

# Preparing Permit Applications In North and South Carolina

Carolinas Air Pollution  
Control Association

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# Presentation Outline

- Do I need a permit?
- What type of permit?
- Permitting timeline (managing expectations)
- Data gathering
- Agency interaction
- Permit negotiation



# Do I Need A Permit?

- **Title 15A NCAC Subchapter 2Q .0101, Required Air Quality Permits**
  - (a) No owner or operator shall do any of the following activities ... without first applying for and obtaining an air quality permit ...
- **Regulation 61-62.1, Section II, Permit Requirements**
  - May not construct, alter or add to source of air contaminants, including installation of pollution controls without obtaining permit



# Specific Permitting Consideration

- **New or replacement source**
  - Check exemptions
  - How does it impact other sources
  - Is replaced source a “modification?”
- **Existing sources (check permit)**
  - Source description, emission limits, operating requirements, monitoring
  - If emission increase, will permit modification have cascading impacts to other sources
- **Consider standard checklist**

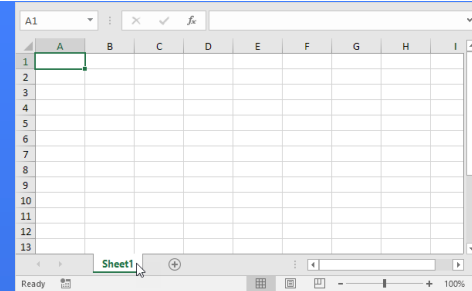


# Type of Permit

- **Construction Permits**
  - State pre-construction
  - PSD/NSR permits
- **Operating Permits**
  - State permits
  - Title V permits
- **Construction/Operating Permits**
  - “Traditional” combination of the above
- **Air toxics permits**



# Emissions Estimation



- Unless categorically exempt, estimation of source-specific emissions, total project emissions and impacts on facility-wide emissions (at least ballpark) is imperative to establishing permitting process and project design
- Approach must be defensible and acceptable to state

# Determining Applicable Requirements

- Review of federal regulations (Part 52 – 82)
- Review of state regulation tables of contents
- Emission limits, pollution controls, monitoring requirements (also important for process design)
- SC DHEC regulatory applicability form has partial checklist

# Establishing the Permitting Timeline



- When does “construction” need to start?
- Data gathering + permit preparation + completeness determination + permit processing + public notice (if required)
- Uncertainties of source design (including controls) and plant layout critical – delay preparation or “stop” permitting clock
- If “desired” timeline does not align with project schedule, will expedited permitting procedures allow to meet schedule?

## When Do I Reach Out to State?

- If in doubt on procedure or timeline, discuss with state before making commitments
- If your anticipated timeline is incompatible with Operations need, discuss and brainstorm
- Speak with staff with authority and sufficient knowledge (e.g., central office, meeting with supervisors)
- Avoid temptation of asking for special treatment for every application



## When Do I Reach Out to State? (2 of 2)

- Strategic considerations may warrant later discussion with state
- Face-to-face meeting at submittal to explain process, schedule, additional information needs
- Tangible benefits from getting to know your permit writers and supervisors (e.g., trust, respect, ease of communication)



# Expedited Permitting – South Carolina

Expedited Review Time Frames		
Permit Type	Required Regulatory Issuance Dates*	Expedited Review Issuance Dates*
Minor Source Construction Permit	90 days	30 days
Synthetic Minor Construction Permit**	90 days	65 days
Prevention of Significant Deterioration (PSD)** Not impacting a Class I Area (no Class I modeling required)	270 days	120 days
Prevention of Significant Deterioration (PSD)** Impacting a Class I Area (Class I modeling is required)	270 days	150 days



# **“Expedited” Permitting in NC**

- **Notice of Intent to Construct without Permit**
  - 15 days after submittal of required documentation and newspaper notice
  - Cannot use if federally enforceable limits required to avoid PSD preconstruction permitting requirements
  - Case-by-case determinations if toxics are triggered



# Information Gathering and Dissemination

- Request critical path items immediately (e.g., air dispersion modeling – stack parameters and location)
- List of every parameter needed to estimate emissions
- Review application forms
- Review application completeness checklists
- Data collection tables
- Consider applicable requirements
- Communicate timing to stakeholders

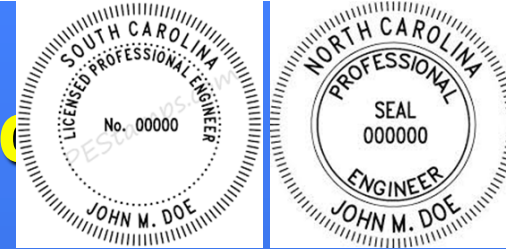


# Staying on Track



- Develop list of key milestones with dates, review regularly
- Consider regularly scheduled meetings
- If critical path timelines are slipping, let stakeholders know and readjust expectations along the way
- Perception = Reality

# Professional Engineer Certification



- Required for all South Carolina construction permit applications
- Professional engineer required to certify construction in accordance with permit application
- North Carolina requirement generally interpreted as being required for most control devices (excludes PM sources with <10,000 acfm flow)



# Balance of Application



- Written process description
- Process flow diagram (sources/controls)
- Regulatory applicability
- Suggested compliance monitoring
- Modeling/Electronic CD
- Vendor information and SDS (consider whether to include)
- May require electronic calculations
- Confidential business information?

# During the Permit Review

- Touch base with reviewing engineer early and as needed without being overbearing, establish rapport
- Respond quickly and thoroughly. Delays more than a day or two generally “stops the clock”



# Permit Negotiation



- Review all permit changes carefully (unless redlined, use track changes comparison)
  - Understand key milestone dates, particularly notification requirements in South Carolina
- Distribute to stakeholders right away
- Thoroughly explain basis for requested changes and meet if necessary
- For important requested changes, make sure that state supervisors are included in negotiations

# Operating Permits

- In South Carolina, generally required to submit request for operating permit within 15 days after startup
- In North Carolina, permits generally authorize construction and operation. If “two-step” permitting is utilized, Title V application is required one year after startup

