



R.61-30, ENVIRONMENTAL PROTECTION FEES

Effective June 27, 2014

(This regulation replaces and supersedes any former regulations)

**Environmental Quality Control Administration
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DISCLAIMER

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PREAMBLE

Pursuant to South Carolina Code Sections 48-2-50 (1993) and 48-39-145, the Department of Health and Environmental Control shall charge fees for environmental programs it administers pursuant to federal and state law and regulations. R.61-30 prescribes those fees applicable to applicants and holders of permits, licenses, certificates, certifications, and registrations (hereinafter, “permits”) and establishes schedules for timely action on permit applications. This regulation also establishes procedures for the payment of fees, provides for the assessment of penalties for nonpayment, and establishes an appeals process to contest the calculation or applicability.

Regulation History

Promulgated pursuant to South Carolina Code Section 48-2-10 et seq. (Act 122, 1993) and Section 48-39-10 et seq.

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Amended by Document Nos. 2673 and 2697 in S.C. State Register 26-6, effective June 28, 2002

Amended by Document Nos. 2815, 2816, and 2824 in S.C. State Register 27-3, effective March 26, 2004

Amended by Document No. 2800 in S.C. State Register 29-3, effective March 25, 2005

Amended by Document No. 3001 in S.C. State Register 30-6, effective June 23, 2006

Amended by Document No. 3112 in S.C. State Register 32-5, effective May 23, 2008

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A. PURPOSE AND SCOPE.

Pursuant to South Carolina Code Sections 48-2-50 (1993) and 48-39-145, the Department of Health and Environmental Control shall charge fees for environmental programs it administers pursuant to federal and state law and regulations. This regulation prescribes those fees applicable to applicants and holders of permits, licenses, certificates, certifications, and registrations (hereinafter, “permits”) and establishes schedules for timely action on permit applications. This regulation also establishes procedures for the payment of fees, provides for the assessment of penalties for nonpayment, and establishes an appeals process to contest the calculation or applicability.

B. DEFINITIONS.

(1) “Actual Emissions” As pertains to Air Quality Control, the actual rate of emissions in tons per year of any regulated pollutant, which was emitted over the preceding calendar year or any other period determined by the Department to be representative of normal source operation. Actual emissions must be calculated using the unit's actual operating hours, production rates, and in-place control equipment, types of materials processed, stored, or combusted during the preceding calendar year or such other time period established by the department.

(2) “Actual Flow” means (a) aggregate flow as reported on the Discharge Monitoring Reports submitted for the previous year by Industrial dischargers; (b) flow limit as established by NPDES and ND permits for municipal and other non-industrial domestic dischargers.

(3) “Adjudicatory Hearing” means a trial-type proceeding conducted by the Department pursuant to the Department's Procedures for Contested Cases, as defined in R.61-72.101.

(4) “Administratively Complete” means a determination by the Department that all elements of an application, as specified in the applicable regulation and including but not limited to all required signatures and tender of the application fee, where required, have been received.

(5) “Applicant” means a person who applies for, or who is required to apply for a permit from the Department, or on whose behalf a permit application is made or required.

(6) “Application” means those forms supplied by the Department, properly completed, together with such technical reports, plans and specifications as may be required by statute or regulation to apply for a new permit; to renew an expired permit; or to request a major modification to an existing permit requiring substantial technical review by the Department.

(7) “Consumer Price Index (CPI)” The average of the Consumer Price Index for all-urban consumers published by the U. S. Department of Labor as of the close of the 12-month period ending on August 31 of each calendar year.

(8) “Department” means the Department of Health and Environmental Control.

(9) “Environmental Protection Fund” means a special agency-restricted, interest-bearing account established within the Treasurer's Office in which is deposited all fees as authorized to be collected for the Department's environmental programs.

(10) “Major Activity” As pertains to Coastal Zone Management Program, any construction activity that is not a minor activity. These include, but are not limited to, activities such as marina construction, construction of docks for commercial endeavors, dredging for navigation channels, pipeline construction, and beach renourishment projects.

(11) “Minor Activity” As pertains to Coastal Zone Management Program, activities which are noncommercial/nonindustrial in nature and provide personal benefits that have no connection with a commercial/industrial enterprise. These include, but are not limited to, activities to construct such structures as private docks, bulkheads to prevent erosion of individual property, beachfront homes seaward of the baseline, and private boat ramps.

(12) “Permit” means any permit, license, certificate, registration, plan approval, variance, or other approval issued by or required by the Department or any of its divisions, pursuant to any statute or regulation.

(13) “Permit Extension” As pertains to Coastal Zone Management critical area permits, is the extension of an existing permit as allowed pursuant to Section 48-39-150(F) and R.30-4(D).

(14) “Permit Reissuance” is the renewal of an existing permit, license, certification or registration at the end of or during the original period of the existing permit, license, certification or registration.

(15) “Permitted Emissions” As pertains to Air Quality, emissions of a regulated pollutant, as specified in a source's air operating permit issued by the Department. Any physical or operational limitation on a source's capacity to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be considered in calculating total emissions.

