

**November 1, 2006**

## **Expedited Review Program Standard Operating Procedures**

### **1.00 Scope**

Legislation (Section 44-1-165 of S.1263) was passed that allows the South Carolina Department of Health and Environmental Control (the Department) to pilot an Expedited Review Program (ERP). The program chosen for the pilot study was Stormwater Permitting with the pilot scheduled to start on **November 1, 2006**. During the pilot period, the Department will adjust staffing levels to accommodate the demand for expedited review. Applicants desiring consideration for the expedited review program should indicate by checking the box above Item # I on DHEC Form 2617 (7/2006)- Notice of Intent for discharges from Large and Small Construction Activities, NPDES General Permit SCR100000.

### **1.01 Mission/Goal:**

The mission and goal is to have a project reviewed no later than 10 business days after its chosen review date.

### **1.02 Quality Reports:**

The Department is expecting the highest of quality in applications that are selected for expedited review.

### **1.03 Procedures:**

1. The Owner/Operator seeking a land disturbance permit will indicate interest in participating in this program by checking the ERP Box on the Standard Notice of Intent (DHEC 2617). NOI's must be administratively complete in order to be considered for the program.
2. All projects with the Expedited Review Box checked on the application will be placed in the a pool of projects and kept there until:
  - a. The project has been chosen for expedited review; or
  - b. The project is initially reviewed under normal circumstances; or
  - c. The Owner/Operator decides to no longer be considered for expedited review (this request must be submitted in writing from the Owner/Operator); or
  - d. The Owner/Operator or SWPPP (Stormwater Pollution Prevention Plan) Preparer is determined not to be eligible to participate in the program.
3. To be guaranteed to be eligible for the Thursday random selection, the Department must receive a project by the close of business on Tuesday (stamped). The project must be also be administratively complete.
4. On Thursday, a random selection of eligible projects will be conducted. The number of review staff available for expedited review will determine the number of projects selected.

The Department reserves the right to give priority to projects that are Low Impact Development (LID) projects or projects that go above and beyond regulatory requirements. If an Owner/Operator believes that their project has met one of these two goals, the SWPPP Preparer must explain this on their transmittal letter. The explanation must be brief and explain why the particular project is an LID project or goes beyond regulatory requirements.

The Department will assure that at least one of these types of projects will be selected from the random lottery by placing these projects in a separate pool. This random selection will be conducted first. After one of these types of projects has been selected, all projects wishing to be considered for expedited will be placed in a second pool, where three other projects will be randomly selected.

5. The SWPPP Preparer will be notified of selection by phone by Thursday afternoon by the expedited review staff. If the Department is not able to get in touch with the SWPPP Preparer by the close of business, then that project will be passed over and placed back in the pool. **Individuals should not call The Department to determine if their project was selected for expedited review.**

Once contacted, the Owner/Operator or SWPPP Preparer will have one hour to verbally accept or reject their entry into the ERP. If the Owner/Operator at this point decides not to be considered for expedited review, a letter must be faxed (803-898-4095) or emailed (stormwaterexp@dhec.sc.gov) to the Department immediately requesting that the project not be considered for expedited review.

6. The review staff will only review the plans that were submitted and entered into the tracking system. A SWPPP Preparer cannot submit a modified set of plans or calculations after being selected in the program.
7. Of the two projects an expedited review staff member is responsible for, one will be chosen for Monday Review, and one will be chosen for Tuesday Review. The first project selected will be given the option of the Monday or Tuesday review. The second project selected will be offered the other day. If the SWPPP Preparer and/or Owner/Operator are unable to meet on the selected day, the project will be placed back in the normal review line.
8. The SWPPP Preparer is required to come to DHEC's main office (2600 Bull Street, Columbia, SC 29201) at 1:00 p.m. on the following Monday or Tuesday. The SWPPP Preparer must have a certified check to cover the expedited review fees upon arrival. Credit card payment is also acceptable for projects submitted to EQC in Columbia, but is currently not available for OCRM submittals. If payment is not delivered to the Department at the beginning of the 1:00 p.m. meeting, the project will be placed back into the regular review line and the meeting cancelled.

