient air quality standards. Funding for activities in the scope of work under each contract is paid for by a portion of the DNR's EPA grants under Sections 103 and 105 of the CAA, and fees. DNR conducts biennial program reviews.

Section 110(a)(2)(F) Stationary source monitoring system

"(F) require, as may be prescribed by the Administrator—

(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,

(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and

(iii) correlation of such reports by the State agency with any emission limitations or standards established pursuant to this chapter, which reports shall be available at reasonable times for public inspection;" (42 USC 7410(a)(2)(F))

Administrative rules (567 IAC Chapter 25) provide detailed requirements for owners or operators of stationary sources to monitor emissions. Stack testing observation (Iowa Code 455B.134(4)) ensures the quality of emissions data. The data quality may be assured through field test audits and reviewing test reports. The field audits consist of making sure the correct methodology is followed, approving on-site variations, ensuring the tested emission source is operating in an acceptable manner, and answering questions posed by the testing group and the facility. The report review verifies the test results by checking the calculations and lab analysis. A stack test summary is generated and the compliance status of the emission point is determined.

DNR also receives and reviews annual compliance certifications and semi-annual monitoring reports required under the Title V program (Iowa Code 455B.133(8), 567 IAC Chapter 22). Information collected through emission inventories are submitted to EPA in accordance with federal air emissions reporting requirements.

Iowa uses this information to track progress towards maintaining the NAAQS, developing control and maintenance strategies, identifying sources and general emission levels, and determining compliance with emission regulations and additional EPA requirements. The reports are available to the public at the DNR's Records Center during normal business hours with some reports available electronically. DocDNA is the DNR's online electronic records system for many public records.

Section 110(a)(2)(G) Emergency power

"(G) provide for authority comparable to that in section 7603 of this title and adequate contingency plans to implement such authority;" (42 USC 7410(a)(2)(G))

The DNR Director has the authority to issue an emergency order if any person is causing air pollution which requires immediate action to protect public health and safety (Iowa Code 455B.139). Administrative rules (567 IAC Chapter 26) have been developed to prevent the excessive buildup of air contaminants and have been previously approved into the SIP (74 FR 68692).

Section 110(a)(2)(H) Future SIP revisions

"(H) provide for revision of such plan—

(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and

(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this chapter;" (42 USC 7410(a)(2)(H))

Iowa is required to adopt, amend, or repeal rules pertaining to the evaluation, abatement, control, and prevention of air pollution which may be necessary to ensure that Iowa complies with Section 110 of the CAA (Iowa Code 455B.133(2)). This includes a requirement to revise rules as necessary to respond to a revised NAAQS and to respond to EPA findings of substantial inadequacy.

Section 110(a)(2)(I) Nonattainment areas

"(I) in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D of this subchapter (relating to nonattainment areas);" (42 USC 7410(a)(2)(I))

Not applicable at this time. All areas in Iowa attain the 2015 ozone NAAQS.

Section 110(a)(2)(J) Consultation with government officials; public notification; PSD and visibility protection

"(J) meet the applicable requirements of section 7421 of this title (relating to consultation), section 7427 of this title (relating to public notification), and part C (relating to prevention of significant deterioration of air quality and visibility protection);" (42 USC 7410(a)(2)(J))

§ 7421. Consultation

"In carrying out the requirements of this chapter requiring applicable implementation plans to contain—

(1) any transportation controls, air quality maintenance plan requirements or preconstruction review of direct sources of air pollution, or

(2) any measure referred to—

(A) in part D (pertaining to nonattainment requirements), or

(B) in part C (pertaining to prevention of significant deterioration),

and in carrying out the requirements of section 7413(d)[…] of this title (relating to certain enforcement orders), the State shall provide a satisfactory process of consultation with general purpose local governments, designated organizations of elected officials of local governments and any Federal land manager having authority over Federal land to which the State plan applies, effective with respect to any such requirement which is adopted more than one year after August 7, 1977, as part of such plan. Such

process shall be in accordance with regulations promulgated by the Administrator to assure adequate consultation. The Administrator shall update as necessary the original regulations required and promulgated under this section (as in effect immediately before November 15, 1990) to ensure adequate consultation. Only a general purpose unit of local government, regional agency, or council of governments adversely affected by action of the Administrator approving any portion of a plan referred to in this subsection may petition for judicial review of such action on the basis of a violation of the requirements of this section." (42 USC 7421)

DNR has the duty and authority and resources to meet the requirements of Section 7421 including consultation for transportation controls, air quality maintenance plan requirements, or preconstruction review. The DNR also is required to provide a satisfactory process of consultation with local government, designated organizations of elected officials of local governments such as council of governments, and applicable federal land managers, to carry out the consultation requirements of Section 7421 (455B.133(1,4)).

The DNR provides a copy of each PSD permit to EPA prior to the start of the public comment process. Public notifications of proposed PSD projects are posted to the air quality Public Participation page on the DNR's website. Additional notice of the availability to comment is given to the public through public list serve announcements. List serve subscription information is available on several portions of the website. All new visitors to the site are encouraged to subscribe. The public notification contains the notice of application; preliminary determination; opportunity for comment at a public hearing as well as written comment. A copy of the notice of public comment is then sent to the applicant; the regional EPA office, the DNR Field Office; and officials and agencies having an interest in the proposed construction (567 Chapter 33.3(17)).

§ 7427. Public notification

"(a) Warning signs; television, radio, or press notices or information

Each State plan shall contain measures which will be effective to notify the public during any calendar[14] *on a regular basis of instances or areas in which any national primary ambient air quality standard is exceeded or was exceeded during any portion of the preceding calendar year to advise the public of the health hazards associated with such pollution, and to enhance public awareness of the measures which can be taken to prevent such standards from being exceeded and the ways in which the public can participate in regulatory and other efforts to improve air quality. Such measures may include the posting of warning signs on interstate highway access points to metropolitan areas or television, radio, or press notices or information."* (42 USC 7427(a))

DNR has the duty, authority, and resources to meet the requirements of Section 7427(a) to notify the public regarding exceedances of the NAAQS which include public awareness measures which can be taken to prevent exceedances (455B.133(2), 455B.134(7)). The DNR utilizes press releases, online reports, and list serves to notify the public of exceedances. Awareness messages are included in these outreach methods as well as in public meetings.

DNR holds semi-annual air quality client contact meetings to focus on current and upcoming air program issues and changes. The meetings provide an open forum for stakeholders and the general public to discuss new state and federal air quality rules or air program developments and are a good source of information for anyone who works with or has an interest in activities related to air quality.

[14] So in original. As noted by others, probably should be "calendar year."

The DNR's Environmental Services Division (ESD) holds a monthly client contact group meeting prior to the EPC meetings. The ESD client contact group is an open forum to discuss issues related to all of the department's environmental programs.

Section 110(a)(2)(K) Air quality modeling/data

"(K) provide for—

(i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and

(ii) the submission, upon request, of data related to such air quality modeling to the Administrator;" (42 USC 7410(a)(2)(K))

The DNR has the authority to conduct modeling to complete ambient air impact analyses (Iowa Code 455B.133 (1-2)). DNR is prohibited from issuing a permit if the project would result in or significantly contribute to a violation of the ambient air quality standards (567 IAC 22.3(1)) or other provisions in the federally approved SIP (567 IAC Chapters 22-23 and 33).

Atmospheric modeling allows the impacts of pollution from a proposed air pollution source to be determined before a source is constructed or modified. Ozone is predominantly a regional pollutant formed through secondary reactions of precursor emissions of nitrogen oxides (NO_X) and volatile organic compounds (VOCs) from numerous and diverse existing sources. Regional photochemical models combine meteorological, emissions, and atmospheric chemistry information to predict the fate and formation of ozone and its precursors. Regional photochemical modeling results may support single source ozone assessments for permitting, SIP development, interstate pollutant transport analyses, and visibility impact assessments. Single source assessments, if required, will follow 40 CFR Part 51, Appendix W, Section 5.0, *Models for Ozone and Secondarily Formed Particulate Matter*.

