

IOWA DEPARTMENT OF NATURAL RESOURCES

IN THE MATTER OF:

Petition by Kids vs Global Warming, for  
the adoption of rules relating to carbon  
dioxide emissions

DENIAL OF PETITION FOR  
RULEMAKING

TO: Kids vs Global Warming  
Alec Loorz  
Victoria Loorz  
331 Prospect Street  
Oak View, California 93022

Glori Dei Filippone  
Maria Filippone

[REDACTED]  
[REDACTED]

Our Children's Trust  
P.O. Box 5181  
Eugene, Oregon 97405

On May 4, 2011, Kids vs Global Warming, through Alec and Victoria Loorz of Oak View, California, filed with the Iowa Department of Natural Resources (Department) a Petition for Rulemaking proposing that the Department adopt rules relating to carbon dioxide emissions. On June 1, 2011, the Department received a request from Our Children's Trust, an Oregon domestic nonprofit corporation, and Glori Dei and Maria Filippone, of Des Moines, Iowa, that Glori Dei Filippone be added as an additional Petitioner. At the request of the Petitioners, the Department met with the Petitioners to discuss the Petition on June 9, 2011.

The Department hereby denies the Petition for Rulemaking. The State of Iowa has previously adopted regulations regarding greenhouse gases and at this time the Department will refrain from proceeding with adoption of the Petitioners' proposed rules in anticipation of federal rulemaking regarding greenhouse gases.

Concerning the Petitioners' proposal for a rule requiring a "comprehensive inventory of emissions of greenhouse gases from all sectors of the state economy," the State of Iowa already has a greenhouse gas inventory requirement, pursuant to the provisions of Iowa Code section 455B.152. An inventory of Iowa's greenhouse gas emissions from 2009, as well as prior years, is available on the Department's website at <http://www.iowadnr.gov/air/prof/ghg/ghg.html>.

The State of Iowa also has rules requiring a phased process of including facilities emitting above defined thresholds of greenhouse gases in the already-existing Prevention of Significant Deterioration (PSD) and Title V air quality permitting programs. The first phase began on January 2, 2011, when facilities already subject to PSD and that also emit greenhouse gases above a certain threshold became subject to PSD permitting. The second phase will begin on July 1, 2011, when a facility will be subject to PSD permitting requirements if the facility is a new stationary source that will emit or has the potential to emit 100,000 tons per year (tpy) carbon dioxide equivalents (CO<sub>2</sub>e); or if the facility is an existing stationary source that emits or has the potential to emit 100,000 tpy CO<sub>2</sub>e and when such stationary source undertakes a physical change or a change in the method of operation that will result in an emissions increase of 75,000 tpy CO<sub>2</sub>e or more.

In anticipation of the federal greenhouse gas New Source Performance Standards for electric generating units and petroleum refineries becoming final federal rules, the Department should refrain from proceeding with a plan to adopt at this time the extensive and potentially conflicting greenhouse gas program proposed by Petitioners. The rules requested by the Petitioners would likely be inconsistent with and may be more stringent than the currently planned EPA greenhouse gas New Source Performance Standards for electric generating units and petroleum refineries. See Iowa Code section 455B.133(4). EPA has announced plans to establish a greenhouse gas New Source Performance Standard for new and modified oil, natural gas and coal electric generating units and to establish greenhouse gas emission guidelines for existing electric generating units, with proposed federal regulations issued by July 26, 2011 and final regulations adopted by May 26, 2012. EPA also has announced plans to establish a greenhouse gas New Source Performance Standard for new and modified refineries, and a greenhouse gas New Source Performance Standard for emission guidelines for existing refineries, with proposed federal regulations issued by December 10, 2011 and final regulations adopted by November 10, 2012.

Finally, the Department's adoption of the Petitioners' proposed greenhouse gas program would necessitate the designation of resources and funding to this program. Without additional legislatively appropriated funding, the Department is unable to develop and administer the type of greenhouse gas program anticipated by the Petition for Rulemaking.

  
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ROGER L. LANDE, DIRECTOR  
Iowa Department of Natural Resources

Dated this 22nd day of  
June, 2011.