

Iowa State Implementation Plan Revision

Replacing CAIR with CSAPR for Regional Haze and Addressing Infrastructure SIP Requirements for the 2006 PM_{2.5}, 2008 O₃, 2010 NO₂, 2010 SO₂, 2012 PM_{2.5}, and 2015 O₃ NAAQS

Final
May 13, 2019

Purpose

The Iowa Department of Natural Resources (DNR) is revising the March 2008 regional haze state implementation plan (SIP) to provide a basis for the U.S. Environmental Protection Agency (EPA) to approve the visibility transport (prong 4) element of Iowa's infrastructure SIPs for the 2006 fine particulate matter (PM_{2.5}), 2008 ozone (O₃), 2010 nitrogen dioxide (NO₂), 2010 sulfur dioxide (SO₂), 2012 PM_{2.5}, and 2015 O₃ national ambient air quality standards (NAAQS).

Background

Infrastructure SIPs are due within three years of any NAAQS revision and must address all elements under Clean Air Act (CAA) Section 110(a)(2). In separate actions, the Iowa DNR submitted infrastructure SIPs for the revisions to the 2006 PM_{2.5}, 2008 O₃, 2010 NO₂, 2010 SO₂, 2012 PM_{2.5}, and 2015 O₃ NAAQS. EPA has either approved, or is expected to approve, most aspects of those infrastructure SIPs, but has taken no action with respect to the interstate visibility impairment (prong 4)¹ component of Section 110(a)(2)(D)(i)(II).

The DNR addressed prong 4 in each of the aforementioned infrastructure SIPs by relying on the March 2008 regional haze SIP for the first regional haze planning period. As part of that regional haze SIP, the DNR relied on participation in the Clean Air Interstate Rule (CAIR) ([70 FR 25161](#), May 12, 2005) to satisfy Best Available Retrofit Technology (BART)² requirements, reasonable progress requirements, and aspects of the state's long-term strategy, as they relate to emissions of SO₂ and nitrogen oxides (NO_x) from electric generating units (EGUs).

On July 11, 2008, the U.S. Court of Appeals for the District of Columbia (D.C.) Circuit found CAIR unlawful (*North Carolina v. EPA*, 531 F.3d 896) and vacated the rule in its entirety. After considering EPA's subsequent petition for rehearing and related responses, the D.C. Circuit decided on December 23, 2008, to remand CAIR without vacatur because it found that "allowing CAIR to remain in effect until it is replaced by a rule consistent with our opinion would at least temporarily preserve the environmental values covered by CAIR" (*North Carolina v. EPA*, 550 F.3d 1176, 1178). Although Iowa's reliance on CAIR in the regional haze SIP was appropriate at the time of submittal, EPA could not approve this approach following the D.C. Circuit Court's rulings, and could not reasonably take any other action prior to fulfilling the court's remand.

¹ Section 110(a)(2)(D)(i) includes four distinct components, commonly referred to as "prongs," that states must address in their infrastructure SIPs. The first two prongs, which are codified in section 110(a)(2)(D)(i)(I), are provisions that prohibit any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (prong 1) or from 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), are provisions that prohibit emissions activity in one state from interfering with measures required to prevent significant deterioration of air quality in another state (prong 3) or from interfering with measures to protect visibility in another state (prong 4).

² At that time, 40 CFR 51.308(e)(4) provided that: "A State that chooses to meet the emission reduction requirements of [CAIR] by participating in...the EPA-administered CAIR trading programs...need not require BART—eligible EGUs...to install, operate, and maintain BART for [SO₂ and NO_x]..." The DNR used this approach and had adopted, according to the provisions of 567 IAC 34, the CAIR regulations as contained in the applicable subparts of 40 CFR 96.

On August 8, 2011 ([76 FR 48207](#)) EPA promulgated the Cross-State Air Pollution Rule (CSAPR, or the Transport Rule) as the replacement for CAIR. EPA later issued a limited disapproval of Iowa's March 2008 regional haze SIP for its reliance on CAIR ([77 FR 33642](#), June 7, 2012) and simultaneously issued a federal implementation plan (FIP) for the disapproved portion. In that action, EPA determined that the trading programs established in accordance with CSAPR as set forth in 40 CFR 52.38 and 40 CFR 52.39 were an acceptable alternative to BART for EGUs and could be part of satisfying aspects of the state's long-term strategy.³ The remainder of the regional haze plan was approved on June 26, 2012 ([77 FR 38006](#)).

Through its analyses and actions, EPA has determined that participation in CSAPR is a suitable approach for satisfying aspects of the state's regional haze SIP, just as participation in CAIR was previously a viable option. However, the state has not yet revised its 2008 regional haze SIP to show that Iowa is relying on CSAPR, rather than CAIR. Such a revision is a necessary first step to allow EPA to consider fully approving the prong 4 element of each infrastructure SIP identified above.

Requested SIP Revisions

Iowa participates in the CSAPR trading program for SO₂ and NO_x pursuant to a FIP codified at 40 CFR 52.840–841, and is choosing to rely on such participation in lieu of requiring affected BART-eligible EGUs to install, operate, and maintain source-specific BART for SO₂ and NO_x emissions, pursuant to 40 CFR 51.308(e)(4). Iowa is also choosing to rely on CSAPR to satisfy the reasonable progress requirements for these EGUs, and as part of the long-term strategy for the first regional haze planning period. Based on this submission, which relies on CSAPR pursuant to those purposes, the Iowa DNR requests that EPA fully approve Iowa's regional haze SIP as meeting all applicable requirements.

