



**Standard Operating Procedures  
Expedited Review Program  
Bureau of Air Quality  
Air Quality Construction Permits**

**Scope**

S.C. Code of Laws, Title 44, Section 44-1-165 authorizes the Department of Health and Environmental Control (Department) to pilot an Expedited Review Program to provide a process for expedited permit application review for entities applying for an air construction permit. During the pilot period, the Department is allowed to collect additional fees to adjust staffing levels to accommodate the demand for expedited review. Applications that do not request expedited review under this program will be reviewed in accordance with the normal regulatory timeframes on a first received, first reviewed basis.

**Goal**

The goal is to have a project reviewed by the deadlines specified below for Air Quality Construction Permit activities:

| <b>Expedited Review Time Frames</b>                                                                                            |                                           |                                                       |
|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-------------------------------------------------------|
| <b>Permit Type</b>                                                                                                             | <b>Required Regulatory Issuance Dates</b> | <b>Expedited Review Issuance Dates <sup>(1)</sup></b> |
| Minor Source Construction Permit                                                                                               | 90 days                                   | 30 days                                               |
| Synthetic Minor Construction Permit <sup>(2)</sup>                                                                             | 90 days                                   | 65 days                                               |
| Prevention of Significant Deterioration (PSD) <sup>(2)</sup><br>Not impacting a Class I Area<br>(no Class I modeling required) | 270 days                                  | 120 days                                              |
| Prevention of Significant Deterioration (PSD) <sup>(2)</sup><br>Impacting a Class I Area<br>(Class I modeling is required)     | 270 days                                  | 150 days                                              |

(1) All days above are calendar days but exclude State holidays and building closure dates due to severe weather or other emergencies.

(2) These permits require a 30-day public comment period. The timeframes above include the 30-day public comment period.

| <b>Expedited Review Time Frames<br/>General Permit Program</b> |                                           |                                                       |
|----------------------------------------------------------------|-------------------------------------------|-------------------------------------------------------|
| <b>Permit Type</b>                                             | <b>Required Regulatory Issuance Dates</b> | <b>Expedited Review Issuance Dates <sup>(3)</sup></b> |
| <b>Concrete</b><br>Minor Source Construction Permit            | 90 days                                   | 10 days                                               |
| <b>Concrete</b><br>Synthetic Minor Construction Permit         | 90 days                                   | 15 days                                               |
| <b>Asphalt</b><br>Synthetic Minor Construction Permit          | 90 days                                   | 15 days                                               |

(3) All days above are calendar days but exclude weekends, State holidays, and building closure dates due to severe weather or other emergencies.

## Pre-Application Meeting

Pre-application meeting requirements for all applicants requesting acceptance into the expedited program.

PSD Construction Permit:

- Must request and participate in a pre- application meeting.
- Pre-application meetings must take place at least 90 days prior to submitting an application.

Synthetic Minor Construction Permit:

- Highly recommended to request and participate in a pre-application meeting.
- Pre-application meetings must take place at least 30 days prior to submitting an application.

Minor Construction Permit:

- Can request a pre-application meeting, if desired.
- Pre-application meetings must take place at least 30 days prior to submitting an application.

General Permit Program

- Not Applicable

The Department may request an additional meeting with the applicant during the technical review of the application as needed.

## Quality Applications

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

## Procedures

1. The applicant seeking expedited review will indicate interest in participating in this program by completing the expedited application form. The construction permit application must be considered administratively complete in order to be considered for the program. **DO NOT SEND PAYMENT UNTIL THE APPLICATION HAS BEEN ACCEPTED INTO THE EXPEDITED PROGRAM.**
2. The Department will accept all PSD construction permit projects for expedited review if they are eligible for the program. However, due to limited modeling resources, the Department may limit PSD modeling reviews to one project at a time. The Department will accept all requests for expedited review for new facilities (i.e., greenfield sites). For the purpose of this program, a "new facility" is defined as a stationary source (or group of stationary sources) that will be located on property that is undeveloped or has no industrial activity at the time of permit application submission. For the purpose of this program, expansions to existing facilities are not considered new facilities. The Air Permitting Division currently has four permit sections. A permit section may decide not to accept any requests for expedited review if the section has less than 50% of its permit writer at full-staff levels or based on the number of already accepted expedited projects.

