

## **South Carolina Department of Environmental Services Summary Response to Comments**

River Bend Aggregates, LLC | I-002410 | River Bend Quarry  
Spartanburg County, South Carolina  
July 11, 2024

This summary is being provided in conjunction with the South Carolina Department of Environmental Services' (SCDES) decision to approve the permit application and issuance of a permit for the Spartanburg Quarry located along Hammett Grove Road in Pacolet, Spartanburg County, S.C. Operation of this mine site is to excavate granite.

SCDES is committed to preserving South Carolina's air, land, water and coast through science, service and sustainability. Through the passage of environmental statutes and regulations, the S.C. General Assembly has established the conditions and criteria that SCDES must follow in the environmental permitting process. The role of SCDES is to provide local communities with meaningful opportunities to participate in our permitting processes, as well as to ensure that a proposed project meets all regulatory requirements that are protective of human health and the environment. If it is determined that an applicant or application has met all applicable regulatory requirements, SCDES does not have the authority to withhold the issuance of a permit.

As part of the permitting process, SCDES engages other state and federal agencies, the surrounding communities, and the general public prior to making a final permit decision in order to:

- 1) Provide information about the proposed permitted activities in the communities;
- 2) Give agencies, community members, and other interested parties an opportunity to submit relevant information to SCDES for consideration prior to making a final permit decision; and,
- 3) Provide an opportunity to submit other concerns to the attention of SCDES and the applicant.

Public meetings and public hearings are methods SCDES uses to hear concerns and receive comments during the permitting process. A public meeting is an informal conversation with SCDES staff, to include questions and answers. A public hearing is a formal opportunity for comments to be stated and recorded by a court reporter for inclusion in the official file.

SCDES held a public meeting on the proposed River Bend Quarry on January 11, 2024. These events were conducted in person at the Benjamin E. Mays Family Center (850 Sunny Acres Rd, Pacolet, SC) . SCDES also extended the period to accept written comments through January 26, 2024.

SCDES values all public comments received during the permitting process and is committed to addressing and considering all relevant information prior to making a final permit decision. Public input is an important part of the permitting process and can result in changes to permit conditions and operational practices if a permit is issued.

## Contents

Section 1: The South Carolina Mining Act.....2

Section 2: Additional Terms and Conditions .....3

Section 3: Groundwater.....4

Section 4: Surface Water .....5

Section 5: Wetlands .....6

Section 6: Buffers, Setbacks, and Visual Impacts.....6

Section 7: Noise .....6

Section 8: Public Safety .....7

Section 9: Traffic .....7

Section 10: Blasting.....7

Section 11: Air Quality.....8

Section 12: Zoning .....8

Section 13: Threatened or Endangered Species .....9

Section 14: Cultural and Historic Sites .....9

Section 15: Land and Property Value/Economic Impact.....9

Section 16: Community/Quality of Life .....9

Section 17: Operating Hours .....9

Section 18: Inspections .....9

Section 19: General Opposition .....10

The following responses are being provided in response to comments received during the public comment period, the public meeting, and the public hearing for River Bend Quarry.

### Section 1: The South Carolina Mining Act

The principal law governing mining in this state is Title 48 Chapter 20: The South Carolina Mining Act. The legislative purpose of the Act is to provide that: (1) the usefulness, productivity, and scenic value of all lands and waters involved in mining within the state receive the greatest practical degree of protection and restoration; and that (2) no mining may be carried on in the state unless plans for the mining include reasonable provisions for protection of the surrounding environment and for reclamation of the area of land affected by mining. A complete copy of the Act can be found here:

<https://www.scstatehouse.gov/code/t48c020.php>

The Act provides specific criteria for review of mine permit applications by SCDES. The Act does not supersede local zoning ordinances. Issues related to zoning (i.e., property value and industrial development) are under the jurisdiction of county and municipal planning departments and governed by zoning and land use regulations. SCDES has not been given the authority to consider the effect of a mining operation on property values. SCDES is required to evaluate the application in a timely manner and to consider relevant environmental issues.