Rarely, an individual source may emit ozone directly. If necessary in such cases, air dispersion modeling is conducted with an EPA approved model that uses mathematical formulations and information about the source emissions along with the local terrain and meteorological data to predict ozone concentrations at locations selected by the user. Modeling is conducted in accordance with Department's modeling guidelines and with Appendix W of 40 CFR Part 51. DNR has the authority to collect and report data to EPA, upon request (Iowa Code 455B.134 (5, 7)).

Section 110(a)(2)(L) Permitting fees

"(L) require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this chapter, a fee sufficient to cover—

(i) the reasonable costs of reviewing and acting upon any application for such a permit, and

(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action)," (42 USC 7410(a)(2)(L))

New source review construction and Title V operating permit applications are subject to application fees. Major sources are also subject to Title V annual emissions fees (567 IAC Chapter 30). Title V operating permit application and emissions fees are deposited in the air contaminant source fund (Iowa Code 455B.133B). Asbestos demolition notification projects regulated under the asbestos NESHAP are subject to fees. New source review construction permit applications and asbestos demolition notifications are deposited in the air quality fund (Iowa Code 455B.133C). The DNR website has additional information on all air quality fees.

Prior to the March EPC meeting, DNR holds fee advisory group meeting(s) to review the draft budget and provide recommendations. Each March the DNR presents an estimated or proposed budget to cover the reasonable cost of administering the fee programs to the EPC. Each May the EPC sets the fees as needed. The new fee rates, if changed at the May EPC meeting, would become effective on July 1. If no action is taken at the May EPC meeting, the existing fee amount(s) continue.

Section 110(a)(2)(M) Consultation/participation by affected local entities

"(M) provide for consultation and participation by local political subdivisions affected by the plan." (42 USC 7410(a)(2)(M))

DNR has delegated authority to the Linn County Health Department Air Quality Division and the Polk County Public Works Air Quality Division (Local Programs) to conduct programs for the abatement, control, and prevention of air pollution in their respective county (Iowa Code 455B.144-146).

The Local Programs are required to meet all the requirements of 567 IAC Chapter 27 to keep their status. The Local Programs issue permits, perform compliance inspections, respond to air quality complaints, and maintain a network of monitors for ambient air in each respective county. DNR issues PSD and Title V operating permits in Linn and Polk Counties.

The Local Programs have adopted air quality ordinances to implement federal, state, and local air pollution control requirements. The ordinances cannot be less stringent than federal or state standards; however, they can be more stringent. The ordinances are incorporated into the SIP in the same manner that the IAC is incorporated into the SIP.

Each year DNR negotiates an agreement to pass through federal funds and provide Title V funds sufficient to implement the programs. Revenue from local fee systems provides additional funding and required match to a portion of the pass through federal funds. The contracts are approved by the EPC for each new state fiscal year. DNR conducts biennial audits to ensure the Local Programs are meeting all requirements of the contract.

Both the DNR's and the Local Programs' administrative processes provide a public comment period. The comment period provides an opportunity for other local political subdivisions that may be affected by the plan to comment.

DNR frequently holds public meetings, like the semi-annual air quality client contact meetings. The open forum allows stakeholders and the general public to dialogue on a variety of topics. The DNR also communicates using press releases, online reports, and list serves. Rulemakings are also published on the DNR's website and in the Iowa Administrative Bulletin.

Legal Authority

The DNR is the primary state agency responsible for protecting the environment, as indicated in Iowa Code § 455A. The Environmental Protection Commission, established in the Iowa Code § 455A.6, is the governing commission for the environmental protection portion of the DNR. The DNR's authority is provided under Iowa Code § 455B.133 and 455B.134 which are listed below. Additional information on the Iowa Code is posted online.

455B.133 Duties.

The commission shall:

1. Develop comprehensive plans and programs for the abatement, control, and prevention of air pollution in this state, recognizing varying requirements for different areas in the state. The plans may include emission limitations, schedules and timetables for compliance with the limitations, measures to prevent the significant deterioration of air quality and other measures as necessary to assure attainment and maintenance of ambient air quality standards.
2. Adopt, amend, or repeal rules pertaining to the evaluation, abatement, control, and prevention of air pollution. The rules may include those that are necessary to obtain approval of the state implementation plan under section 110 of the federal Clean Air Act as amended through January 1, 1991.
3. Adopt, amend, or repeal ambient air quality standards for the atmosphere of this state on the basis of providing air quality necessary to protect the public health and welfare and to reduce emissions contributing to acid rain pursuant to Tit. IV of the federal Clean Air Act Amendments of 1990.
4. Adopt, amend, or repeal emission limitations or standards relating to the maximum quantities of air contaminants that may be emitted from any air contaminant source. The standards or limitations adopted under this section shall not exceed the standards or limitations promulgated by the administrator of the United States environmental protection agency or the requirements of the federal Clean Air Act as amended through January 1, 1991. This does not prohibit the commission from adopting a standard for a source or class of sources for which the United States environmental protection agency has not promulgated a standard. This also does not prohibit the commission from adopting an emission standard or limitation for infectious medical waste treatment or disposal facilities which exceeds the standards or limitations promulgated by the administrator of the United States environmental protection agency or the requirements of the federal Clean Air Act as amended through January 1, 1991. The commission shall not adopt an emission standard or limitation for infectious medical waste treatment or disposal facilities prior to January 1, 1995, which exceeds the standards or limitations promulgated by the administrator of the United States environmental protection agency or the requirements of the federal Clean Air Act, as amended through January 1, 1991, for a hospital, or a group of hospitals, licensed under chapter 135B which has been operating an infectious medical waste treatment or disposal facility prior to January 1, 1991.
    a. 1) The commission shall establish standards of performance unless in the judgment of the commission it is not feasible to adopt or enforce a standard of performance. If it is not feasible to adopt or enforce a standard of performance, the commission may adopt a design, equipment, material, work practice or operational standard, or combination of those standards in order to establish reasonably available control technology or the lowest achievable emission rate in nonattainment areas, or in order to establish best available control technology in areas subject to prevention of significant deterioration review, or in order to adopt the emission limitations promulgated by the administrator of the United States environmental protection agency under section 111 or 112 of the federal Clean Air Act as amended through January 1, 1991.
        2) If a person establishes to the satisfaction of the commission that an alternative means of emission limitation will achieve a reduction in emissions of an air pollutant at least equivalent to the reduction in emissions of the air pollutant achieved under the design, equipment, material,

work practice or operational standard, the commission shall amend its rules to permit the use of the alternative by the source for purposes of compliance with this paragraph with respect to the pollutant.

3) A design, equipment, material, work practice or operational standard promulgated under this paragraph shall be promulgated in terms of a standard of performance when it becomes feasible to promulgate and enforce the standard in those terms.

4) For the purpose of this paragraph, the phrase "not feasible to adopt or enforce a standard of performance" refers to a situation in which the commission determines that the application of measurement methodology to a particular class of sources is not practicable due to technological or economic limitations.

b. The degree of emission limitation required for control of an air contaminant under an emission standard shall not be affected by that part of the stack height of a source that exceeds good engineering practice, as defined in rules, or any other dispersion technique. This paragraph shall not apply to stack heights in existence before December 30, 1970, or dispersion techniques implemented before that date.

5. Classify air contaminant sources according to levels and types of emissions, and other characteristics which relate to air pollution. The commission may require, by rule, the owner or operator of any air contaminant source to establish and maintain such records, make such reports, install, use and maintain such monitoring equipment or methods, sample such emissions in accordance with such methods at such locations and intervals, and using such procedures as the commission shall prescribe, and provide such other information as the commission may reasonably require. Such classifications may be for application to the state as a whole, or to any designated area of the state, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.

6. a. Require, by rules, notice of the construction of any air contaminant source which may cause or contribute to air pollution, and the submission of plans and specifications to the department, or other information deemed necessary, for the installation of air contaminant sources and related control equipment. The rules relating to major stationary sources shall allow the submission of engineering descriptions, flow diagrams and schematics that quantitatively and qualitatively identify emission streams and alternative control equipment that will provide compliance with emission standards. Such rules shall not specify any particular method to be used to reduce undesirable levels of emissions, nor type, design, or method of installation of any equipment to be used to reduce such levels of emissions, nor the type, design, or method of installation or type of construction of any manufacturing processes or kinds of equipment, nor specify the kind or composition of fuels permitted to be sold, stored, or used unless authorized by subsection 4 of this section.

   b. The commission may give technical advice pertaining to the construction or installation of the equipment or any other recommendation.

