



**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 70**

**[EPA-R07-OAR-2024-0064; FRL-11722-01-R7]**

**Air Plan Approval; Iowa; State Implementation Plan and State  
Operating Permits Program**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve revisions to the Iowa State Implementation Plan (SIP) and the Operating Permit Program for the State of Iowa. The revisions update incorporations by reference to EPA methods for performance testing (stack testing), update the definitions, and adopt the most recent National Ambient Air Quality Standards (NAAQS) for ozone. These revisions do not impact the stringency of the SIP or have an adverse effect on air quality. The EPA's proposed approval of this rule revision is being done in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** Comments must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**ADDRESSES:** You may send comments, identified by Docket ID No. EPA-R07-OAR-2024-0064 to <https://www.regulations.gov>. Follow the online instructions for submitting comments.

*Instructions:* All submissions received must include the Docket ID No. for this rulemaking. Comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on

sending comments and additional information on the rulemaking process, see the "Written Comments" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Bethany Olson, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551-7905; email address: olson.bethany@epa.gov.

**SUPPLEMENTARY INFORMATION:** Throughout this document "we," "us," and "our" refer to the EPA.

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## **I. Written Comments**

Submit your comments, identified by Docket ID No. EPA-R07-OAR-2024-0064, at <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official

comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

## **II. What is Being Addressed in this Document?**

The EPA is proposing to approve revisions to the Iowa SIP and the Operating Permits Program received on March 29, 2023. The revisions incorporate recent changes to Iowa Administrative Code. The following chapters are impacted:

- Chapter 20, "Scope of Title - Definitions;"
- Chapter 22, "Controlling Pollution;"
- Chapter 25, "Measurement of Emissions;" and
- Chapter 28, "Ambient Air Quality Standards."

The revisions update incorporations by reference to EPA methods for performance testing (stack testing) and adopt the most recent National Ambient Air Quality Standards (NAAQS) for ozone. EPA proposes to find that these revisions meet the requirements of the Clean Air Act, do not impact the stringency of the SIP, and do not adversely impact air quality. The full text of these changes can be found in the State's submission, which is included in the docket for this action.

Sections 111 and 112 of the Clean Air Act (CAA) allow EPA

to delegate authority to states for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs). EPA has delegated authority to Iowa for approved portions of these sections of the CAA. Changes made to Iowa's Chapter 23 pertaining to new and revised NSPS and NESHAPs are not directly approved into the SIP, but rather, are adopted by reference. Thus, EPA is not proposing to approve the changes to Chapter 23 of the Iowa Administrative Code into the state's SIP.

### **III. What SIP Revisions are being Proposed by EPA?**

The EPA is proposing the following revisions to the Iowa SIP:

Chapter 20, Subrule 20.2, Scope of Title-Definitions: The state revised the definition of "EPA reference method" to adopt the most current performance test (stack test) method as specified in 40 CFR part 60, appendix A and amended or corrected through February 16, 2021. The proposed update will ensure that state reference methods are equivalent to Federal reference methods; thus, EPA proposes to approve this change.

Chapter 25, Subrule 25.1(9), Testing and Sampling of New and Existing Equipment: As discussed above, the State similarly revised subrule 25.1(9), "Methods and Procedures," to adopt the performance test (stack test) methods as specified in 40 CFR part 60, appendix A and amended or corrected through February 16, 2021. The proposed update will ensure that state reference methods are equivalent to Federal reference methods; thus, EPA

proposes to approve this change.

Chapter 28, Subrule 28.1, State-wide Standards: The state revised subrule 28.1, to adopt the most current national primary and secondary ambient air quality standards for ozone as specified in 40 CFR part 50 and amended at 80 FR 65291-65468 (October 26, 2015).

