

# **Georgia Department of Natural Resources**

**Environmental Protection Division • Air Protection Branch**

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DRAFT FOR DISCUSSION

NOT FINAL AGENCY ACTION

PRE-DECISIONAL

[Date]

## **Standard Operating Procedures Expedited Permitting Program Georgia EPD – Air Protection Branch**

### **Scope**

O.C.G.A. 12-2-2(c)(1)(A) requires the Director of the Georgia Environmental Protection Division (EPD) to develop and implement procedures for timely processing of certain permit applications, including but not limited to procedures for expedited review and granting of applications upon payment of a fee. Fees collected as part of the expedited permitting program will be used to offset the cost of expediting the permit applications. This provision of the law becomes effective on July 1, 2013. The following Standard Operating Procedures define how the expedited permitting program will operate within EPD's Air Protection Branch.

The EPD Air Protection Branch handles the responsibilities for reviewing applications for air quality permits for the entire state of Georgia. All air quality permits require approval by the Director of the EPD. The requirements for submitting an application for an air quality permit and for EPD's review and approval of that application are generally found in section 391-3-1-.03 of the Georgia Rules for Air Quality Control.

The expedited permitting program is optional on the part of the permit applicants. Applications that do not request expedited review under this program, or are not accepted under the program in accordance with these standard operating procedures, will be reviewed in accordance with the normal regulatory procedures.

These expedited permitting program standard operating procedures may be periodically reviewed and amended to ensure that the program is operating as effectively as possible, including that EPD has the resources to adequately fund the program.

## **Expedited Review Time Frames**

The goal is to have each permit application in the expedited permitting program reviewed by the deadlines specified below:

<b>Table 1. Expedited Review Time Frames for Air Permits</b>	
<b><u>Permit Type</u></b>	<b><u>Expedited Review Deadline</u></b> <sup>a, b</sup>
1. Generic Permit: Concrete Batch Plant – Minor Source	45 days
2. Generic Permit: Concrete Batch Plant – Synthetic Minor Source	45 days
3. Generic Permit: Hot Mix Asphalt Plant – Synthetic Minor Source	45 days
4. Minor Source Permit (or Amendment)	65 days
5. Synthetic Minor Permit (or Amendment)	65 days
6. Major Source SIP Permit not subject to Prevention of Significant Deterioration (PSD) or 112(g)	4 months, 0 days
7. Title V 502(b)(10) Permit Amendment	65 days
8. Title V Minor Modification with Construction	65 days <sup>c</sup>
9. Title V Significant Modification	4 months, 0 days
10. Major Source SIP Permit subject to 112(g) but not subject to PSD	5 months, 0 days
11. PSD Permit (or Amendment) not subject to NAAQS and/or PSD Increment Modeling	5 months, 0 days
12. PSD Permit (or Amendment) subject to NAAQS and/or PSD Increment Modeling but not subject to Modeling for PM <sub>2.5</sub> , NO <sub>2</sub> , or SO <sub>2</sub>	6 months, 0 days
13. PSD Permit (or Amendment) subject to NAAQS and/or PSD Increment Modeling for PM <sub>2.5</sub> , NO <sub>2</sub> , or SO <sub>2</sub>	7 months, 0 days
14. PSD Permit (or Amendment) subject to NAAQS and/or PSD Increment Modeling for PM <sub>2.5</sub> , NO <sub>2</sub> , or SO <sub>2</sub> and also impacting a Class I Area	8 months, 0 days
a) All days above are calendar days. If the deadline falls on a State holiday or building closure date due to severe weather or other emergency then the deadline shall be the next business day.	
b) These deadlines include all required public notice and public comment periods.	
c) Deadline is for decision on the construction permit. For Title V Minor Modifications with Construction, the facility may commence construction (and operation) of their project when the construction permit is issued. Formal approval of operation would come after EPA's 45-day review period.	

## **Pre-Application Meeting**

All applicants requesting entry into the expedited permitting program must request and participate in a pre-application meeting. Pre-application meetings for PSD applications

must take place at least 90 days prior to submitting a PSD permit application. Other pre-application meetings must take place at least 30 days prior to submitting an application requesting expedited review. EPD may request additional meetings with the applicant during the technical review of the application as needed.