In conjunction with EPA's full approval of Iowa's regional haze SIP revision, the Iowa DNR requests that EPA approve the prong 4 element for the state's infrastructure SIPs for the 2006 PM_{2.5}, 2008 O₃, 2010 NO₂, 2010 SO₂, 2012 PM_{2.5}, and 2015 O₃ NAAQS revisions. This request conforms with EPA's September 13, 2013, *Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)*, as one way in which prong 4 may be satisfied for any relevant NAAQS is through an air agencies' confirmation that it has an approved regional haze SIP that fully meets the requirements of 40 CFR 51.308.

Administrative Materials and Public Participation

The submittal of this SIP revision complies with the applicable procedural elements, criteria, and conditions of Subpart F and Appendix V of 40 CFR 51.

Legal Authority

The DNR has the necessary legal authority under state statute to adopt and implement this plan. The DNR is the regulatory agency with primary responsibility for outdoor air quality permitting and compliance activities in the State of Iowa. The DNR's authority is set forth in chapter 455B of the Iowa Code and implemented through 567 Iowa Administrative Code (IAC) Chapters 10 and 20-35, and 561 IAC Chapters 2 and 7. The DNR followed all procedural requirements in state law in conducting and completing the adoption of this plan.

Federal Land Manager Consultation

Regional haze plan revisions are subject to the Federal Land Manager (FLM) consultation requirements in 40 CFR 51.308(i), as revised on January 10, 2017 ([82 FR 3078](#)). Among other requirements, the state must provide the FLMs with an opportunity for consultation, in person at a point that is early enough to satisfy the applicable provisions of 40 CFR 51.308(i)(2). The opportunity for consultation must be provided no less than 60 days prior to a public hearing or other public comment opportunity.

³ Subsequently, on September 29, 2017, EPA affirmed the continued validity of the 2012 determination even with the changes to CSAPR's geographic scope ([82 FR 45481](#)).

The DNR sent the draft SIP revision to the FLMs on February 28, 2019, and provided an opportunity for in-person consultation. Those actions preceded the public hearing by 60 days. No comments were received from the FLMs. The DNR satisfied the FLM consultation requirements for this SIP revision.

Evidence of Public Notice & Public Hearing Certification

The 32 day public comment period ran from March 29, 2019, through April 29, 2019, with notice published in both the printed and online versions of *The Des Moines Register* (proof of publication is provided below). That notice, and the State of Iowa Public Meeting Calendar, each announced the public hearing that was held on April 29, 2019.

Response to Comments

No comments were received at the public hearing or during the public comment period.



STATE OF IOWA/DNR
502 E 9TH ST

DES MOINES IA 503195005

AFFIDAVIT OF PUBLICATION

State of Wisconsin

County of Brown, ss.:

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THE DES MOINES REGISTER

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0003452353	3/29/19	03/27/19, 03/29/19	\$55.21

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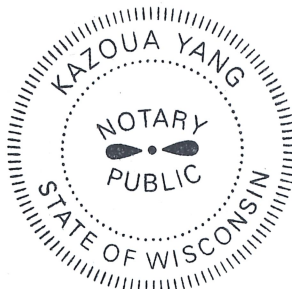
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**Public Notice
Iowa Department of Natural
Resources**

The Iowa Department of Natural Resources (DNR) is requesting public comment on a proposed revision to the State of Iowa's initial regional haze state implementation plan (SIP). The DNR proposes to revise the SIP to rely on the Cross State Air Pollution Rule (CSAPR), instead of the Clean Air Interstate Rule (CAIR), as an alternative to Best Available Retrofit Technology (BART), and to address other requirements for the first regional haze planning period. Subsequent to the full approval of the regional haze SIP, the DNR requests that EPA approve the visibility transport ("prong 4") element of Clean Air Act section 110(a)(2)(D)(i)(II) for Iowa's infrastructure SIPs for the 2006 fine particulate matter (PM2.5), 2008 ozone (O3), 2010 nitrogen dioxide (NO2), 2010 sulfur dioxide (SO2), 2012 PM2.5, and 2015 O3 national ambient air quality standards (NAAQS).

An electronic copy of the requested SIP revision maybe be viewed at www.iowadnr.gov/airpublicinput, under the Public Input section. The SIP can also be accessed by going to www.iowacleanair.gov, clicking on the Public Participation title on the left menu, and scrolling to Public Input. A copy is also available for public inspection at the Iowa DNR - Air Quality Bureau office located within the Wallace State Office Building at 502 E. 9th Street, Des Moines, Iowa 50319.

The public comment period for this proposed SIP revision will be from Friday, March 29, 2019, to Monday, April 29, 2019. All comments must be received by 4:30 p.m. on April 29, 2019. Direct written comments to Matthew Johnson, Iowa DNR - Air Quality Bureau, Wallace State Office Building, 502 E. 9th St., Des Moines, IA 50319, or by fax to 515-725-9501, or by electronic mail to Matthew.Johnson@dnr.iowa.gov.

A public hearing will be held on April 29, 2019, at 2:00 p.m. in DNR conference room 2E in the Wallace State Office Building, 502 E. 9th St., Des Moines, IA 50319. Please check in at the Air Quality Bureau information desk on the 2nd floor. Any person who intends to attend the public hearing and has special requirements such as those related to hearing or mobility impairments should contact Matthew Johnson at 515-725-9554 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.

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