

Sexton
Miller
Kibbie

SSB-1161

Natural Resources

Succeeded By

SENATE FILE ONE 410

BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
ENVIRONMENT BILL BY
CHAIRPERSON SEXTON)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the application of certain air quality
2 requirements to indoor emission units or air contaminant
3 sources.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 455B.131, Code 2001, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 6A. "Indoor source" means any emission
4 unit or air contaminant source which is not directly vented or
5 directly exhausted to the outside atmosphere. "Indoor source"
6 includes, without limitation, any air exchange through general
7 ventilation, windows, doors, and cracks.

8 Sec. 2. Section 455B.133, subsection 6, Code 2001, is
9 amended to read as follows:

10 6. a. Require, by rules, notice of the construction of
11 any air contaminant source, other than an indoor source, which
12 may cause or contribute to air pollution, and the submission
13 of plans and specifications to the department, or other
14 information deemed necessary, for the installation of air
15 contaminant sources and related control equipment. The rules
16 shall allow the owner or operator of a major stationary source
17 to elect to obtain a conditional permit in lieu of a
18 construction permit. The rules relating to a conditional
19 permit for an electric power generating facility subject to
20 chapter 476A and other major stationary sources shall allow
21 the submission of engineering descriptions, flow diagrams and
22 schematics that quantitatively and qualitatively identify
23 emission streams and alternative control equipment that will
24 provide compliance with emission standards. Such rules shall
25 not specify any particular method to be used to reduce
26 undesirable levels of emissions, nor type, design, or method
27 of installation of any equipment to be used to reduce such
28 levels of emissions, nor the type, design, or method of
29 installation or type of construction of any manufacturing
30 processes or kinds of equipment, nor specify the kind or
31 composition of fuels permitted to be sold, stored, or used
32 unless authorized by subsection 4 of this section.

33 b. The commission may give technical advice pertaining to
34 the construction or installation of the equipment or any other
35 recommendation.

1 c. A notice or construction permit shall not be required
2 pursuant to this section for any indoor source.

3 d. A notice or construction permit shall not be required
4 to be issued pursuant to this section for any emission unit
5 placed into service before the effective date of this Act
6 which would have been an indoor source if placed into service
7 on or after that date.

8 Sec. 3. Section 455B.134, subsection 3, paragraph a, Code
9 2001, is amended to read as follows:

10 a. No An air contaminant source, other than an indoor
11 source, shall not be installed, altered so that it
12 significantly affects emissions, or placed in use unless a
13 construction or conditional permit has been issued for the
14 source. A permit shall not be required to be issued pursuant
15 to this section for any emission unit placed in service before
16 the effective date of this Act which would have been an indoor
17 source if placed into service on or after that date.

18 Sec. 4. Section 455.134, subsection 3, Code 2001, is
19 amended by adding the following new paragraph:

20 NEW PARAGRAPH. g. The department shall not establish any
21 permit, registration, licensing, preconstruction notification,
22 or recordkeeping requirements for indoor sources. However,
23 this paragraph shall not limit the authority of the department
24 to implement any of the following:

25 (1) The emission limitations adopted by the administrator
26 of the United States environmental protection agency under
27 section 111 or 112 of the federal Clean Air Act.

28 (2) The maximum achievable control technologies required
29 pursuant to Title V of the federal Clean Air Act Amendments of
30 1990.

31 (3) The prevention of significant deterioration
32 regulations adopted by the administrator of the United States
33 environmental protection agency under the federal Clean Air
34 Act, 42 U.S.C. § 74-79.

35 Sec. 5. Section 455B.135, Code 2001, is amended to read as

1 follows:

2 455B.135 LIMIT ON AUTHORITY.

3 ~~Nothing-contained-in-this-division~~ Division II shall not be
4 deemed to grant to the department or the director any
5 authority or jurisdiction with respect to air pollution
6 existing solely within residences; or solely within commercial
7 and industrial plants, works, or shops under the jurisdiction
8 of chapters 88 and 91; or indoor sources; or to affect the
9 relations between employers and employees with respect to, or
10 arising out of, any condition of air pollution.