### **Quality Applications**

EPD 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 provided application form. The permit application must be considered administratively complete in order to be considered for the program.
2. The applicant will be notified of their selection for expedited review by phone within five business days of receipt of the application. Once contacted, the applicant must verbally accept or reject their entry into the program. If EPD is not able to get in touch with the applicant, the project may be rejected for the expedited permitting program. The applicant must provide multiple phone numbers so they can be contacted easily. Individuals should not call EPD to determine if their project was selected for expedited review.
3. The expedited review timeframes specified in Table 1 above begin at the time the applicant has been contacted and has accepted entry into the program. If the applicant at this point decides not to be considered for expedited review, a letter must be faxed (404-363-7100) or emailed to the EPD Air Branch Permitting Manager to immediately request that the project not be considered for expedited review.
4. The applicant must pay the expedited review fee within five business days of verbally accepting entry into the program. The expedited review fee must be paid by check. All payments must be made payable to Georgia Department of Natural Resources. 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.
5. 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 EPD will not be included in the timeframes in Table 1 above. The review clock will stop when the staff makes a written (via letter or e-mail) request to the applicant. EPD will specify a deadline to submit the additional information. The review clock will restart when the information requested is received by EPD.

6. If EPD receives a request for a public hearing related to a proposed expedited review project and EPD grants the request, 60 days will be added to the applicable expedited review deadline in Table 1 in order to schedule and notify the public of the hearing and to respond to all comments received during the public comment period and hearing. This applies to all public hearings, including those requested by the applicant.

### **Eligibility**

Title V Initial permit applications, Title V Renewal applications, Title V Minor Modifications without Construction, Title V Administrative Amendment requests, and any SIP permit application involving only a change in name and/or ownership shall not be eligible for the expedited permitting program. All other permit applications, except as outlined below, are eligible for the expedited permitting program. The following permit applications 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 or U.S. EPA, EPD 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 EPD determines that the application is no longer eligible for expedited review, EPD will refund the application fee to the applicant.
3. EPD 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. EPD reserves the right to deny an applicant's request for expedited review if the facility has had air quality enforcement action taken against them by EPD in the last two years.
5. When an applicant does not submit additional information requested in item 5 in the Procedures section by the deadline specified by EPD, that application will no longer be eligible for expedited review. EPD may grant the applicant an extension to submit additional information upon request.
6. An applicant that is delinquent regarding their regular air permit fees is not eligible for expedited review.
7. Applications meeting any of the following criteria, as determined by EPD, are not eligible for the expedited permitting program:

- a. Applications that propose something that is highly unusual; or
- b. Applications determined to be of poor overall quality.

## Fees

<b>Table 2. Expedited Review Fees for Air Permits</b>	
<b><u>Permit Type</u></b>	<b><u>Expedited Review Fee*</u></b>
1. Generic Permit: Concrete Batch Plant – Minor Source	\$1,000
2. Generic Permit: Concrete Batch Plant – Synthetic Minor Source	\$1,500
3. Generic Permit: Hot Mix Asphalt Plant – Synthetic Minor Source	\$2,000
4. Minor Source Permit (or Amendment)	\$3,000
5. Synthetic Minor Permit (or Amendment)	\$4,000
6. Major Source SIP Permit not subject to PSD or 112(g)	\$6,000
7. Title V 502(b)(10) Permit Amendment	\$4,000
8. Title V Minor Modification with Construction	\$4,000
9. Title V Significant Modification	\$6,000
10. Major Source SIP Permit subject to 112(g) but not subject to PSD	\$15,000
11. PSD Permit (or Amendment) not subject to NAAQS and/or PSD Increment Modeling	\$15,000
12. PSD Permit (or Amendment) subject to NAAQS and/or PSD Increment Modeling but not subject to Modeling for PM <sub>2.5</sub> , NO <sub>2</sub> , or SO <sub>2</sub>	\$20,000
13. PSD Permit (or Amendment) subject to NAAQS and/or PSD Increment Modeling for PM <sub>2.5</sub> , NO <sub>2</sub> , or SO <sub>2</sub>	\$25,000
14. PSD Permit (or Amendment) subject to NAAQS and/or PSD Increment Modeling for PM <sub>2.5</sub> , NO <sub>2</sub> , or SO <sub>2</sub> and also impacting a Class I Area	\$30,000
* Upon acceptance of application for the expedited permit program (separate 2-page application), EPD notifies by phone and then requires payment of the fee within 5 business days.	