

Date: June 16, 2009

To: Linn County Board of Health

From: James Hodina, Supervisor, Air Quality Division

Subject: General Rulemaking: Revisions to the Linn County Code of Ordinances

Pursuant to our 28E Agreement with the Iowa DNR, Linn County is required to keep the Linn County Code of Ordinances current with changes in Federal and State regulations. The Air Quality Division has prepared a mark-up copy showing the required changes and is providing this to the Board of Health is being provided in electronic format. These changes include the ordinance revision approved by the BOH at the May meeting for Residential Heaters (e.g. Outdoor Wood Boilers). Additional proposed LCCO revisions reflect updates to the Iowa Administrative Code, Chapter 567, and the Code of Federal Regulations, Title 40 summarized as follows:

1. Updated appropriate references and date of the Code of Federal Regulations and Iowa Administrative Codes for air quality throughout the LCCO.
2. Updates to LCCO Chapter 10 Definitions for
 - “EPA reference method,”
 - “Major modification,”
 - “Significant,” and
 - “Volatile organic compound.”
3. Updates to Chapter 10.5, Locally Required Permits regarding
 - Paragraph 6. Transfer of permits: Allows transference of permits for portable equipment.
 - Paragraph 9. Exemptions:
 - Subparagraph k) Retail gasoline and diesel fuel handling facilities are now subject to new federal regulations that subject them to emission standards. As these units now have applicable federally enforceable requirements they no longer can qualify for this exemption. Linn County (as is the state) will require a registration permit for these sources certifying that they meet the federal regulatory requirements.
 - Subparagraph o) Stationary internal combustion engines are now subject to new federal regulations that subject them to emission standards. As these units now have applicable federally enforceable requirements they no longer can qualify for this exemption. Linn County (as is the state) will require a registration permit for these sources certifying that they meet the federal regulatory requirements.
4. Updates to the following paragraphs of Chapter 10.9 Emissions Standards
 - Paragraph 2. New Source Performance Standards
 - Removed references to Federal New Source Performance Standards for mercury emissions from electric utilities that have been vacated by the courts.
 - Added references for newly promulgated New Source Performance Standards for:
 - Compressions Ignition Internal Combustion Engines
 - Stationary Spark Ignition Internal Combustion Engines

- Paragraph 4
 - Rescind the prior adoption of National Emission Standards for Hazardous Air Pollution for Industrial, Institutional, and Commercial Boilers and Brick and Structural Clay Products Manufacturing as these federal regulations has been vacated by the courts.
 - Added language adopting by reference the National Emission Standards for Hazardous Air Pollution for:
 - Hospital Ethylene Oxide Sterilizer Area Sources
 - Electric Arc Furnace Steelmaking Area Sources
 - Iron and Steel Foundry Area Sources
 - Gasoline Distribution Area Sources: Bulk Terminals, Bulk Plants and Pipeline Facilities
 - Emission Standards for Hazardous Air Pollutants for Area Sources: Paint Stripping and Miscellaneous Surface Coating Operations
 - Clay Ceramics Manufacturing Area Sources
 - Glass Manufacturing area sources
 - Secondary Nonferrous Metals Processing Area Sources
 - Area Sources: Plating and Polishing
 - Area Sources: Metal Fabrication and Finishing

- 5. Update to Chapter 10.15 Variances
 - Paragraph 3 was added adopting a recent Iowa Administrative Code revision providing a standing 10-day variance for temporary electricity generation for disaster situations.

- 6. Update to Chapter 10.17 Testing and Sampling of New and Existing Equipment
 - Paragraph 7 was modified to clarify that test results are not valid unless proper notification and testing protocols are submitted and approved by the Department beforehand.