11 EXPLANATION

12 This bill relates to the application of certain air quality
13 requirements to indoor sources. The bill defines "indoor
14 source" as any emission unit or air contaminant source which
15 is not directly vented or directly exhausted to the outside
16 atmosphere which includes, without limitation, any air
17 exchange through general ventilation, windows, doors, and
18 cracks.

19 The bill provides that indoor sources and indoor sources
20 that would have qualified as an indoor source and were placed
21 into service prior to the effective date of the bill are not
22 subject to certain notices of construction and other related
23 requirements which are required for other air contaminant
24 sources.

25 The bill provides that the department of natural resources
26 shall not establish any permit, registration, licensing,
27 preconstruction notification, or recordkeeping requirements
28 for indoor sources. The bill provides that the prohibition
29 shall not limit the department's authority to implement the
30 emission limitations adopted by the United States
31 environmental protection agency under the federal Clean Air
32 Act, the maximum achievable control technologies required
33 pursuant to the federal Clean Air Act Amendments of 1990, and
34 the prevention of significant deterioration regulations
35 adopted by the United States environmental protection agency

1161

1 under the federal Clean Air Act.

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RECEIVED

FILED MAR 8 '01

SENATE FILE 410
BY COMMITTEE ON NATURAL RESOURCES
AND ENVIRONMENT

(SUCCESSOR TO SSB 1161)

Passed Senate, Date ^(P. 813) 3-26-01 Passed House, Date ^(P. 1130) 4-10-01
Vote: Ayes 47 Nays 0 Vote: Ayes 78 Nays 21
Approved May 7, 2001
Utah

A BILL FOR

1 An Act relating to the application of certain air quality
2 requirements to indoor emission units or air contaminant
3 sources.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF 410

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3 NEW SUBSECTION. 6A. "Indoor source" means any emission
4 unit or air contaminant source which is not directly vented or
5 directly exhausted to the outside atmosphere. "Indoor source"
6 includes, without limitation, any air exchange through general
7 ventilation, windows, doors, and cracks.

8 Sec. 2. Section 455B.133, subsection 6, Code 2001, is
9 amended to read as follows:

10 6. a. Require, by rules, notice of the construction of
11 any air contaminant source, other than an indoor source, which
12 may cause or contribute to air pollution, and the submission
13 of plans and specifications to the department, or other
14 information deemed necessary, for the installation of air
15 contaminant sources and related control equipment. The rules
16 shall allow the owner or operator of a major stationary source
17 to elect to obtain a conditional permit in lieu of a
18 construction permit. The rules relating to a conditional
19 permit for an electric power generating facility subject to
20 chapter 476A and other major stationary sources shall allow
21 the submission of engineering descriptions, flow diagrams and
22 schematics that quantitatively and qualitatively identify
23 emission streams and alternative control equipment that will
24 provide compliance with emission standards. Such rules shall
25 not specify any particular method to be used to reduce
26 undesirable levels of emissions, nor type, design, or method
27 of installation of any equipment to be used to reduce such
28 levels of emissions, nor the type, design, or method of
29 installation or type of construction of any manufacturing
30 processes or kinds of equipment, nor specify the kind or
31 composition of fuels permitted to be sold, stored, or used
32 unless authorized by subsection 4 of this section.

33 b. The commission may give technical advice pertaining to
34 the construction or installation of the equipment or any other
35 recommendation.

1 c. A notice or construction permit shall not be required
2 pursuant to this section for any indoor source.

3 d. A notice or construction permit shall not be required
4 to be issued pursuant to this section for any emission unit
5 placed into service before the effective date of this Act
6 which would have been an indoor source if placed into service
7 on or after that date.

8 Sec. 3. Section 455B.134, subsection 3, paragraph a, Code
9 2001, is amended to read as follows:

10 a. ~~No~~ An air contaminant source, other than an indoor
11 source, shall not be installed, altered so that it
12 significantly affects emissions, or placed in use unless a
13 construction or conditional permit has been issued for the
14 source. A permit shall not be required to be issued pursuant
15 to this section for any emission unit placed in service before
16 the effective date of this Act which would have been an indoor
17 source if placed into service on or after that date.

