

Linn County Public Health - Air Quality Division

The Linn County Public Health Air Quality Division (Linn County) is providing air quality construction and registration permit enforcement discretion in recognition of the extraordinary circumstances facing the county following the high winds and storm damage received on Monday, August 10, 2020. Linn County staff are currently not available to process permit applications and therefore Linn County will exercise its enforcement discretion through Sunday, August 16, 2020, regarding the provisions of Authorization to Install / Permit to Operate, contained in Linn County Code of Ordinances, Chapter 10, Article III, Section 10-58, "Permits for new or existing stationary sources" for emergency generators.

If persons and regulated entities meet the following criteria and adhere to the applicable directives, Linn County will exercise its enforcement discretion by allowing construction and operation of emergency generator sources prior to issuance of required construction or registration permits.

This discretion does not apply to sources subject to the Prevention of Significant Deterioration (PSD) program permitting requirements. All PSD requirements, including the requirement to obtain preconstruction permits, must continue to be followed per 567 Iowa Administrative Code Chapter 33. PSD provisions and prohibitions will remain applicable until a proposed project legally obtains PSD synthetic minor status (i.e., obtains permitted limits which limit the source below the PSD thresholds). Furthermore, this discretion strictly applies to emergency generator sources.

Criteria that must be met for construction and operation:

New, reconstructed, or modified sources may initiate construction and operation prior to issuance of construction permits by Linn County if they meet all of the following requirements:

- (1) The proposed project is not subject to the Prevention of Significant Deterioration (PSD) program requirements as specified in 567 IAC Chapter 33;
- (2) The applicant has submitted a construction permit application to Linn County as specified in Section 10-58 (b) and 10-58 (c);
- (3) If modeling is required per Form MD (Non-PSD Modeling Determination Form) the applicant must complete the modeling and submit a model with the construction permit application that demonstrates the project will not cause or contribute to any predicted exceedances of the applicable National Ambient Air Quality Standard (NAAQS);
- (4) The applicant must assume any liability for construction conducted on a source before the permit is issued;
- (5) The applicant must keep sufficient records to demonstrate it can meet emission limits and operating conditions proposed in construction permit applications for the purposes of establishing federally enforceable limits on the source's potential to emit (i.e. limits to avoid major source status for Title V, NESHAP, or limits associated with air quality modeling);
- (6) The applicant will be required to comply with all applicable federal requirements (i.e., NSPS or NESHAP), including reporting requirements;
- (7) The applicant will be required to make any modification to the source that may be imposed in the issued construction permit;
- (8) The applicant shall notify Linn County of the date that construction and operation actually started for each emission source; and
- (9) The applicant must complete and sign the certification statement below and submit this form with the construction permit application.

Certification: *I certify that based on information and belief formed after reasonable inquiry that the facility has the ability to and will comply with all the requirements of this enforcement discretion protocol.*

Facility Name: _____ Facility Number: _____

Responsible Official Name: _____

Responsible Official Signature

Date