The Act allowed the development of regulations to establish minimum standards for mining operations. Regulations 89-10 through 89-350 became effective on June 24, 1983 and have been subsequently modified. These regulations outline the requirements for permitting the design, construction, operation, maintenance, reclamation, and closure of mine sites. The complete list of regulations can be found here:

[https://scSCDES.gov/sites/default/files/Library/Regulations/R.89-10\\_89-350.pdf](https://scSCDES.gov/sites/default/files/Library/Regulations/R.89-10_89-350.pdf)

In reaching the decision to approve the permit application and issuance of a permit for the River Bend Quarry, SCDES staff reviewed all information contained in the application, supplemental information submitted by the applicant, and all agency and public comments to ensure that the requirements of the Act and Regulations had been met. SCDES has determined that the applicant has met the applicable requirements and is approved to construct and operate the mine in accordance with the conditions and limits set forth in Permit No. I-002410.

## Section 2: Additional Terms and Conditions

In response to information contained within the application, as well as by comments received by other agencies and the communities during the public comment period, SCDES incorporated additional terms and conditions in the final permit. These additional terms and conditions are as follows:

1. Temporary or permanent placement of refuse and debris (e.g., concrete, brick, asphalt) from off-site locations is prohibited without approval by SCDES. Topsoil fill approved by SCDES may be brought in from off-site sources only for the purposes of mine land reclamation.
2. The operator shall maintain a minimum 50ft. undisturbed buffer between all land disturbance activity and any USACE jurisdictional wetlands and/or Waters of the US/State. This buffer shall be permanently flagged prior to the initiation of any mine activity. The flags shall be maintained throughout the active mine operation of the site. The operator is allowed to discharge accumulated stormwater—that meets NPDES permit limits—into wetlands through a regulated NPDES outfall.
3. Impacts to jurisdictional wetlands and/or Waters of the US/State shall be approved by the U.S. Army Corps of Engineers and SCDES. Approval shall be submitted to the Mining and Reclamation Program prior to any disturbance.
4. Prior to expanding mine activity into the Phase 2 or Phase 3 Pit areas, and the East Overburden Storage area, the operator shall submit a detailed sediment and erosion control plan, a revised reclamation cost estimate, and financial assurance to SCDES for approval.
5. A revised mine map, reclamation map, and reclamation schedule shall be submitted and approved by SCDES prior to initiating any mining activity in Future Reserves.
6. Prior to any mining activities, a minimum of four (4) groundwater monitoring wells shall be constructed in the locations delineated in the submitted Groundwater Monitoring Plan (Appendix B). These monitoring wells shall be constructed prior to the initiation of dewatering activities.

No less than one year prior to initiating mining activity in Phase 2, the operator shall construct an additional monitoring well in the Phase 2 area.

The monitoring wells shall be installed by a certified well driller in accordance with R.61-71: *Well Standards and Regulations*. The surveyed elevation of the measuring point, relative to an established benchmark, must be submitted with the driller/geologist's log for each well.

Groundwater monitoring wells shall be measured monthly. Groundwater elevations shall be normalized to mean sea level, and hydrographs plotted for each monitoring well. This data shall be submitted quarterly to the Division of Mining and Solid Waste Management by the 28<sup>th</sup> day of the month following the end of the quarter. The report should include a record of daily precipitation measurements, with monthly rainfall totals graphed to facilitate comparison to well hydrographs.

7. Due to the presence of the tricolored bat, the operator shall maintain a 0.25mi undisturbed buffer from the known hibernaculum located in an abandoned mine outside the northwest boundary of the site. In addition, the operator shall refrain from removing trees during the tricolored bat's pup season (April 15 through July 31). This buffer shall be flagged for the life of the mine.