7. Commission rules establishing maximum permissible sulfate content shall not apply to an expansion of an industrial anaerobic lagoon facility which was constructed prior to February 22, 1979.

8. a. 1) Adopt rules consistent with the federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549, including those amendments effective on January 1, 1991, regulations promulgated by the United States environmental protection agency pursuant to that Act, the provisions of this chapter, and rules adopted by the commission pursuant to this chapter, which require the owner or operator of an air contaminant source to obtain an operating permit prior to operation of the source. The rules shall specify the information required to be submitted with the application for an operating permit and the conditions under which a permit may be granted, modified, suspended, terminated, revoked, reissued, or denied. For sources subject to the provisions of Tit. IV of the federal Clean Air Act Amendments of 1990, operating permit conditions shall include emission allowances for sulfur dioxide emissions.

2) a) The commission may establish fees to be imposed and collected by the department, including operating permit application fees and fees upon regulated pollutants emitted from

an air contaminant source, in an amount sufficient to cover, on a state fiscal year basis as described in section 455B.133B, all reasonable costs, direct and indirect, required to implement and administer the operating permit program as described in subparagraph (1) in conformance with the federal Clean Air Act Amendments of 1990. Affected units regulated under Tit. IV of the federal Clean Air Act Amendments of 1990 shall pay fees in the same manner as other sources subject to operating permit requirements, except as provided in section 408 of that Act.

b) The fees collected by the department pursuant to subparagraph division (a) shall be credited to the appropriate accounts of the air contaminant source fund created pursuant to section 455B.133B, and shall be utilized to cover all reasonable costs required to implement and administer the programs required by Tit. V of the federal Clean Air Act Amendments of 1990, including the operating permit program pursuant to section 502 of that Act and the small business stationary source technical and environmental compliance assistance program pursuant to section 507 of that Act. The amount of the fees credited to and expended from each account of the air contaminant source fund shall be subject to the limitations provided in section 455B.133B.

c) (c) Fees established pursuant to this subparagraph (2) shall not be imposed for the regulation of an activity that exceeds the requirements of the federal Clean Air Act Amendments of 1990.

b. Adopt rules allowing the department to issue a state operating permit to an owner or operator of an air contaminant source. The state operating permit granted under this paragraph may only be issued at the request of an air contaminant source and will be used to limit its potential to emit to less than one hundred tons per year of a criteria pollutant as defined by the United States environmental protection agency or ten tons per year of a hazardous air pollutant or twenty-five tons of any combination of hazardous air pollutants.

c. c. Adopt rules for the issuance of a single general permit, after notice and opportunity for a public hearing. The single general permit shall cover numerous sources to the extent that the sources are representative of a class of facilities which can be identified and conditioned by a single permit.

9. Adopt rules allowing asphalt shingles to be burned in a fire set for the purpose of bona fide training of public or industrial employees in fire fighting methods only if a notice is provided to the director containing testing results indicating that the asphalt shingles do not contain asbestos. Each fire department shall be permitted to host two fires per year as allowed under this subsection.

10. Adopt rules allowing a city to conduct a controlled burn of a demolished building subject to the requirements that are in effect for the proper removal of all asbestos-containing materials prior to demolition and burning. The rules shall include provisions that a burn site have controlled access, that a burn site be supervised by representatives of the city at all times, and that the burning be conducted only when weather conditions are favorable with respect to surrounding property. For a burn site located outside of a city, the rules shall include a provision that a city may undertake not more than one such controlled burn per day and that a burn site be limited to an area located at least six-tenths of a mile from any inhabited building. For burn sites located within a city, the rules shall include a provision that a city may undertake not more than one such controlled burn in every six-tenths-of-a-mile-radius circle in each calendar year. The rules shall prohibit a controlled burn of a demolished building in Cedar Rapids, Marion, Hiawatha, Council Bluffs, Carter Lake, Des Moines, West Des Moines, Clive, Windsor Heights, Urbandale, Pleasant Hill, Buffalo, Davenport, Mason City, or any other area where area-specific state implementation plans require the control of particulate matter.

[C71, §136B.4; C73, 75, 77, 79, 81, §455B.12; 82 Acts, ch 1124, §1]

C83, §455B.133

91 Acts, ch 242, §1; 91 Acts, ch 255, §8; 92 Acts, ch 1163, §87 – 89; 93 Acts, ch 137, §3; 94 Acts, ch 1040, §1; 95 Acts, ch 2, §1; 2002 Acts, ch 1162, §45; 2002 Acts, 2nd Ex, ch 1003, §241, 262; 2004 Acts, ch 1138, §1; 2010 Acts, ch 1061, §180; 2014 Acts, ch 1010, §2; 2015 Acts, ch

30, §131; 2015 Acts, ch 100, §1, 7

Referred to in §455B.133B, §455B.134

For the commission's authority to establish or adjust certain designated fees, see 2015 Acts, ch 100, §4, 5

455B.134 Director — duties — limitations.

The director shall:

1. Publish and administer the rules and standards established by the commission. The department shall furnish a copy of such rules or standards to any person upon request.
2. Provide technical, scientific, and other services required by the commission or for the effective administration of this division II and chapter 459, subchapter II.
3. Grant, modify, suspend, terminate, revoke, reissue, or deny permits for the construction or operation of new, modified, or existing air contaminant sources and for related control equipment subject to the rules adopted by the commission. The department shall furnish necessary application forms for such permits.
    a. No air contaminant source shall be installed, altered so that it significantly affects emissions, or placed in use unless a construction permit has been issued for the source.
    b. The condition of expected performance shall be reasonably detailed in the construction permit.
    c. All applications for permits shall be subject to such notice and public participation as may be provided by rule by the commission. Upon denial or limitation of a permit, the applicant shall be notified of such denial and informed of the reason or reasons therefor, and such applicant shall be entitled to a hearing before the commission.
    d. A regulated air contaminant source for which a construction permit has been issued shall not be operated unless an operating permit also has been issued for the source. However, if the facility was in compliance with permit conditions prior to the requirement for an operating permit and has made timely application for an operating permit, the facility may continue operation until the operating permit is issued or denied. Operating permits shall contain the requisite conditions and compliance schedules to ensure conformance with state and federal requirements including emission allowances for sulfur dioxide emissions for sources subject to Tit. IV of the federal Clean Air Act Amendments of 1990. If construction of a new air contaminant source is proposed, the department may issue an operating permit concurrently with the construction permit, if possible and appropriate.
    e. 1) Notwithstanding any other provision of division II of this chapter or chapter 459, subchapter II, the following siting requirements shall apply to anaerobic lagoons and earthen waste slurry storage basins:
        a) Anaerobic lagoons, constructed or expanded on or after June 20, 1979, but prior to May 31, 1995, or earthen waste slurry storage basins, constructed or expanded on or after July 1, 1990, but prior to May 31, 1995, which are used in connection with animal feeding operations containing less than six hundred twenty-five thousand pounds live animal weight capacity of animal species other than beef cattle or containing less than one million six hundred thousand pounds live animal weight capacity of beef cattle, shall be located at least one thousand two hundred fifty feet from a residence not owned by the owner of the feeding operation or from a public use area other than a public road. Anaerobic lagoons or earthen waste slurry storage basins, which are used in connection with animal feeding operations containing six hundred twenty-five thousand pounds or more live animal weight capacity of animal species other than beef cattle or containing one million six hundred thousand pounds or more live animal weight capacity of beef cattle, shall be located at least one thousand eight hundred seventy-five feet from a residence not owned by the owner of the feeding operation or from a public use area other than a public road. For the purpose of this paragraph the determination of live animal weight capacity shall be based on the

average animal weight capacity during a production cycle and the maximum animal capacity of the animal feeding operation.

b) Anaerobic lagoons which are used in connection with industrial treatment of wastewater where the average wastewater discharge flow is one hundred thousand gallons per day or less shall be located at least one thousand two hundred fifty feet from a residence not owned by the owner of the lagoon or from a public use area other than a public road. Anaerobic lagoons which are used in connection with industrial treatment of wastewater where the average wastewater discharge flow is greater than one hundred thousand gallons per day shall be located at least one thousand eight hundred seventy-five feet from a residence not owned by the owner of the lagoon or from a public use area other than a public road. These separation distances apply to the construction of new facilities and the expansion of existing facilities.