18 Sec. 4. Section 455B.134, subsection 3, Code 2001, is
19 amended by adding the following new paragraph:

20 NEW PARAGRAPH. g. The department shall not establish any
21 permit, registration, licensing, preconstruction notification,
22 or recordkeeping requirements for indoor sources. However,
23 this paragraph shall not limit the authority of the department
24 to implement any of the following:

25 (1) The emission limitations adopted by the administrator
26 of the United States environmental protection agency under
27 section 111 or 112 of the federal Clean Air Act.

28 (2) The maximum achievable control technologies required
29 pursuant to Title V of the federal Clean Air Act Amendments of
30 1990.

31 (3) The prevention of significant deterioration
32 regulations adopted by the administrator of the United States
33 environmental protection agency under the federal Clean Air
34 Act, 42 U.S.C. § 74-79.

35 Sec. 5. Section 455B.135, Code 2001, is amended to read as

1 follows:

2 455B.135 LIMIT ON AUTHORITY.

3 ~~Nothing-contained-in-this-division~~ Division II shall not be
4 deemed to grant to the department or the director any
5 authority or jurisdiction with respect to air pollution
6 existing solely within residences; or solely within commercial
7 and industrial plants, works, or shops under the jurisdiction
8 of chapters 88 and 91; or indoor sources; or to affect the
9 relations between employers and employees with respect to, or
10 arising out of, any condition of air pollution.

11 EXPLANATION

12 This bill relates to the application of certain air quality
13 requirements to indoor sources. The bill defines "indoor
14 source" as any emission unit or air contaminant source which
15 is not directly vented or directly exhausted to the outside
16 atmosphere which includes, without limitation, any air
17 exchange through general ventilation, windows, doors, and
18 cracks.

19 The bill provides that indoor sources and indoor sources
20 that would have qualified as an indoor source and were placed
21 into service prior to the effective date of the bill are not
22 subject to certain notices of construction and other related
23 requirements which are required for other air contaminant
24 sources.

25 The bill provides that the department of natural resources
26 shall not establish any permit, registration, licensing,
27 preconstruction notification, or recordkeeping requirements
28 for indoor sources. The bill provides that the prohibition
29 shall not limit the department's authority to implement the
30 emission limitations adopted by the United States
31 environmental protection agency under the federal Clean Air
32 Act, the maximum achievable control technologies required
33 pursuant to the federal Clean Air Act Amendments of 1990, and
34 the prevention of significant deterioration regulations
35 adopted by the United States environmental protection agency

1 under the federal Clean Air Act.

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SENATE FILE 410

S-3228

1 Amend Senate File 410 as follows:

2 1. Page 1, line 5, by inserting after the word
3 "atmosphere" the following: "and is not located
4 within an animal feeding operation as defined in
5 section 455B.161, subsection 4".

6 2. Page 2, by inserting after line 7 the
7 following:

8 "e. (1) Notwithstanding paragraph "a" and section
9 455B.135, the department may do both of the following:

10 (a) Establish a permit by rule procedure that
11 allows a facility to establish emission limits for
12 indoor sources.

13 (b) Issue construction permits for indoor sources
14 if requested by a facility.

15 (2) This paragraph "e" shall not be construed to
16 grant the department any authority to require a
17 construction permit for indoor sources."

By MIKE SEXTON

S-3228 FILED MARCH 26, 2001

ADOPTED (P. 813)

1 Section 1. Section 455B.131, Code 2001, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 6A. "Indoor source" means any emission
4 unit or air contaminant source which is not directly vented or
5 directly exhausted to the outside atmosphere and is not
6 located within an animal feeding operation as defined in
7 section 455B.161, subsection 4. "Indoor source" includes,
8 without limitation, any air exchange through general
9 ventilation, windows, doors, and cracks.

10 Sec. 2. Section 455B.133, subsection 6, Code 2001, is
11 amended to read as follows:

12 6. a. Require, by rules, notice of the construction of
13 any air contaminant source, other than an indoor source, which
14 may cause or contribute to air pollution, and the submission
15 of plans and specifications to the department, or other
16 information deemed necessary, for the installation of air
17 contaminant sources and related control equipment. The rules
18 shall allow the owner or operator of a major stationary source
19 to elect to obtain a conditional permit in lieu of a
20 construction permit. The rules relating to a conditional
21 permit for an electric power generating facility subject to
22 chapter 476A and other major stationary sources shall allow
23 the submission of engineering descriptions, flow diagrams and
24 schematics that quantitatively and qualitatively identify
25 emission streams and alternative control equipment that will
26 provide compliance with emission standards. Such rules shall
27 not specify any particular method to be used to reduce
28 undesirable levels of emissions, nor type, design, or method
29 of installation of any equipment to be used to reduce such
30 levels of emissions, nor the type, design, or method of
31 installation or type of construction of any manufacturing
32 processes or kinds of equipment, nor specify the kind or
33 composition of fuels permitted to be sold, stored, or used
34 unless authorized by subsection 4 of this section.