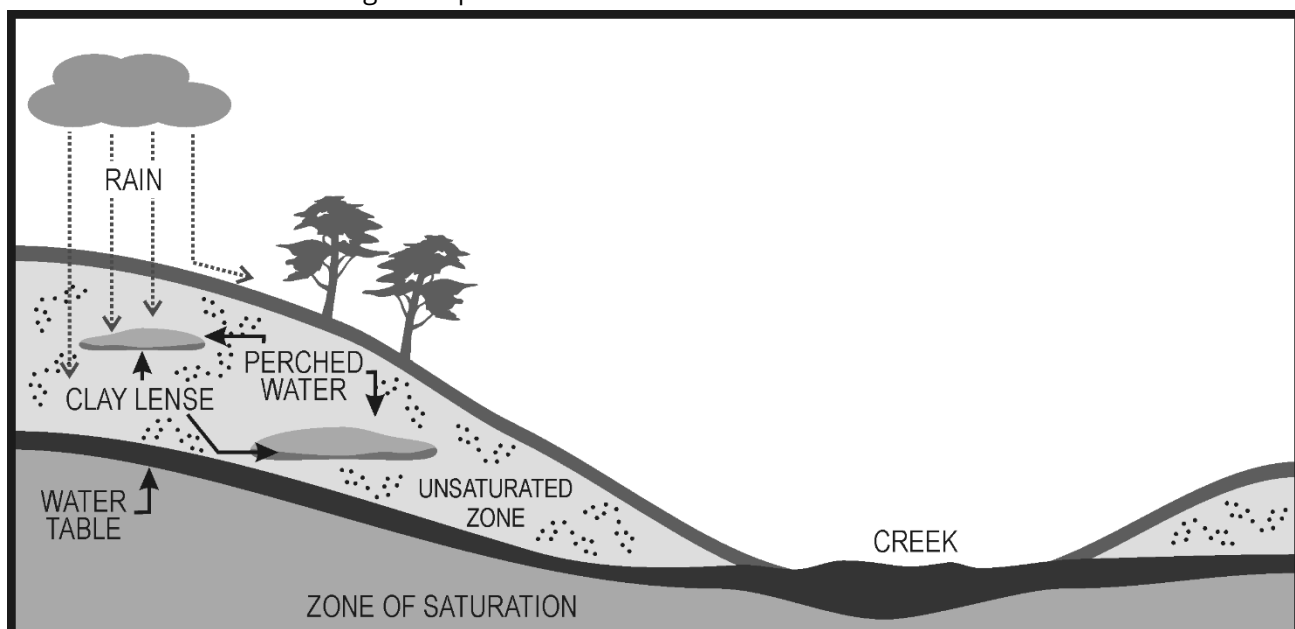
8. The operator shall observe a 50ft undisturbed buffer and a 50ft protective buffer around each of the three archaeological sites within the permitted boundary, and a 100ft undisturbed buffer around Lee Cemetery, as depicted on the mine map. The protective buffers allow for placement of material but exclude excavation. The buffers shall be flagged for the life of the mine. In addition, the operator shall install a fence around each of the archaeological sites.

Some of these conditions are also detailed in subsequent sections.

### Section 3: Groundwater

Groundwater is water that collects or flows below the soil surface. The main source for groundwater is rainfall. Runoff from rainwater can go directly into water bodies or seeps into the ground. When water soaks (infiltrates) into the ground, gravity pulls the water down through the spaces between the soil particles and rocks until it reaches a depth where all of the spaces are filled with water, or saturated. The water level where the soils are saturated is called the water table. The area above the water table is called the unsaturated zone, the area below the water table is the saturated zone.

As shown in the following diagram, the water table is not always at the same depth below the land surface - the level moves up or down depending on rainfall and the rate water is removed (e.g., irrigation, industry, well). The unsaturated zone may contain pockets (lenses) of tightly bound clayey soils that do not allow the water to infiltrate. In this situation, the water will collect (perch) on the top of these impermeable lenses. This is "perched water" and is not the true water table along the top of the saturated zone.



Groundwater Availability: SCDES considers the potential effects of mining activities on the quantity of groundwater available to nearby water supply wells and lakes/ponds. The pumping of water from the water table is expected at the River Bend Quarry. A groundwater model was produced for this site by a third-party environmental consulting firm. The model predicts that two water supply wells in the area may experience between 0ft and 20ft of groundwater drawdown in 39 to 75 years. The competency of the bedrock will limit the lateral extent of the cone of depression, narrowing the area of influence. Given the depth of the wells, it is not anticipated that the pumping of groundwater from the River Bend Quarry will have a significant impact on the quantity of water in nearby wells.