For all expedited projects that are chosen from one of the eight coastal counties, the meeting will take place at the OCRM office in Charleston (1362 McMillan Ave, Charleston, SC 29405). Projects selected for the expedited program in the Coastal Zone must comply with the necessary public notice requirements.

9. The Department staff will go over the review of the project with the SWPPP Preparer.
  - a. At this point, all review comments will be discussed.
  - b. If a SWPPP Preparer does not understand a Department comment, any potential problems or misunderstandings on the comments should be discussed during this meeting.
  - c. The SWPPP Preparer should make sure that all comments are clear before leaving the Department. The Department review staff will fax, email, or mail any copies of letters that identify deficiencies in the application in an effort to expedite the process. This will allow the design staff to begin work on the project immediately.
  - d. The SWPPP Preparer has until 1:00 p.m. on the second day following the expedited review to address comments and deliver them to the Department.
    - i. Monday's Expedited Review will have until Wednesday at 1:00 p.m. (\*), (\*\*), (\*\*\*)
    - ii. Tuesday's Expedited Review will have until Thursday at 1:00 p.m. (\*), (\*\*), (\*\*\*)

**\*If the Department does not receive the response by the 1:00 p.m. deadline, the project will fall back into the normal review line without refund of the additional expedited review payment.**

**\*\*If an expedited review day falls on a state holiday, the process will be moved to the next business day.**

**\*\*\* If you overnight the revision package, the Department recommends you have your overnight carrier send a confirmation email to the review engineer stating that the Department received the package.**

10. Once the Department receives a revision, it will be reviewed and any additional comments on the project will be made.
11. If additional comments are given, the SWPPP Preparer has until the close of business the following day to address the comments and deliver them to the Department.
12. When all comments are adequately addressed, the expedited review staff will call the SWPPP Preparer and ask for the appropriate set of plans for approval. The SWPPP Preparer has 2 business days to deliver these plans to the Department.

#### **1.04 Eligibility**

If SWPPP Preparers and/or Owner/Operators submit insufficient applications more than once they will not be eligible for participation in this program for a period of one year. Insufficiencies would include but is not limited to projects that: are not high in quality; are incomplete; fail to address review comments or; fail to submit payment on time.

It is the responsibility of the Owner/Operator to determine if a SWPPP Preparer is eligible to participate in this program. The Department reserves the right to determine Owner/Operators who have had significant non-compliance issues as not eligible for this program.

#### **1.05 Fees**

All Owner/Operators will have already paid the normal \$125 NPDES fee plus the \$100 per disturbed acre fee (with a maximum of \$2000). The expedited fee is in addition to the normal permitting fees.

The expedited review fee must be submitted to the Department no later than the SWPPP Preparer's arrival at 1:00 p.m. on the project's review day.

The fees are as follows:

<b>0 - 10 Acre Project</b>	<b>\$ 5,000.00</b>
<b>10.1 - 50 Acre Project</b>	<b>\$ 7,500.00</b>
<b>50.1 Acres and Above</b>	<b>\$ 10,000.00</b>

#### **1.06 Exceptions:**

1. Expedited review selection will be suspended during a week when there are two or more state holidays.

2. Anyone (Owner/Operator or SWPPP Preparer) on the Suspended List is not eligible for expedited review for the noted One-Year time period.
3. The following SWPPP projects will be ineligible for expedited review:
  - a. Projects that require, but do not have their wetlands/Waters of the State Permits from the USACOE.
  - b. Projects with potential impacts to impaired water bodies (303d).
  - c. Projects with impacts to Navigable Waters that do not already have a Navigable Waters Permit.
  - d. Projects that are reviewed by delegated entities or MS4s.
  - e. Projects that are under a Cease & Desist order.
  - f. Projects that are under a compliance order.
4. If an application is determined to be administratively incomplete upon receipt by the Department, the project will not be considered for the ERP for that week's selection. The application must be considered technically complete to be eligible for that week's selection.
5. Projects that are in a delegated program area or MS4 review area are not eligible for the Department's expedited review program.