3. The applicant will be notified of selection for expedited review by phone within seven calendar days by the expedited review staff. Once contacted, the applicant must verbally accept or reject their entry into the program. If the Department is not able to get in touch with the applicant, that project will be passed over and the normal regulatory timeframes will apply. The applicant must provide multiple phone numbers so they can be contacted easily. Individuals should not call the Department to determine if their project was selected for expedited review.
4. The expedited review timeframes specified in the table above will not begin until the applicant has been contacted and they have accepted their entry into the program. If the applicant at this point decides not to be considered for expedited review, a letter must be emailed to the expedited review staff member immediately requesting that the project not be considered for expedited review.
5. The applicant must pay the expedited review fee within five business days of verbally accepting entry into the program. The expedited review fee may be paid by check, credit card, or electronic check. Checks must be made payable to S.C. DHEC. If the expedited review fee is not received by the specified deadline above, the project will no longer qualify for expedited review and will be reviewed in accordance with the normal regulatory timeframes.
6. Projects selected for the expedited review program in the eight coastal counties must comply with the necessary S.C. DHEC - Office of Ocean and Coastal Resource Management (OCRM) "Coastal Zone Consistency Certification"<sup>1</sup> review and public notice requirements.
7. The review staff will only review the application that was submitted unless the Department requests a modified application.
8. During the technical review of the permit application, staff may request clarifications or additional information needed to complete the review. The days needed to submit additional information to the Department will not be included in the timeframes listed in the table above. The review clock will stop when the staff makes a written (via letter or e-mail) request to the applicant. The Department will specify a deadline to submit the additional information. The review clock will restart when the information requested is received by the Department.
9. In most cases, the expedited review permit application will be reviewed by the permit writer currently assigned to that facility, county, or specialty category. This will allow staff that are more familiar with the facility or facility type to work on the project and issue the permit quicker. Other projects the permit writer has will be re-assigned to other staff as needed within the section or division. Additional staff will be hired to ensure other projects being reviewed under the normal review timeframes are continued to be issued in a timely manner.

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<sup>1</sup> "Coastal Zone Consistency Certification": If operations covered by construction permits involve land-disturbing activities in Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry and Jasper Counties, contact S.C. DHEC's Office of Ocean and Coastal Resource Management (OCRM) for information on Coastal Zone Consistency Certification.

## **Eligibility**

All minor source, synthetic minor, and PSD construction projects, except as outlined below, will be eligible for expedited review. The following construction permits are not eligible for expedited review, or may no longer be eligible for expedited review:

1. A construction project that is subject to the Non-attainment New Source Review (NSR) requirements is not eligible for expedited review.
2. If an adverse comment relating to the proposed expedited review project is received from the public, the Department reserves the right to determine if the project will continue to be eligible for expedited review depending upon the nature of the comment received. If the Department receives a request for a public hearing related to a proposed expedited review project and the Department decides to grant the request, the review clock will stop for up to 60 days to schedule and notify the public of the hearing and to respond to all comments received during the public comment period and hearing.
3. The Department reserves the right to deny an applicant's request for expedited review if past projects at the facility (or a similar project at another facility) have received adverse public comments.
4. The Department reserves the right to deny an applicant's request for expedited review if the facility has had a recent Air Quality enforcement action taken against them by the Department.
5. When an applicant does not submit additional information requested in item 8 above by the deadline specified by the Department, that application will no longer be eligible for expedited review. The Department may grant the applicant an extension to submit additional information upon request.
6. An applicant that has failed to pay fees or fines owed to the Department is not eligible for expedited review.
7. Applicants (facilities or consultants) that submit insufficient permit applications more than once may not be eligible for participation in this program for a period of one year. Insufficiencies would include, but are not limited to, applications that are not high in quality; are incomplete; or fail to address information discussed during the pre-application meeting; and applicants that fail to submit requested additional information by the requested deadline or fail to submit fee payment on time.

## Fees

The expedited review fee is in addition to the normal annual air emission fees. The fees are as follows:

| <b>Expedited Review Fees</b>                                              |                                            |
|---------------------------------------------------------------------------|--------------------------------------------|
| <b>Permit Type</b>                                                        | <b>Expedited Review Fee <sup>(1)</sup></b> |
| Minor Source Construction Permit                                          | \$3,000                                    |
| Synthetic Minor Construction Permit                                       | \$4,000                                    |
| Prevention of Significant Deterioration (PSD)Not impacting a Class I Area | \$20,000                                   |
| Prevention of Significant Deterioration (PSD)Impacting a Class I Area     | \$25,000                                   |

| <b>Expedited Review Fees<br/>General Permit Program</b> |                                            |
|---------------------------------------------------------|--------------------------------------------|
| <b>Permit Type</b>                                      | <b>Expedited Review Fee <sup>(1)</sup></b> |
| <b>Concrete</b><br>Minor Source Construction Permit     | \$1,500                                    |
| <b>Concrete</b><br>Synthetic Minor Construction Permit  | \$3,000                                    |
| <b>Asphalt</b><br>Synthetic Minor Construction Permit   | \$3,500                                    |

(1) The expedited review fee may be periodically reviewed and adjusted (increased or decreased) to ensure the Department has the resources to adequately fund the program.

| <b>Record of Revisions</b> |                                                                                                                                                                   |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Date</b>                | <b>Description</b>                                                                                                                                                |
| 06-27-2007                 | Original Document                                                                                                                                                 |
| 01-28-2013                 | ---                                                                                                                                                               |
| 08-01-2016                 | Updated the general permit program time frames and fees                                                                                                           |
| DRAFT                      | Added Synthetic Minor option back for Concrete, removed the relocation options, update some formatting, and removed the name of the section coordinator for OCRM. |