In order for SCDES to monitor potential impacts to groundwater, the operator is required to install a minimum of 4 groundwater monitoring wells around the site, as depicted in the Groundwater Monitoring Plan (Appendix B of the Permit). These wells will be measured monthly for groundwater levels, and reported to SCDES quarterly. These data will allow SCDES to determine if the quarry is a probable cause for well dewatering.

If a water supply well complaint is received, SCDES is responsible for determining if dewatering activities at the quarry have caused the problem. If SCDES determines the quarry caused the problem, the operator is responsible for repairing, deepening, or re-drilling the affected well(s) to restore groundwater availability. Until such a time the determination is made, the operator is responsible for providing the affected household with a reasonable supply of potable and non-potable water.

Other concerns regarding groundwater contamination were received. This site is primarily a mechanized operation; chemicals are not used to process the material through the crushers, sorters, or screens. The Mine Operating Permit requires the operator to establish a protected area and/or procedures to minimize fuel spillage or incidental spillage of other petroleum products. This may include building a secondary or tertiary storage container, pouring a concrete refueling/maintenance pad, and performing routine maintenance on equipment to prevent spillage. Any contaminated materials resulting from contact with petroleum products will be removed from the site and properly disposed of to prevent contamination to ground- or surface water resources.

## Section 4: Surface Water

Discharge Monitoring and Sediment Control: The operator is permitted to discharge wastewater and stormwater through outfalls in accordance with the *NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities (SCG731699)*. All discharges will be routed through the unnamed tributaries onsite and eventually into the Pacolet River. Discharges from the outfall will be subject to numeric effluent limits (total suspended solids and pH) and other permit requirements that are protective of human health and the environment. Should the operator be unable to meet the requirements of the NPDES permit, SCDES's Bureau of Water would initiate their compliance and/or enforcement procedures, accordingly.

The operator has indicated that during operations, water from the processing plant will be routed in a closed circuit system through the collection pond where the clarified water is then reused in the processing plant. Under normal rainfall conditions, this closed circuit system will operate without discharging into waters of the state. However, in extreme or prolonged rainfall events, there is a potential for the water volume to exceed the capacity of the wash circuit system. Under these circumstances any excess water may be discharged into waters of the state through the regulated outfall.

Stormwater will be routed into the pit or any of the sediment basins throughout the site, in order to capture sediment runoff. This sediment will be allowed settle out of the stormwater prior to being discharged offsite. The NPDES permit requires the operator to have proper Best Management Practices (BMPs) and a Stormwater Pollution Prevention Plan (SWPPP) in place. Furthermore, the operator shall operate the site in accordance with the *Erosion and Sediment Control Plan – Initial Phase* (Rev. 1 dated March 23, 2021) and the approved mine maps.

The NPDES general permit requires that stormwater outfalls have appropriate BMP's to minimize the discharge of pollutants. The permit also requires benchmark monitoring of stormwater discharges. Benchmark monitoring involves collecting a quarterly sample during the first 30 minutes of the stormwater discharge and analyzing it for Total Suspended Solids. If the average of the four quarterly benchmark samples is greater than 100 mg/l Total Suspended Solids, then the operator must either improve their BMP's or document that it is not feasible to improve their BMP's. If the average of the four quarterly benchmark samples is less than 100 mg/l Total Suspended Solids, benchmark sampling is no longer required during this permit term for that outfall.

Potential for Flooding: The mine operating permit is conditioned such that "Active pumping and discharge of water shall cease if the dewatering discharge causes flooding conditions to property downstream of the mine site". At no time will the operator be allowed to flood neighboring properties.

## Section 5: Wetlands

Several wetlands are associated with the tributaries within the site. The mine operating permit requires the operator to observe a minimum 50ft. undisturbed buffer between all land disturbance activity and any USACE jurisdictional wetlands and/or Waters of the US/State. This buffer shall be permanently flagged prior to the initiation of any mine activity. The flags shall be maintained throughout the active mine operation of the site. The operator is allowed to discharge accumulated stormwater—that meets NPDES permit limits—into wetlands through a regulated NPDES outfall.