35 b. The commission may give technical advice pertaining to

1 the construction or installation of the equipment or any other
2 recommendation.

3 c. A notice or construction permit shall not be required
4 pursuant to this section for any indoor source.

5 d. A notice or construction permit shall not be required
6 to be issued pursuant to this section for any emission unit
7 placed into service before the effective date of this Act
8 which would have been an indoor source if placed into service
9 on or after that date.

10 e. (1) Notwithstanding paragraph "a" and section
11 455B.135, the department may do both of the following:

12 (a) Establish a permit by rule procedure that allows a
13 facility to establish emission limits for indoor sources.

14 (b) Issue construction permits for indoor sources if
15 requested by a facility.

16 (2) This paragraph "e" shall not be construed to grant the
17 department any authority to require a construction permit for
18 indoor sources.

19 Sec. 3. Section 455B.134, subsection 3, paragraph a, Code
20 2001, is amended to read as follows:

21 a. No An air contaminant source, other than an indoor
22 source, shall not be installed, altered so that it
23 significantly affects emissions, or placed in use unless a
24 construction or conditional permit has been issued for the
25 source. A permit shall not be required to be issued pursuant
26 to this section for any emission unit placed in service before
27 the effective date of this Act which would have been an indoor
28 source if placed into service on or after that date.

29 Sec. 4. Section 455B.134, subsection 3, Code 2001, is
30 amended by adding the following new paragraph:

31 NEW PARAGRAPH. g. The department shall not establish any
32 permit, registration, licensing, preconstruction notification,
33 or recordkeeping requirements for indoor sources. However,
34 this paragraph shall not limit the authority of the department
35 to implement any of the following:

1 (1) The emission limitations adopted by the administrator
2 of the United States environmental protection agency under
3 section 111 or 112 of the federal Clean Air Act.

4 (2) The maximum achievable control technologies required
5 pursuant to Title V of the federal Clean Air Act Amendments of
6 1990.

7 (3) The prevention of significant deterioration
8 regulations adopted by the administrator of the United States
9 environmental protection agency under the federal Clean Air
10 Act, 42 U.S.C. § 74-79.

11 Sec. 5. Section 455B.135, Code 2001, is amended to read as
12 follows:

13 455B.135 LIMIT ON AUTHORITY.

14 ~~Nothing-contained-in-this-division~~ Division II shall not be
15 deemed to grant to the department or the director any
16 authority or jurisdiction with respect to air pollution
17 existing solely within residences; or solely within commercial
18 and industrial plants, works, or shops under the jurisdiction
19 of chapters 88 and 91; or indoor sources; or to affect the
20 relations between employers and employees with respect to, or
21 arising out of, any condition of air pollution.

SENATE FILE 410

H-1458

1 Amend the amendment, H-1436, to Senate File 410, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 3 through 5.

By SCHRADER of Marion

H-1458 FILED APRIL 9, 2001

Lost
4-10-01 (p.1128)

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SENATE FILE 410**H-1463**

1 Amend Senate File 410, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting after line 18 the
 4 following:
 5 "Sec. _____. Section 455B.133, Code 2001, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 10. Develop comprehensive plans
 8 and programs for the abatement, control, and
 9 prevention of airborne pollutants originating from
 10 confinement feeding operations. The plans may include
 11 schedules for compliance. The standards may vary
 12 based on the animal weight capacity of the confinement
 13 feeding operation and the distance from an object or
 14 location for which a separation distance is required
 15 pursuant to section 455B.162. The standards, to every
 16 extent practicable, shall apply to gases that may have
 17 a deleterious effect upon human health, including but
 18 not limited to hydrogen sulfide, ammonia, methane, and
 19 any class of mercaptan. The standards shall not apply
 20 to small animal feeding operations."
 21 2. By renumbering as necessary.