2) A person may build or expand an anaerobic lagoon or an earthen waste slurry storage basin closer to a residence not owned by the owner of the anaerobic lagoon or to a public use area than is otherwise permitted by subparagraph (1) of this paragraph, if the affected landowners enter into a written agreement with the anaerobic lagoon owner to waive the separation distances under such terms the parties negotiate. The written agreement becomes effective only upon recording in the office of the recorder of deeds of the county in which the residence is located.

f. All applications for construction permits or prevention of significant deterioration permits shall quantify the potential to emit greenhouse gases due to the proposed project.

4. Determine by field studies and sampling the quality of atmosphere and the degree of air pollution in this state or any part thereof.
5. Conduct and encourage studies, investigations, and research relating to air pollution and its causes, effects, abatement, control, and prevention.
6. Provide technical assistance to political subdivisions of this state requesting such aid for the furtherance of air pollution control.
7. Collect and disseminate information, and conduct educational and training programs, relating to air pollution and its abatement, prevention, and control.
8. Consider complaints of conditions reported to, or considered likely to, constitute air pollution, and investigate such complaints upon receipt of the written petition of any state agency, the governing body of a political subdivision, a local board of health, or twenty-five affected residents of the state.
9. Issue orders consistent with rules to cause the abatement or control of air pollution, or to secure compliance with permit conditions. In making the orders, the director shall consider the facts and circumstances bearing upon the reasonableness of the emissions involved, including but not limited to, the character and degree of injury to, or interference with, the protection of health and the physical property of the public, the practicability of reducing or limiting the emissions from the air pollution source, and the suitability or unsuitability of the air pollution source to the area where it is located. An order may include advisory recommendations for the control of emissions from an air contaminant source and the reduction of the emission of air contaminants.
10. Encourage voluntary cooperation by persons or affected groups in restoring and preserving a reasonable quality of air within the state.
11. Encourage political subdivisions to handle air pollution problems within their respective jurisdictions.
12. Review and evaluate air pollution control programs conducted by political subdivisions of the state with respect to whether the programs are consistent with the provisions of division II of this chapter and chapter 459, subchapter II, and rules adopted by the commission.
13. Hold public hearings, except when the evidence to be received is confidential pursuant to section 455B.137, necessary to accomplish the purposes of division II of this chapter and chapter 459, subchapter II. The director may issue subpoenas requiring the attendance of witnesses and the

production of evidence pertinent to the hearings. A subpoena shall be issued and enforced in the same manner as in civil actions.

14. Convene meetings not later than June 1 during the second calendar year following the adoption of new or revised federal ambient air quality standards by the United States environmental protection agency to review emission limitations or standards relating to the maximum quantities of air contaminants that may be emitted from any air contaminant source as provided in section 455B.133, subsection 4. By November 1 of the same calendar year, the department shall submit a report to the governor and the general assembly regarding recommendations for law changes necessary for the attainment of the new or revised federal standards.

[C71, §136B.4, 136B.5; C73, 75, 77, 79, §455B.12, 455B.13; C81, §455B.13; 82 Acts, ch 1124, §2, 3]
C83, §455B.134
86 Acts, ch 1245, §1899; 90 Acts, ch 1153, §2, 3; 91 Acts, ch 255, §11 – 13; 93 Acts, ch 137, §4; 95 Acts, ch 195, §14; 2007 Acts, ch 120, §2, 3; 2010 Acts, ch 1115, §1; 2011 Acts, ch 25, §49, 50; 2014 Acts, ch 1010, §3 – 5

Referred to in §455B.145

For regulations establishing separation distances between anaerobic lagoons or earthen manure storage structures constructed or expanded on or after May 31, 1995, and various locations and objects, see chapter 459. For regulations governing the construction of earthen storage structures within agricultural drainage well areas, see chapter 460.

567 Iowa Administrative Code Chapters for Air Quality

Chapters 20-31, and 33-34 of 567 Iowa Administrative Code contain the administrative rules that allow for the implementation of the relevant air quality laws contained in Iowa statute and the CAA, including Section 110.

- Chapter 20 provides general definitions and rules of practice.
- Provisions for compliance schedules are found in Chapter 21.
- Standards and procedures for the permitting of emission sources and periodic monitoring are found in Chapter 22.
- Air emission standards for contaminants are found in Chapter 23.
- Chapter 24 provides for the reporting of excess emissions and the equipment maintenance and repair requirements.
- Testing and sampling requirements for new and existing sources are found in Chapter 25.
- Chapter 26 identifies air pollution emergency episodes and the preplanned abatement strategies for ozone.
- Conditions that political subdivisions must meet in order to secure acceptance of a local air pollution control program are set forth in Chapter 27.
- Chapter 28 identifies the state's adopted ambient air quality standards.
- Qualifications for observers of visible emission are found in Chapter 29.
- Chapter 30 contains requirements to pay fees for specified activities.
- Chapter 31 contains requirements for nonattainment areas.
- Chapter 33 contains special regulations and construction permit requirements for major stationary sources and includes the requirements for PSD.
- Provisions for air quality emissions trading programs are found in Chapter 34.

Public Comment & Hearing

The public comment period was held from September 18, 2018, to October 19, 2018. Two written comments were received during the comment period. The public hearing was held on October 19, 2018. No oral comments were received.

Public Participation Responsiveness Summary

Public Comment
Submitted on September 25, 2018 by Ed Kocal

Please leave the current standards in place or make them stricter. I have personally noticed an increase in ozone odor in the air in Eastern Iowa over the last several years.

Department Response
This proposed SIP revision implements the most current federal standards for ground-level ozone. Iowa Code 455B.133(4) does not allow the DNR to establish a standard more stringent than one established by the U. S Environmental Protection Agency.

Public Comment
Submitted on October 4, 2018 by the Iowa Chapter of the Sierra Club

The DNR should expand the network of ozone monitors across the state. Ozone monitors should be placed in more urban areas across the state. Efforts to expand the use of E15 in the summer will put more Iowans at risk of increased exposure to ground-level ozone. Climate change will increase the levels of ground-level ozone. Ozone exacerbates serious health issues.

Department Response
DNR meets EPA's current requirements to monitor ozone.

Appendix A: Rulemaking and Public Participation Process

The DNR's rulemaking process is governed by Iowa Code § 17A, also referred to as the Iowa Administrative Procedure Act (IAPA). The IAPA details the procedures and format of state agency rulemakings. All rulemakings must be adopted within 180 days following either the published notice or the last date of the oral presentations on the proposed rule, whichever is later. Administrative rules are approved by the Environmental Protection Commission (EPC) as authorized under Iowa Code 455A.6.

Additional requirements associated with the rulemaking process have been contained in Executive Orders (EO). EO 80 directs agencies to create stakeholder groups for specific rulemaking activities if requested to do so by the agency director or the Administrative Rules Coordinator. Stakeholder group members are determined by the agency in consultation with the Administrative Rules Coordinator. Stakeholder groups are advisory and do not constitute agencies for rulemaking purposes. Stakeholder groups solicit input from the public and submit formal recommendations to the DNR.