The operator is required to obtain the necessary permits from the U.S. Army Corps of Engineers and SCDES prior to impacting wetlands prior to any impacts to wetlands.

## Section 6: Buffers, Setbacks, and Visual Impacts

Buffer areas are areas that will not be disturbed beyond the pre-mine natural state and provide distance between the mining operation and the neighboring properties and wetlands. The Act and Regulations do not have specific requirements for buffer areas, so they are developed on a case-by-case basis. The size of the buffer and setback from the permit boundary is dependent on the nature of the mine, the neighboring land use, and the purpose of the buffer area.

The operator has designated 110.3ac as buffer. The operator shall maintain a minimum 50ft undisturbed perimeter buffer between mining activity and all property lines for the majority of the site. Additionally, buffers ranging between 50ft and 0.25mi will provide protection for cultural and historic sites, threatened or endangered species habitats, and the Pacolet River, as shown on the approved mine map(s). The operator shall also construct a vegetated earthen berm on the mine side of the buffers in portions of the plant and facilities area.

The vegetation in the buffer will remain in its current state or be enhanced to provide for visual screening. Appropriate silviculture practices may be utilized to manage buffer areas that will allow thinning of timber under the direction of a S.C. licensed Professional Forester. Any land disturbance not consistent with accepted silviculture practices in the buffer areas will require the Mine Permit to be modified prior to such disturbances.

## Section 7: Noise

The majority of noise generated with mining activity is associated with motorized vehicles and equipment. The level of noise perceived at residences is usually related to the distance from the source of the sound, weather conditions, topography, and the type and condition of the equipment. Equipment such as trucks, dozers, and loaders usually has an average noise level determined by the manufacturer. The majority of the equipment averages 75 to 90 decibels

(db) at a distance of fifty feet. Sound decreases (attenuates) with distance at the rate of about 3 to 5 db each time the distance between the source and the person hearing it is doubled.

Another factor used to buffer noise is topography. Overburden will be used to construct berms to block the direct path of sound. Additionally, the mine operating permit requires the operator to maintain equipment (e.g., mufflers on trucks, trackhoes, pumps) to minimize noise from the site.

The combination of undisturbed vegetated buffers, earthen berms, maintenance of equipment, and distance from the operation will consequently reduce the potential for sound heard offsite. There may be instances when the sound of equipment (back up alarms, trucks, etc.) can be heard, but the decibel levels should not be excessive.

Although no state standards exist for noise emitted from this type of industry, the Mine Safety & Health Administration (MSHA) does have noise standards applicable for worker safety to protect hearing. Therefore noise, limited at the source to protect workers, has the added benefit of limiting noise beyond the permit area.

## Section 8: Public Safety

Public safety around a mine site is always a concern. A primary method to ensure public safety is controlling access to the mine property. A gated entry and warning signs will minimize physical hazards to persons and adjoining land uses. Additionally, natural barriers (e.g., streams, wetlands, vegetation) and constructed berms provide a deterrent for accidental entry into a mine site. The combination of these barriers and site characteristics will limit public exposure to the operations at the site.

## Section 9: Traffic

A common concern expressed is the increase of truck traffic hauling mined material. The SC Mining Act only authorizes SCDES to regulate truck traffic on roads *inside* the permit boundary. SCDES can only evaluate impacts to public roads as it pertains to the physical effects from the mining operation (e.g. blasting, undermining, etc.). It does not give SCDES the authority to regulate or restrict vehicle traffic outside the permit boundary or deny a permit based on the potential increased use of such roads.

Other concerns with road systems, including use of the roads or general wear-and-tear issues, are under the jurisdiction of S.C. Department of Transportation (SCDOT), S.C. Public Service Commission, or Spartanburg County Department of Public Works.

## Section 10: Blasting

Surface blasting requirements are regulated in R.89-150. All blasting is required to be performed by a S.C. licensed blaster and be within 1.0 inch per second peak particle velocity (PPV) at the closest inhabited structure, which is considered more than adequate to protect the structure's integrity.