By JOCHUM of Dubuque

H-1463 FILED APRIL 10, 2001*o/o
4/10/01 (p.1130)***SENATE FILE 410****H-1472**

1 Amend the amendment, H-1436, to Senate File 410, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 5 the
 5 following:
 6 "_____. Page 2, by inserting after line 18 the
 7 following:
 8 "Sec. _____. Section 455B.133, Code 2001, is amended
 9 by adding the following new subsection:
 10 NEW SUBSECTION. 10. Develop comprehensive plans
 11 and programs for the abatement, control, and
 12 prevention of airborne pollutants originating from
 13 confinement feeding operations. The plans may include
 14 schedules for compliance. The standards may vary
 15 based on the animal weight capacity of the confinement
 16 feeding operation and the distance from an object or
 17 location for which a separation distance is required
 18 pursuant to section 455B.162. The standards, to every
 19 extent practicable, shall apply to gases that may have
 20 a deleterious effect upon human health, including but
 21 not limited to hydrogen sulfide, ammonia, methane, and
 22 any class of mercaptan. The standards shall not apply
 23 to small animal feeding operations."
 24 2. By renumbering as necessary.

By JOCHUM of Dubuque

H-1472 FILED APRIL 10, 2001*Foot 4/10/01 (p.1130)*

SENATE FILE 410

H-1436

- 1 Amend Senate File 410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 5 through 7, and
- 4 inserting the following: "directly exhausted to the
- 5 outside atmosphere. "Indoor source" includes,".
- 6 2. Page 3, line 14, by striking the word
- 7 "Division" and inserting the following: "Except as
- 8 provided in section 455B.133, subsection 6, paragraph
- 9 "e", division".

By COMMITTEE ON ENVIRONMENTAL PROTECTION
HAHN of Muscatine, Chairperson

H-1436 FILED APRIL 5, 2001

Adopted 4-10-01 (p. 1130)

SENATE AMENDMENT 35
SENATE FILE 410

S-3335

- 1 Amend Senate File 410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 5 through 7, and
- 4 inserting the following: "directly exhausted to the
- 5 outside atmosphere. "Indoor source" includes,".
- 6 2. Page 3, line 14, by striking the word
- 7 "Division" and inserting the following: "Except as
- 8 provided in section 455B.133, subsection 6, paragraph
- 9 "e", division".

(p. 1325) Senate Concurred 4/25/01

RECEIVED FROM THE HOUSE

S-3335 FILED APRIL 10, 2001

SENATE FILE 410

S-3529

- 1 Amend the House amendment, S-3335, to Senate File
- 2 410 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 5.

By JOHN P. KIBBLE

S-3529 FILED APRIL 25, 2001

LOST *(p. 1324)*



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

May 7, 2001

MAY 10 2001

The Honorable Mary Kramer
President of the Senate
State Capitol Building
L O C A L

Dear President Kramer:

I hereby transmit Senate File 410, an Act relating to the application of certain air quality requirements to indoor emission units or air contaminant sources.

I am unable to approve Senate File 410. The original intent of this bill was to clarify Iowa Code Section 455B.135 by specifying the Iowa Department of Natural Resources does not have the authority to require air quality permits for equipment that is not vented outside a building. The purpose of this proposed action was to avoid undue burden on businesses and industries. I support this concept and worked to develop a bill that met that intent.

Unfortunately, Senate File 410 as passed by the Iowa General Assembly contains language that is ambiguous, causing confusion in the interpretation of the bill even among members of the House and Senate. The definitions of "general ventilation" and "directly vented" are unclear and subject to misinterpretation. The result of this bill, if it were enacted, would be inconsistent regulation of air emissions even from the exact same sources and less certainty about permitting requirements. In addition, it is not possible to write rules that could be implemented without clarification of the definition of those terms.

The Department of Natural Resources is involved in discussions with business and industry to develop rules based on current law that provide the business community the information it needs to achieve compliance, increase predictability in regulation requirements, and reduce the overall burden. Supporters of this bill from business and industry have suggested this goal may be achievable by means other than this bill. I expect these discussions will continue to build consensus on rules thereby avoiding the need for additional legislation. Otherwise, I am willing to work on legislation next year that specifies the requirements for air quality permits and reduces the uncertainty and additional costs incurred by Iowa's businesses and industries.