An example of the rulemaking process is listed below:

1. **Job Impact Statement & Informal Stakeholder Input:** Gather stakeholder input for the Job Impact Statement (JIS). Inform the EPC of plans associated with the proposed rulemaking.
2. **Governor's Office pre-clearance:** Submit the JIS, fiscal impact statement, and the draft Notice of Intended Action to the Governor's office for approval.
3. **Notice of Intended Action:** After preclearance, the DNR proposes the rulemaking through a Notice of Intended Action. If approved by the EPC, the proposed rulemaking will be published in the IAB.
4. **Public Comment Period and Public Hearing(s):** The IAB indicates the length of the comment period, the agency contact, and the details of the public hearing(s). The minimum amount of time for the public comment period and public hearing date is 30 days for rules that the DNR plans to submit in a SIP revision.
5. **Initial Administrative Rules Review:** At some point during the rulemaking process, the proposed rule is reviewed by the Iowa General Assembly's Administrative Rules Review Committee (ARRC). The DNR provides an overview of the rulemaking and responds to questions at the ARRC's public meeting.
6. **Adopted and Filed:** After the close of the public comment period, the DNR returns to the EPC to request adoption of the rulemaking. A summary of public comments and responses are included with the proposed rulemaking. If adopted, the rulemaking is published in the IAB.
7. **Final Publication:** The adopted and filed rulemaking will be published in the IAB and the Iowa Administrative Code (IAC).
8. **Final Administrative Rules Review:** Upon publication of the final rulemaking, the ARRC conducts their final review at their public meeting. The ARRC does have the discretion to object to a rule. The ARRC may also delay the effective date of a proposed rule pending additional review by the Iowa General Assembly.
9. **Rule Effective:** Typically, the rulemaking becomes effective 35 days after final publication in the IAB. The DNR can propose a later effective date, if necessary.

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Iowa drops claims that 2 teachers cheated

Mackenzie Ryan Des Moines Register
USA TODAY NETWORK

The Iowa agency that licenses teachers has dropped its claims against two Keokuk educators who were accused of cheating on a college master's program.

"It has been a living nightmare for two years for my clients knowing they had been falsely accused, and waiting for their opportunity to prove it," attorney Gerald Hammond of the Iowa State Education Association said.

Keokuk Middle School teacher Ehren Wills was accused of submitting Kay Slusher's work while taking classes to earn a master's degree. Slusher was accused of completing assignments for her co-worker.

The Iowa Board of Educational Examiners investigated the claims. The case went before an administrative law judge in June. The state board dismissed the case on the judge's recommendation.

"The complaint should never have been filed by the two administrators who are no longer employed at Keokuk, but, of course, we knew that at the beginning," Hammond said.

When asked about the administrators involved in making the complaint, Keokuk Superintendent Christine Barnes said the district could not comment on personnel matters.

According to state documents, a former school employee had accessed Wills' email and was harassing her and accusing her of cheating on her degree. The technology director looked into the allegations, and the former superintendent asked that an investigation be conducted.

A district review of two years of emails saw that some contained assignments sent from Slusher to Wills. In addition, several emails discussed the course syllabus and specific instructions, state documents said.

"The emails raise serious concerns and it is understandable that the school administrators suspect Slusher had produced work for Wills," Administrative Law Judge Emily Kimes-Schwiesow wrote in state documents. "However, when the record is reviewed as a whole, it is not evident that Slusher actually produced original content for Wills."

Both teachers testified during a hearing, as did the director of graduate online programs at Hannibal-LaGrange University, a private Christian liberal arts college in Missouri where Wills took online classes from June 2015 to May 2016.

Wills testified that she produced all the assigned work for her degree. She wrote her assignments longhand and Slusher would type them for her and send them via email, she said.

Slusher helped Wills with grammar and structure; they described the role as a "typist, editor and logistical coordinator."

Both insisted that Slusher never created any original content for Wills, according to state documents.

"This was never anything more than Ehren trying to attain a master's degree to increase her teaching effectiveness, and accomplish a personal goal that she had, at times, felt was unattainable," Hammond said. "It was a personal challenge she initiated to see if she could do it."

Slusher "offered her typing and copy editing skills to Erhen leaving Ehren more time to concentrate of the substantive work of the master's program."

Jill Arnold, the director of the graduate online program at Hannibal-LaGrange University, said in the hearing that assisting with formatting, grammar, punctuation or technology is not against the institution's ethics policies.

The university encourages collaboration and soliciting feedback on assignments as long as students complete assignments themselves, she said.

Arnold described Wills as a "serious student who was concerned about doing well," state documents said.

OFFICIAL PUBLICATION

City of Windsor Heights
Claims & Payroll
8/21/18-8/31/18

A TO Z RENTAL Pallet Jack Rental 25.99
AFLAC WORLD WIDE HEADQUARTERS AFLAC ACC-PRETX 454.24
AMERICAN ALARMS Alarm Inspection 461
AMERITAS LIFE INS. CORP. VISION INS 325.24
ARDICK EQUIP. CO. INC. Signs 343.65
ARNOLD MOTOR SUPPLY Oil Filter 110.71
ARROWHEAD FORENSICS Supplies 37.17
AMERICAN TRAFFIC SOLUTIONS Citations 59,084.00
AUREON IT Monthly Service 435
AUTOMATIC FIRE ALARM ASS. AHJ Membership 25
BENEFITS, INC FLEX BENEFITS 913.45
BITUMINOUS MATERIALS asphalt 375
BONNIE'S BARRICADES Street Plate 172.87
CANINE TACTICAL, LLC Aug. Training 150
CAPITAL SANITARY SUPPLY Supplies 302.77
CENTURY LINK Monthly Charges 176.39
CINTAS Cleaning Supplies 535.21
CLIVE POWER EQUIP. ReCoil 37.84
CORELL RECYCLING Asphalt 60.92
CRYSTAL CLEAR WATER CO. Water 64.75
DES MOINES REGISTER Publications 635
DES MOINES STEEL CO. INC. Dog Park Fence Repair/Flood 2,840.00
DIAMOND VOGEL PAINTS Paint 376.15
ELECTRICAL ENG. & EQ. LED Control 22.4
FEDERAL TAX DEPOSIT FED/FICA TAX 19,171.37
FENNER IRRIGATION Sprinkler Repair 105.22
FIRST CALL Motor Oil 223.84
G & L CLOTHING Clothing/Flemming 57.58
GARCIA, CLAY Fire/CEU'S 141
GRIMES ASPHALT & PAVING Asphalt 290.82
HALLETT MATERIALS Dirt Lions Park Parking Lot 317.9
HY-VEE ACCOUNTS RECEIVABLE Park Flood/Mulch/Supplies 1021.95
ICMA Annuity 434.45
ICMA RETIREMENT TRUST Annuity 637.74
IIMC Membership 150
INTERSTATE ALL BATTERY Batteries 35.8
INTOXIMETERS INC. Supplies 395
IOWA LAW ENFORCEMENT ACADEMY Clothing 32
IOWA ONE CALL Locates 62.1
IPERS IPERS 25,772.89
KELTEK INCORPORATED Vehicle Equip/Battery 5,164.56
KOCH BROTHERS Supplies . 210.5
LEAF Copier 173
LINCOLN NATIONAL LIFE Annuity 81.14
MIDAMERICAN ENERGY Power 7153.56
NATIONS, PHILIP CDL Reimbursement 12
NATIONWIDE RETIREMENT SOLUTION Annuity 37.5
PRAXAIR DISTRIBUTION INC Oxygen 252.51
PREMIER AUTOMOTIVE Oil Change 82.04
PURCHASE POWER Postage 39.68
QUEEN OF CLEAN, LLC Cleaning 1,040.00
RACOM CORPORATION EDACS ACCESS 1,834.41
RANKIN COMMUNICATION SYSTEMS I Communications/PD 190
SAM'S CLUB DIRECT Supplies 172
SMITH'S SEWER SERVICE Maintenance 60
SNAP-ONMARK STUCHEL Supplies 19
TREASURER STATE OF IOWA STATE TAXES 7,297.00
VAN WALL EQUIPMENT Repairs 264.97
VERIZON WIRELESS Cell Service 570.05
WAL-MART Supplies 254.44
CITY OF WINDSOR HEIGHTS Health Post-Tax 4268.42
CITY OF WINDSOR HEIGHTS Yappy Hour Cash 200
ZWC CONDOMINIUM ASSOCIATION Pest Control 53.88
PAYROLL CHECKS ON 8/24/2018 .... 56301.4
CLAIMS TOTAL 201,223.47
GENERAL FUND 173,221.02
ROAD USE TAX 17,688.94
EMPLOYEE BENEFITS 512.52
CAPITAL EQUIPMENT FUND 4,843.50
SEWER 1,491.96
LANDFILL/GARBAGE 634.26
STORM WATER 2,931.27
.... 201,323.47

