

**DNR REGULATORY AGENDA FOR SFY 2008
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action

Air Quality Permitting Rules for Grain Elevators

Rule Chapter(s) that may be involved

567 IAC Chapters 20, 22, 23

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The purpose of these rule changes will be to establish new air quality rules for grain elevators and feed mills. The rulemaking will add a new rule 567—22.10(455B) with special requirements for these facilities. This rule will define each type of facility, and also specify for each type of facility the permitting options, emissions calculation methodology, emissions reporting and record keeping, and best management practices for controlling air pollution. A new particulate matter emission standard will also be established for bin vents located at country grain elevators through amendments to subrule 23.4(7).

Costs: There will be no cost to the state. Costs to grain elevator facilities will depend on the level of PM10 emissions. Facility owners and operators will be required to complete a registration form, grain elevator specific permit application, or a standard construction permit application depending on the level of facility-wide PM10 emissions. All grain elevator owners and operators will be required to implement Best Management Practices (BMP) to minimize the impact of particulate matter emissions from the facility and comply with the fugitive dust requirements of 567 IAC 23.3(2)"c." Basic BMP requirements will apply to all grain elevators but additional controls and operating restrictions may be necessary for facilities with higher PM10 emissions.

Benefits: Reduced off-property impacts due to emissions of fugitive dust from grain elevators, compliance with applicable state and federal regulations.

Legal Basis

(Include whether action is required by statute or court order)

This action is intended to implement Iowa Code section 455B.133.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Few grain elevators in the state have obtained the construction permits required in subrule 22.1(1) due to previous legislative actions. This rulemaking will establish a streamlined mechanism for permitting grain elevators in a manner similar to that of surrounding states. Regardless of the individual grain elevator's emissions, the Department will require that an owner or operator of a grain elevator apply BMP and comply with the fugitive dust standard. The Department will also require that an owner or operator of a grain elevator comply with the emissions controls specified in required construction permits. Application of BMP and the emissions control specified in the required construction permits will serve to protect the ambient air, and will minimize the impact of emissions from each facility.

**Other Affected/Interested
Rule Making Authorities**

EPA, Iowa Department of Economic Development, Emergency Management Division, Professional Licensure Division, DPS, DOT

**Potential Public Groups
Impacted**

Agribusiness Association of Iowa, National Feed and Grain Association,
Corn and Soybean Producers.

Schedule:

(Actions & month/year)

EPC informational item by July 2007
Notice of Intended Action to be filed by August 2007
Public hearings in September and October 2007
Final rule to EPC by November 2007

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