Per Regulation 89-150.I., to provide for adequate public safety, SCDES is required to establish a minimum distance between blasting and any structure not owned by the operator. Typically, for a new ("green-site") quarry, we set that distance no closer than 1,000ft. The applicant has indicated on the MR-400 that they will observe at least 1,000ft from blasting to the nearest inhabited structure, in order to satisfy that part of the Regulation.

Ground vibrations, due to blasting, may be felt outside of the permit boundary. Federal guidelines on surface blasting state that a PPV of 2.0ips is considered safe for structures; South Carolina goes one step further and limits PPV to 1.0ips (Regulation 89-150.E.) at the closest structure for an additional measure of safety. So, while ground vibrations may be felt offsite as an annoyance, it is not considered intense enough to cause damage to structures or roads.

Additionally, the air blast from a quarry may be heard off-site, but would not be strong enough to produce damage to residential structures.

R.89-150.A. requires the operator to perform a Pre-Blast Survey of inhabited structures that are within one-half mile of any blasting at the landowners' approval. A copy of this report will be given to the operator, the landowner, and SCDES.

## Section 11: Air Quality

**Dust:** Fugitive dust emissions from the proposed mining activities has been a concern with this proposed mine. The Division of Mining and Solid Waste Management is responsible for regulating dust emissions from a mining site. Sources of dust include: moving equipment, handling of the mineral resource and overburden, truck traffic, and wind erosion.

At active sites, the major contributors of dust are equipment and truck traffic. Properly constructed access roads with dust suppression methods (e.g., water trucks, sprinklers) is the most effective way to manage dust from traffic. The operator will use a watering truck. The frequency of watering will depend on weather conditions and volume of traffic.

Wind erosion of areas stripped of vegetation and material stockpiles are also sources for potential dust. The operator, where feasible, shall establish vegetation in non-active mine areas barren of vegetation to stabilize the soil and reduce potential for wind erosion and dust emissions. The combination of minimizing land disturbance and re-vegetation will lessen the potential for windblown dust.

**Health Risks with Dust Exposure:** Health risks are mitigated by controlling the dust at the source. Source control measures include best management practices, such as water trucks, dust suppressants, sprinklers, etc.

MSHA is responsible for protecting the health of workers at mine operations. As part of their duties, MSHA monitors exposure of workers to dust. Results from monitoring show the risk is greatest within work environments involving processing (crushing/grinding) and operating equipment. If a problem concerning overexposure exists, MSHA would require the company install some type of engineering control to eliminate the concern at the source.

Meeting MSHA requirements to control dust in the immediate work area will further minimize any exposure risk outside the permitted area. No elevated exposure risk is anticipated from the mine beyond the property line.

We are exposed on a daily basis to dust from non-industrial sources such as dirt roads, fields, and bare lots. Although the proposed mining operation does not add any new hazards, engineering and administrative controls have been designed to minimize the production of airborne dust. Based on the proposed controls at the mine (natural buffers, distance from property lines, controls on the haul road), an increase in the exposure to silica or other materials beyond the property line is not anticipated.

Information on air monitoring in South Carolina is available on SCDES's Bureau of Air Quality website at <http://www.scSCDES.gov/HomeAndEnvironment/Air/AmbientAir/>.

## Section 12: Zoning

Appropriate or compatible land use is determined by local government. SCDES has no authority regarding zoning in Spartanburg County. Specifically, the S.C. Mining Act states in Section 48-20-250, *"No provision of this chapter supersedes, affects, or prevents the enforcement of a zoning regulation or ordinance within the jurisdiction of an incorporated municipality or county or by an agency or department of this State, except when a provision of the regulation*



*or ordinance is in direct conflict with this chapter.*" SCDES recognizes that each county and municipality across the state has different priorities and unique requirements. SCDES relies on county and municipal governments, through zoning and other ordinances, to regulate where residential, commercial, and industrial zones may occur.