City of Windsor Heights Regular Business Meeting Minutes
Tuesday, September 4, 2018- 6:00 PM, Council Chambers

1.Call to Order
Mayor Burgess called the meeting to order at 6:00 PM.
2.Roll Call
Council members present: Michael Loffredo, Mike Jones, Threase Harms, Zachary Bales-Henry, and Joseph Jones.
Staff present: City Administrator Elizabeth Hansen, City Clerk Travis Cooke, Public Safety Director/Police Chief Chad McCluskey, Deputy Clerk/Communications Specialist Jessica Vogel, Public Works Director Dalton Jacobus, City Attorney Erin Clanton, City Engineers Justin Ernst and Matt Ferrier.
3.Approval of the Agenda
Motion by Harms to approve the agenda with the following item removed from the consent agenda for separate consideration: Item #6A – (Approval of the Minutes of the Regular Council Meeting on July 16, August 6, and August 20 2018). Seconded by Bales-Henry. Motion passed unanimously on a roll call vote.
4.Public Hearing (s)
A. Public Hearing on Amendments to Chapter 40 Public Offenses; Sub 40.02.15 Smoking and Tobacco Use Prohibited at City Facilities: Motion by Joseph Jones to open the public hearing at 6:03 PM.
Seconded by Bales-Henry. Motion carried unanimously on a roll call vote. Comments: none.
Motion by Loffredo to close the public hearing at 6:04 PM. Seconded by Mike Jones. Motion carried unanimously on a roll call vote.
I)First Reading on Ordinance No.18-13, A new Ordinance Chapter 40.02.15 of the Code of Ordinances prohibiting Smoking and Tobacco Use at City Facilities: Motion by Bales-Henry to approve the first reading of Ordinance No.18-13, A new Ordinance Chapter 40.02.15 of the Code of Ordinances prohibiting Smoking and Tobacco Use at City Facilities. Seconded by Harms. Motion carried unanimously on a roll call vote.
ii) Approve Resolution No. 18-0937, A Resolution establishing a personnel policy creating Tobacco-free City Facilities for the City: Mayor Burgess made a recommendation to table the resolution until the practices in other cities could be further reviewed and the impact on employees could be considered. The Council held an extensive discussion on smoking as it relates to the personnel policy. Harms spoke in favor of the resolution and the benefits of the policy for both the city and the employees in terms of the health of the employees and healthcare costs. Clanton addressed legal concerns and did not find any issues with the policy. Loffredo spoke to the negative image of smoking by employees during the work day and is in favor of the policy. Harms and Loffredo spoke to smoking cessation benefits offered to employees by the City. Motion by Harms to approve Resolution No. 18-0937, A Resolution establishing a personnel policy creating Tobacco-free City Facilities for the City. Seconded by Joseph Jones. Comments: Jeneane Moody, Iowa Public Health Association and Iowa Tobacco Prevention Alliance spoke in favor of the policy and gave statistics in support of the policy. Mike Jones asked how many cities in Iowa prohibited smoking in personal vehicles. Ms. Moody did not have Iowa examples. Darren Skeries – 1441 64th St. – spoke in favor of the policy and commented on police and fire department smoking cessation policies and a possible policy in the City of Newton. Motion carried unanimously on a roll call vote.
5.Public Comment:
Sara Trone-Garriott– 2012 69th St. – spoke about the crossing guard change at Clive Elementary from a city paid employee to school provided volunteers and the need for city sponsored crossing guards. Chief McCluskey gave an explanation of the changes made at the city and school level to provide crossing guards at Clive Elementary. The Council held an extensive discussion about providing crossing guards.
John Thompson, 6300 School Street #222 – spoke in favor of providing city sponsored crossing guards.
Michael Libbie, 2009 80th St. – chamber updates. Lauren Campbell is the new Chamber secretary.
Susan Skeries, 1441 64th St. – March 5th meeting minutes need to be corrected to indicate that a paramedic position was being discussed and not on EMT position. Supports crossing guards. Harms would like to see the March 5th meeting minutes amended to reflect Susan Skeries comments. Jones spoke to the cost of republishing minutes.
6.Approval of the Consent Agenda:
Motion by Harms to approve the Consent Agenda items 6B through 6D. Seconded by Joseph Jones. Motion carried unanimously on a roll call vote.
Motion by Loffredo to approve Item #6A – (Approval of the Minutes of the Regular Council Meeting on July 16, August 6, and August 20 2018). Seconded by Harms. The Council held an extensive discussion about meeting minutes. Loffredo withdrew his motion. Harms withdrew her second. The Council came to the consensus to review and amend the minutes of July 16, August 6, and August 20 2018 and to amend the March 5, 2018 Minutes to reflect that a paramedic position was being discussed during budget discussion rather than an EMT position. Each set of minutes will be considered at the next council meeting as separate agenda items.
Old Business:
A. Second Reading on Ordinance No.18-12, An Ordinance amending Chapter 40 allowing 24 hour use of the Walnut Creek Trail in Windsor Heights: Motion by Loffredo to approve the second reading of Ordinance No.18-12, An Ordinance amending Chapter 40 allowing 24 hour use of the Walnut Creek Trail in Windsor Heights. Seconded by Harms. Motion carried unanimously on a roll call vote. Motion by Joseph Jones to waive the third reading of Ordinance No.18-12, An Ordinance amending Chapter 40 allowing 24 hour use of the Walnut Creek Trail in Windsor Heights. Seconded by Bales-Henry. Motion carried unanimously on a roll call vote.
B. Second Discussion and Appropriate Follow Up on Automatic Traffic Enforcement (ATE) Revenues and Expenses for FY 2018-19: The Council held a discussion on ATE revenue expenditure changes made by the budget committee. Mike Jones asked for clarification on the expense of restoring the bio swale at Colby Park. Public Works Director Jacobus and City Engineers explained how bio swales function and what work would be needed to restore it after flooding. The Council also discussed ADA compliance changes needed at the CEC and if the CEC was compliant with ADA when it was built.
7.New Business:
A. Discussion and Appropriate Follow Up on Property Insurance Agents: Mark Currie spoke to the Council regarding the decision to name him as the City's agent of record for property and liability coverage and the allegations brought to the Council by the City's former agent. The Council came to the consensus that they were comfortable with having Mark as the City's insurance agent.
B. Discussion and Appropriate Follow Up on Project Punch Lists: Matt Ferrier addressed the sidewalk project punchlist including retainages and liquidated damages as requested by councilmember Loffredo. There has been little to no work done on the items by Kingston to date. Liquidated damages are tied to the items on the punchlist. Mr. Ferrier looked into calling the construction bond and received a response from Kingston that the punchlist items would be completed by September 30th. Mr. Ferrier is keeping retainages until all items are completed. Double the contract costs for seeding will be held until next spring to make sure the grass survives the winter. Mr. Ferrier and the Council developed a communication plan for residents impacted by the outstanding punchlist items. The Council held a discussion with Mr. Ferrier and Clanton on the challenges that new state laws and the economy have placed on finding qualified contractors for future projects. Harms commented that she walked the project and does not feel as though the project meets the standards that the Council voted for when approving the project and wants to make sure that the residents living along the project are taken care of.
8.Reports:
Mayor – Congratulated Councilmember Joseph Jones on being selected for 90 Ideas in 90 Minutes. Congratulated the fire department on achieving an ISO rating of 3 – one of the best ratings in the state. League meeting next week.
Bales-Henry – DART meeting today. Everyone at DART is happy to see the Windsor Heights Hub become a reality. Construction will begin soon.
Joseph Jones – MPO updates – will be attending an upcoming meeting on policy committee structure changes.
Loffredo – Wants complete street advisory committee updates. Handed out a sample certificate of appreciation to the Council for consideration as a thank you to the people of Windsor Heights to recognize the good things that are going on in the community. Need to discuss a policy on it in the future. Welcome letter coming soon. Crossing guard issue needs to be addressed quickly.
Mike Jones – Asked for clarification on how the sinkhole formed on Del Matro. Asked for an update from legal on the P&Z commission's sign ordinance issue from last year.
Harms – Emerald Ash Borer treatment updates. Thank you to Dalton for response to sewer backup. ATE legal issues. Communications plan and updates on 63rd Street (IDOT) project starting on September 10th. Economic development pitch book review. Budget committee needs to keep health care cost control measures in mind for budget discussions. Accuracy of the University Avenue redesign meeting dates in administrator's report. Goals in University Avenue communications plan are not measurable.
9.Adjourn to 6:00 PM on Monday, September 17, 2018, for a Regular Council Meeting at Council Chambers.
Motion by Joseph Jones to adjourn the meeting at 8:55 PM. Seconded Loffredo. Motion carried unanimously on a roll call vote.
David Burgess, Mayor
ATTEST: Travis Cooke, City Clerk