#### **IV. What Operating Permit Plan Revisions are being Proposed by EPA?**

The EPA is proposing to approve the following revision to the Operating Permit Program:

Chapter 22, subrule 22.100(455B), Definitions for Title V Operating Permits: The state revised the definition of "EPA reference method" to adopt the most current performance test (stack test) method as specified in 40 CFR part 60, appendix A and amended or corrected through February 16, 2021. The state also revised the definition of "Hazardous air pollutant" to add the chemical 1-bromopropane, CAS#106-94-5, to the list of hazardous air pollutants. This revision is consistent with the most current list of hazardous air pollutants at 40 CFR part 63, subpart C. The proposed updates will ensure consistency between federal and state regulations; thus, EPA proposes to approve this change.

#### **V. Have the Requirements for Approval of a SIP and the Operating Permit Plan Revisions Been Met?**

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The

submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from November 22, 2022, to December 5, 2022, and held a public hearing on December 5, 2022. The State received no comments. In addition, as explained above, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

#### **VI. What Action is the EPA Taking?**

We are processing this as a proposed action because we are soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

#### **VII. Incorporation by Reference**

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Iowa rules 567-20.2, Definitions, which provides definitions for air quality regulations; 567-25.1, Testing and Sampling of New and Existing Equipment, which regulates testing and sampling of equipment; 567-28.1, State-wide Standards, which regulates ambient air quality standards; and 22.100, Definitions for Title V Operating Permits, which provides definitions for state operating permits. The state effective date of these rules is March 15, 2023. The EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA Region 7 Office

(please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

### **VIII. Statutory and Executive Order Reviews**

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 14094 (88 FR 21879, April 11, 2023);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address "disproportionately high and adverse human health or environmental effects" of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. EPA defines environmental justice (EJ) as "the fair treatment and meaningful involvement of all people regardless of race, color, national

origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies." EPA further defines the term fair treatment to mean that "no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies."

The Iowa Department of Natural Resources did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

## **List of Subjects**

### *40 CFR Part 52*

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

### *40 CFR Part 70*

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

**Dated:** February 12, 2024.

**Meghan A. McCollister,**  
*Regional Administrator,*  
*Region 7.*

For the reasons stated in the preamble, the EPA proposes to amend 40 CFR parts 52 and 70 as set forth below:

**PART 52--APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

**Subpart Q-Iowa**

2. In § 52.820, the table in paragraph (c) is amended by revising the entries "567-20.2," "567-25.1," and "567-28.1" to read as follows:

**§ 52.820 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

**EPA-Approved Iowa Regulations**

Iowa citation	Title	State effective date	EPA approval date	Explanation
Iowa Department of Natural Resources Environmental Protection Commission [567]				
Chapter 20--Scope of Title-Definitions				
* * * * *				
567-20.2	Definitions	3/15/2022	[Date of publication of the final rule in the Federal Register], [Federal Register citation of the final rule]	The definitions for "anaerobic lagoon," "odor," "odorous substance," "odorous substance source" are not SIP approved.
* * * * *				
Chapter 25--Measurement of Emissions				
567-25.1	Testing and Sampling of New and Existing Equipment	3/15/2023	[Date of publication of the final rule in the Federal Register], [Federal Register citation of the final rule]	
* * * * *				
Chapter 28--Ambient Air Quality Standards				
567-28.1	Statewide standards	3/15/2023	[Date of publication of the final rule in the Federal	

Iowa citation	Title	State effective date	EPA approval date	Explanation
			Register], [Federal Register citation of the final rule]	
* * * * *				

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**PART 70-STATE OPERATING PERMIT PROGRAMS**

3. The authority citation for part 70 continues to read as follows:

**Authority:** 42 U.S.C. 7401, *et seq.*

4. Appendix A to part 70 is amended by adding paragraph (z) under "Iowa" to read as follows:

**Appendix A to Part 70--Approval Status of State and Local Operating Permits Programs**

\* \* \* \* \*

**Iowa**

\* \* \* \* \*

(z) The Iowa Department of Natural Resources submitted for program approval revisions to rule 567-22.100 on March 29, 2023. The state effective date is March 15, 2023. The proposed revision effective date is **[DATE 30 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE FEDERAL REGISTER]**.

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