## Section 13: Threatened or Endangered Species

The S.C. Mining Act and Regulations do not allow an undue adverse effect on wildlife or freshwater, estuarine, or marine fisheries. The Mining and Reclamation program has interpreted an "undue" effect as an effect on a federally recognized endangered or threatened species that cannot be properly mitigated for. A third-party consulting firm conducted a Protected Species Assessment on behalf of the operator for several threatened or endangered species with the potential to be affected by mine activity at this site. Of those species, one was observed within the area; a hibernaculum for the tricolored bat, which is proposed to be listed as an endangered species, is located outside the northwest permit boundary in an abandoned mine. The operator shall observe a 0.25mi undisturbed buffer around the hibernaculum and refrain from clearing trees during the bat's pup season (April 15-July 31). The S.C. Department of Natural Resource (DNR) has reviewed the Protected Species Assessment and concurs with the operators methods of mitigation to protect the tricolored bat. No other threatened or endangered species were observed within the site, nor are expected to be impacted by mining activity.

## Section 14: Cultural and Historic Sites

A Cultural Resources Reconnaissance Survey was conducted by a third-party consulting firm on behalf of the operator. Their report identified twenty-five (25) potential archaeological sites within the permit boundaries. The State Historical Preservation Office (SHPO) has reviewed the report and provided comments which concur with the consulting firm's assessment that three of these sites are eligible for listing in the National Registry of Historic Places (NRHP). These sites (38SP0014; 38SP0020; 38SP0052) shall each be protected by a 50ft undisturbed buffer, a 50ft protective buffer, and in addition, the operator shall construct a fence around each site. Lee Cemetery is also located within the site boundaries, and the operator shall observe a 100ft undisturbed buffer around the cemetery.

## Section 15: Land and Property Value/Economic Impact

Comments were received regarding the impact to property values and possible economic impacts. All zoning decisions are made at the local level by a city or county zoning authority, usually before a permit request is received. SCDES cannot dictate where a facility locates or factor property value impacts into our permitting decision. We encourage residents to contact their local city or county council representatives for more information on how to get involved in local zoning and planning issues.

## Section 16: Community/Quality of Life

Comments were received regarding the potential impacts of the proposed mine on the local community's way of life. SCDES is committed to fulfilling the agency's responsibilities to protect and promote the health of the public and the environment. Through the exercise of those responsibilities, SCDES works to improve the quality of life of individuals and communities. However, the agency may only act within the limits of its statutory and regulatory authority. Through statutes and regulations, the General Assembly has established conditions and criteria the agency uses to ensure public health and environmental protection. SCDES is required to make its permit decision based only on technical review of the permit application and the Act and Regulations in place at the time of SCDES's review.

## Section 17: Operating Hours

SCDES does not have the authority to regulate operating hours at mine sites.

## Section 18: Inspections

S.C. Mining Act 48-20-130 and Regulation 89-240 allow SCDES to conduct inspections and investigations of the permitted area at any reasonable time for the purposes of determining whether the operator has complied with the Permit I-002410

reclamation plan, requirements of the Mining Act, any rules and regulations promulgated thereunder, or the terms and conditions of the operating permit. The Mining Program will conduct routine site inspections and compliance inspections, as needed.

The Bureau of Water's monitoring program includes documentation of quarterly visual inspections, an annual comprehensive site inspection, quarterly benchmark sampling, an impaired waters assessment (TMDL sampling if discharging to an impaired water), monthly effluent limitations monitoring (if required), and other aspects like employee training, spill/leak assessments and documentation, and a Best Management Practices Plan. Compliance Evaluation Inspections (CEIs) are randomly conducted at permitted facilities approximately once every 5 years, unless a follow up is needed at a particular facility due to non-compliance with permit guidelines; in such cases, a facility may be inspected at the Departments discretion in order to assess and/or enforce permit compliance. SCDES staff may also respond to complaints about a facility.

## Section 19: General Opposition

SCDES received comments requesting denial of a permit. While SCDES appreciates all comments received, it is important to recognize that we do not have the authority to make permitting decisions based on community, business, employee, or customer approval or disapproval of a proposed operation. SCDES is required by law to make a decision based only on the technical review of an application and the regulatory requirements in place at the time of that review. In 48-20-70 of the Act, SCDES is required to grant an operating permit to the applicant if there are no technical reasons to deny the permit.