IN THE IOWA DISTRICT COURT FOR POLK COUNTY
CASE NO.: LACL140705
PROPOSED ORDER GRANTING APPLICATIONFOR JUDGMENT DEBTOR EXAMINATION
JOSEPH FERIN,
Plaintiff,
v.
MARTIN TIRRELL a/k/a MARTY TIRRELL,
Defendant.
On this 8th day of August 2018, this matter comes before the Court upon Plaintiff's application for the examination of Judgment Debtor, Martin Tirrell a/k/a Marty Tirrell. It being made to appear that:
1. Plaintiff holds a judgment against Martin Tirrell a/k/a Marty Tirrell.
2. Execution has been issued and returned unsatisfied on that judgment.
3. Plaintiff's judgment remains unsatisfied.
4. Pursuant to Iowa Code Sections 630.1 through 630.19, Plaintiff is entitled to examine Martin Tirrell a/k/a Marty Tirrell.
It is hereby ORDERED that pursuant to Iowa Code Sections 630.1 through 630.19, Martin Tirrell a/k/a Marty Tirrell shall appear at the Polk County Courthouse, on the 25th day of September, 2018 at 8:15 a.m. in Room #315.
It is FURTHER ORDERED that Plaintiff shall serve a copy of this Order upon Defendant, prior to said hearing, which Order shall command such appearance. The Court will, at or after such hearing, make any orders it deems appropriate.
State of Iowa Courts
Type: OTHER ORDER
Case Number Case Title
LACL140705 JOSEPH FERIN ET AL VS MARTIN TIRRELL
So Ordered
/s/ Sarah Crane, District Court Judge
Fifth Judicial District of Iowa

IN THE IOWA DISTRICT COURT FOR POLK COUNTY
CASE NO.: LACL140705
ORDER GRANTING ALTERNATIVE SERVICE OF JUDGMENT DEBTOR EXAM.
JOSEPH FERIN,
Plaintiff,
v.
MARTIN TIRRELL a/k/a MARTY TIRRELL,
Defendant.
NOW on this date, this matter comes before the Court upon Plaintiff's Motion for Alternative Service. The Court having reviewed the file and being fully advised, finds sufficient cause to believe the Defendant is avoiding service and that the motion should be GRANTED.
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff shall serve the Defendant, Martin Tirrell a/k/a Marty Tirrell, the Defendant named in this action known by posting of said documents on the Defendant's residence door and sending a copy of said Order by both certified and regular mail, and by publication.
IT IS SO ORDERED.
State of Iowa Courts
Type: OTHER ORDER
Case Number Case Title
LACL140705 JOSEPH FERIN ET AL VS MARTIN TIRRELL
So Ordered
/s/ Sarah Crane, District Court Judge
Fifth Judicial District of Iowa

IN THE IOWA DISTRICT COURT IN AND FOR DALLAS COUNTY SMALL CLAIM DIVISION
ORIGINAL NOTICE
Action for money Judgment Case No. SCSC040643 Filed June 8, 2018
Professional Property Management, Plaintiff vs. Brian Rex Clark, Defendant
You are notified that a petition has been filed in the office of the Clerk of this Court naming you as a Defendant in this action, which petition prays for judgment against the Defendant for an amount due Professional Property Management plus court costs, interest and statutory attorney fees. UNLESS YOU APPEAR by completing and filing an appearance and answer through the Iowa Judicial Branch website at https://www.iowacourts.state.ia.us/EFile within 20 days after service of this Original Notice upon you, judgment shall be rendered against you upon Plaintiff's claim together with interest and court costs. IF YOU DENY THE CLAIM AND APPEAR by filing an appearance and answer within 20 days after service of the Original Notice upon you, you will then receive electronic notification through the Iowa Electronic Document Management System of the place and time assigned for hearing.
McCormick & Associates, P.C.
By: Curtis G. McCormick, AT0005112 Attorney for Plaintiff
808 13th Street, West Des Moines, IA 50265 Telephone (515) 277-4400
IF YOU REQUIRE THE ASSISTANCE OF AUXILIARY AIDS OR SERVICES TO PARTICIPATE IN COURT BECAUSE OF A DISABILITY, IMMEDIATELY CALL YOUR DISTRICT ADA COORDINATOR AT 515-286-3754. IF YOU ARE HEARING IMPAIRED, CALL RELAY IOWA TTY AT 1-800-735-2942.

IN THE JUVENILE COURT FOR POLK COUNTY
STATE OF IOWA EX. REL. JOHN P. SARCONE, POLK COUNTY ATTORNEY
IN THE INTEREST OF
T.H.
CHILD
JUVENILE NO. JVJV244840
ORIGINAL NOTICE AND NOTICE OF HEARING
TO: Any unknown and putative fathers with respect to this child.
You are hereby notified that there is on file in the office of the Clerk of Juvenile Court, a petition in the above entitled action, a copy of which is attached hereto. Said petition prays that the parent-child relationship existing between you and the above named children be terminated and that the Court make such findings and orders as may be in the child's best interest. For further particulars, see attached petition.
Pursuant to an Order of this Court entered of record you are hereby notified that the petition in the above entitled case has been set down for a TERMINATION OF PARENTAL RIGHTS HEARING BEFORE A JUDGE FOR JUVENILE COURT ON THE 11th of October, 2018 at 9:00AM. IN ROOM 210 OF THE POLK COUNTY JUSTICE CENTER, DES MOINES, IOWA.
You are further notified that unless you appear thereto and defend at the time and place identified above, that termination of parental rights may be decreed as prayed in said petition. You are further notified that you have the right to legal counsel and if you desire but are financially unable to employ a lawyer, one will and can be appointed by the Court, subject to your filing a financial affidavit to demonstrate proof of indigence.
WITNESS, the undersigned, Clerk of this Court, with the seal thereof, hereunto affixed at Des Moines, Iowa, in said County of Polk on the 24th day of August, 2018.
CLERK OF DISTRICT COURT
By Anne Sheeley
Deputy Clerk of Juvenile Court
STATE OF IOWA JUDICIARY
Case No. JVJV244840
County Polk
Case Title T.H.
THIS CASE HAS BEEN FILED IN A COUNTY THAT USES ELECTRONIC FILING.
Therefore, unless the attached Petition and Original Notice contains a hearing date for your appearance, or unless you obtain an exemption from the court, you must file your Appearance and Answer electronically.
You must register through the Iowa Judicial Branch website at http://www.iowacourts.state.ia.us/Efile and obtain a log in and password for the purposes of filing and viewing documents on your case and of receiving service and notices from the court.
FOR GENERAL RULES AND INFORMATION ON ELECTRONIC FILING, REFER TO THE IOWA COURT RULES CHAPTER 16 PERTAINING TO THE USE OF THE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM:
http://www.iowacourts.state.ia.us/Efile
FOR COURT RULES ON PROTECTION OF PERSONAL PRIVACY IN COURT FILINGS, REFER TO DIVISION VI OF IOWA COURT RULES CHAPTER 16:
http://www.iowacourts.state.ia.us/Efile
Scheduled Hearing:
If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at (515) 286-3394. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.)
Date Issued
08/24/2018 10:53:26 AM
District Clerk of Polk County
/s/ Brittany Knutson