For the above reasons, I hereby respectfully disapprove Senate File 410.

Sincerely,



Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House

Vetoed

SENATE FILE 410

AN ACT
RELATING TO THE APPLICATION OF CERTAIN AIR QUALITY
REQUIREMENTS TO INDOOR EMISSION UNITS OR AIR CONTAMINANT
SOURCES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 455B.131, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. "Indoor source" means any emission unit or air contaminant source which is not directly vented or directly exhausted to the outside atmosphere. "Indoor source" includes, without limitation, any air exchange through general ventilation, windows, doors, and cracks.

Sec. 2. Section 455B.133, subsection 6, Code 2001, is amended to read as follows:

6. a. Require, by rules, notice of the construction of any air contaminant source, other than an indoor source, which may cause or contribute to air pollution, and the submission of plans and specifications to the department, or other information deemed necessary, for the installation of air contaminant sources and related control equipment. The rules shall allow the owner or operator of a major stationary source to elect to obtain a conditional permit in lieu of a construction permit. The rules relating to a conditional

permit for an electric power generating facility subject to chapter 476A and other major stationary sources shall allow the submission of engineering descriptions, flow diagrams and schematics that quantitatively and qualitatively identify emission streams and alternative control equipment that will provide compliance with emission standards. Such rules shall not specify any particular method to be used to reduce undesirable levels of emissions, nor type, design, or method of installation of any equipment to be used to reduce such levels of emissions, nor the type, design, or method of installation or type of construction of any manufacturing processes or kinds of equipment, nor specify the kind or composition of fuels permitted to be sold, stored, or used unless authorized by subsection 4 of this section.

b. The commission may give technical advice pertaining to the construction or installation of the equipment or any other recommendation.

c. A notice or construction permit shall not be required pursuant to this section for any indoor source.

d. A notice or construction permit shall not be required to be issued pursuant to this section for any emission unit placed into service before the effective date of this Act which would have been an indoor source if placed into service on or after that date.

e. (1) Notwithstanding paragraph "a" and section 455B.135, the department may do both of the following:

(a) Establish a permit by rule procedure that allows a facility to establish emission limits for indoor sources.

(b) Issue construction permits for indoor sources if requested by a facility.

(2) This paragraph "e" shall not be construed to grant the department any authority to require a construction permit for indoor sources.

Sec. 3. Section 455B.134, subsection 3, paragraph a, Code 2001, is amended to read as follows:

a. No An air contaminant source, other than an indoor source, shall not be installed, altered so that it significantly affects emissions, or placed in use unless a construction or conditional permit has been issued for the source. A permit shall not be required to be issued pursuant to this section for any emission unit placed in service before the effective date of this Act which would have been an indoor source if placed into service on or after that date.

Sec. 4. Section 455B.134, subsection 3, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. The department shall not establish any permit, registration, licensing, preconstruction notification, or recordkeeping requirements for indoor sources. However, this paragraph shall not limit the authority of the department to implement any of the following:

(1) The emission limitations adopted by the administrator of the United States environmental protection agency under section 111 or 112 of the federal Clean Air Act.

(2) The maximum achievable control technologies required pursuant to Title V of the federal Clean Air Act Amendments of 1990.

(3) The prevention of significant deterioration regulations adopted by the administrator of the United States environmental protection agency under the federal Clean Air Act, 42 U.S.C. § 74-79.

Sec. 5. Section 455B.135, Code 2001, is amended to read as follows:

455B.135 LIMIT ON AUTHORITY.

~~Nothing contained in this division~~ Except as provided in section 455B.133, subsection 6, paragraph "e", division II shall not be deemed to grant to the department or the director any authority or jurisdiction with respect to air pollution existing solely within residences; or solely within commercial and industrial plants, works, or shops under the jurisdiction of chapters 88 and 91; or indoor sources; or to affect the

relations between employers and employees with respect to, or arising out of, any condition of air pollution.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 410, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Vetoed 5/7
Approved

THOMAS J. VILSACK
Governor