IOWA DISTRICT COURT FOR POLK COUNTY
CASE NO. ESPR 073800
NOTICE OF APPOINTMENT OF ADMINISTRATOR AND NOTICE TO CREDITORS
IN THE MATTER OF THE ESTATE OF THUONG VAN NGUYEN,
Deceased
To All Persons Interested in the Estate of THUONG VAN NGUYEN, Deceased, who died on or about July 16, 2018:
You are hereby notified that on September 12, 2018, the undersigned was appointed administrator of the estate.
Notice is hereby given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur four months from the date of the second publication of this notice or one month from the date of the mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred.
Dated September 12, 2018.
Charles A. Walker, ICIS PIN: AT0008223
Attorney for the Administrator
Walker Law Office, P.S.
320 South 12th Street
Fort Dodge, IA 50501
Phuong Nguyen
Administrator of the Estate
103 62nd Street
West Des Moines, IA 50266
Date of Second Publication: September 25, 2018

IOWA DISTRICT COURT FOR POLK COUNTY
IN THE MATTER OF THE ESTATE OF MARY JANE SMITH
Deceased.
CASE NO. ESPR073814
NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF EXECUTOR, AND NOTICE TO CREDITORS
To All Persons Interested in the Estate of Mary Jane Smith, Deceased, who died on or about May 17, 2018
You are hereby notified that on September 12, 2018, the last will and testament of Mary Jane Smith, deceased, bearing date of November 26, 2012 was admitted to probate in the above named court and that West Bank was appointed executor of the estate. Any action to set aside the will must be brought in the district court of said county within the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred. Notice is further given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred.
Dated September 12, 2018
Date of second publication September 25, 2018
Thomas T. Torbox, #AT0007724
Attorney for the Executor
Law Office of Thomas T. Torbox, PC, 309
Court Avenue, Suite 240, Des Moines IA
50309
Executor of the Estate
West Bank
1601 22nd Street, West Des Moines, IA 50266
Probate Code Section 304
Designate Codicil(s) if any, with date(s).

Public Notice
Iowa Department of Natural Resources
The Iowa Department of Natural Resources (DNR) is requesting public comment on the State of Iowa's state implementation plan (SIP) for the national ambient air quality standards (NAAQS) for ozone.
Section 110(a) of the Clean Air Act requires states to adopt and submit a plan for the implementation, maintenance, and enforcement of each NAAQS within 3 years of promulgation to the U.S. Environmental Protection Agency (EPA). These plans are typically referred to as infrastructure SIPs.
The ozone NAAQS was revised by EPA on October 1, 2015. The level of the standard was lowered from 0.075 parts per million (ppm) to 0.070 ppm per 8-hour average concentration. The EPA's decision to tighten the standard was based upon the latest review of available scientific information linking health effects to ozone concentrations.
An electronic copy of the 2015 ozone infrastructure SIP may be viewed at www.iowacleanair.com, click on Public Participation, and select Public Input. Any person may make written comments on this proposed SIP revision on or before October 19, 2018. Written comments should be directed to Wendy Walker, Department of Natural Resources, Wallace State Office Building, 502 E 9th Street, Des Moines, IA 50319-0034, fax 515-725-9501, or by electronic mail to Wendy.Walker@dnr.iowa.gov.
A public hearing will be held on October 19, 2018, at 1:00 p.m. in conference room 2E at the Wallace State Office Building, 502 E 9th Street, Des Moines, IA 50319-0034. All comments must be received no later than October 19, 2018.
Anyone who intends to attend the public hearing and has special requirements such as those related to hearing or mobility impairments should contact Wendy Walker at 515-725-9570 to advise of any specific needs.
A responsiveness summary will be prepared by the Iowa DNR following the close of the public comment period. The responsiveness summary will include any written or oral comments received during the public participation process and the Iowa DNR's response to the comments. The completed responsiveness summary will be forwarded to EPA and made available to the public upon request.

PUBLIC NOTICE OF STORM WATER DISCHARGE
Altoona Investments, LLC, plans to submit a Notice of Intent to the Iowa Department of Natural Resources to be covered under the NPDES General Permit No. 2 Storm Water Discharge Associated with Construction Activities. The storm water discharge will be from Site Grading & Utility Installation located in SW 1/4, Section 13, Township 79N, Range 23W, Polk County. Storm water will be discharged from 2 point source and will be discharged to the following streams: Little Fourmile Creek.
Comments may be submitted to the Storm Water Discharge Coordinator, Iowa Department of Natural Resources, Environmental Protection Division, 502 E. 9th Street, Des Moines, IA 50319-0034. The public may review the Notice of Intent from 8 a.m. to 4:30 p.m., Monday through Friday, at the above address after it has been received by the department.

Summary of Proceedings
NORTH IOWA MUNICIPAL ELECTRIC COOPERATIVE ASSOCIATION
The Regular Meeting of the Board of Directors of the North Iowa Municipal Electric Cooperative Association was held at the NIMECA office, Humboldt, Iowa, on September 11, 2018 at 10:00 a.m.
The meeting was called to order by President Brad Honold. The roll was called, and the following Directors were present:
Pam Peton, Groettinger Steve Pick, Spencer
Brian Quirk, New Hampton Randy Tilk, Alta
Tim Duhrkopf, Sumner Craig Olson, West Bend
Brad Honold, Coon Rapids John Bijsten, Algona*
Adam Dickinson, Webster City*
*participated via telephone
Absent: Jeff Carson, Grundy Center; Eric Stoll, Milford; and Chad Cleveland, Laurens.
The following actions were unanimously approved:
• Tilk/Pick to approve the minutes of the August 17, 2018 Board of Directors meeting.
• Olson/Tilk to approve and file the Operations Reports for July 2018.
• Peton/Quirk to approve and file the Financial Reports for July 2018.
• Claims for August 2018 approved as part of the financial report: ABC Pest, $50.00; Ahlers Law, $5,437.37; Algona Municipal Utilities, $36,248.63; Alta Municipal Utilities, $15,683.16; Bancroft Municipal Utilities, $19,813.19; Bank of America, $99.20; Basin Electric, $165,575.15; City of Humboldt, $47.47; Coon Rapids Municipal Utilities, $63,542.21; Corn Belt Power Cooperative, $1,054,853.85; Des Moines Register, $59.04; Detrick Electric, $423.11; Emerald Hills, $388.06; Goldfield Access Network, $73.85; Graettinger Municipal Light Plant, $8,918.49; Greg Fritz, $70.00; Grundy Center Municipal Light, $35,199.60; Heartland Consumers Power District, $286,257.80; Kum & Go, $247.28; Laurens Municipal Power & Communications, $38,900.74; MidAmerican Energy Co, $33,532.07; Milford Municipal Utilities, $26,373.06; New Hampton Municipal Light Plant, $49,115.77; Reliance, $819.64; RESCO, $7,029.90; Sierra Vorland, $535.33; Spencer Municipal Utilities, $68,847.68; Southwest Power Pool, $357,116.32; Sumner Municipal Light Plant, $21,272.32; West Bend Municipal Utilities, $11,781.93; Associated Benefits Corp, $196.66; ING, $1,541.66; IPERS, $2,191.07; Salaries, $8,045.40; US Treasury, $7,479.56, Wellmark, $1,609.63.
/s/ Steve Nadel, Acting Secretary

THE IOWA DISTRICT COURT POLK COUNTY
CASE NO. ESPR073793
NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF EXECUTOR, AND NOTICE TO CREDITORS
IN THE MATTER OF THE ESTATE OF M. ELIZABETH SKEATE,
Deceased.
To All Persons Interested in the Estate of M. Elizabeth Skeate, Deceased, who died on or about August 22, 2018:
You are hereby notified that on September 4, 2018, the Last Will and Testament of M. Elizabeth Skeate, deceased, bearing date of October 2, 2002, was admitted to probate in the above named court and that John J. Skeate was appointed executor of the estate. Any action to set aside the will must be brought in the district court of said county within the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.
Notice is further given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred.
Dated September 4, 2018.
John J. Skeate Executor of Estate
16533 Horton Drive
Clive, IA 50325
Timothy C. Lynch, ICIS PIN No: AT00045 15 Attorney for Executor
Anderson Law Office
212 Winnebago Street, P.O. Box 450
Decorah, IA 52101
Date of second publication
16th of September 2018
Probate Code Section 304