(16) “Permittee” means any person authorized to conduct any activity or business pursuant to a valid permit issued by or filed with the Department.

(17) “Person” means any individual, trust, firm, public or private corporation, or authority, partnership, association or other entity or any group thereof or any officer, employee, or agent thereof, including the State and the federal government and any agency or authority thereof, and including any city, town, county, or district of the State.

(18) “Public Hearing” A proceeding, properly noticed in accordance with applicable state and federal laws, during which comments are received and testimony is taken to establish a record of concern prior to an administrative action by the Department.

(19) “Public Notice” Notice of application or of proposed agency action published in accordance with applicable statutes and regulations.

(20) “Regulated Pollutant” As pertains to Air Quality, means the actual or permitted emissions from a source for each of the following compounds or substances:

(a) Except as provided for under G(2)(c), any pollutant regulated by Regulation 61-62.

(b) Volatile Organic Compounds.

(c) Except as provided for under G(2)(c), any pollutant for which a National Ambient Air Quality Standard has been promulgated.

(d) Any pollutant that is addressed by any standard promulgated under Section 111 or 112 of the 1990 Federal Clean Air Act or Regulation 61-62, Standard No. 8.

(21) "Sources Subject to Fees" As pertains to Air Quality Control, all sources operating under a permit issued by the Department.

(22) "Time Schedules" In accordance with S.C. Code Section 48-2-70 and 48-39-150, a "schedule of timely review" for purposes of this regulation shall begin when the applicant is notified that the application is administratively complete or within ten days of receipt of the application, whichever comes first; and end when a final decision is rendered. It will include required technical review, required public notice, and end with a final decision by the Department to issue or deny the permit. The time schedule may be tolled or extended in accordance with the conditions stipulated in Section H(1) of this regulation.

(23) "Transfer of Permits" As pertains to the Coastal Zone Management Program, means the written permission of the Department transferring a permit from one person to another.

C. PAYMENT OF FEES.

Application and other fees shall be paid in full as follows:

(1) Application fees:

(a) The Department may specify through the establishment of payment invoices, permit application forms, or other standardized instructions the form and manner of payment of all permit application fees.

(b) Application fees shall be due when the application is submitted. The Department will not process an application until the application fee is received.

(c) If the applicant withdraws the permit application anytime before or after the application has been deemed Administratively Complete, but prior to the Technical review of the application, the Department shall refund the entire application fee to the applicant.

(d) Once an applicant has been notified that the application has been deemed Administratively Complete, the Department shall issue or deny the permit within the time period established in Section H below; if no permit decision has been rendered by the end of the relevant time period, the application fee shall be refunded.

(2) Other Fees:

(a) The permit holder shall be notified of all fees other than application fees, through routine invoicing schedules developed by the Department. All fees other than application fees are assessed on the state fiscal year of July 1 through June 30 of the following year. The holder of any valid permit on July 1 of each year will be assessed fees for the entire following fiscal period.

(b) New facilities permitted at any time during the fiscal year shall pay the entire annual operating fee prior to issuance of an operating permit except for those fees assessed pursuant to the Clean Air Act.

(c) All fees other than application fees are due within thirty days of billing. Unpaid fees, late fees, and returned checks are subject to the provisions of paragraph D below.

(d) Unless the permittee seeks an extension of the time for making payment, the permittee shall make payment in full on or before the date, and in the manner and form, specified in the invoice. Except to the extent authorized by the Department, late payment, nonpayment, partial payment, or failure to make payment in the specified manner and form shall constitute a failure by the permittee to pay the fee when due.

(3) All fees shall be payable to the Department of Health and Environmental Control and mailed to the Bureau of Finance, 2600 Bull Street, Columbia, S.C. 29201.

(4) Construction permits or modifications, revision, or reissue of an operating permit will not be issued for a facility that is in default of fees due under this regulation.

D. PENALTIES.

(1) All fees other than application fees remaining unpaid thirty (30) days after billing will be issued a late notice with no penalty due; however, it will contain advisement of penalty for non-payment after sixty (60) days. Fees remaining unpaid after sixty (60) days will be assessed a ten percent (10%) penalty. Persons delinquent will be issued a notice of the ten percent (10%) penalty due the Department as well as advisement of further penalties should fees remain unpaid. Fees remaining unpaid at the end of ninety (90) days will be assessed a twenty-five percent (25%) penalty in addition to the ten percent (10%) sixty day penalty. The sum of both penalties may not exceed five thousand dollars. Persons delinquent at the end of ninety (90) days under this paragraph will be notified by the Department by certified mail at their last known address.

(2) All returned checks will be subject to a returned check fee as outlined in the DHEC Administrative Policy and Procedures Manual. This penalty will be in addition to those outlined in Paragraph D(1).

(3) Failure to pay fees may, after a hearing in accordance with the provisions of Section F, result in the revocation of an existing permit, license, registration or certification.

E. REPORTING.

A quarterly report will be made to the DHEC Board. The report shall include, but not be limited to, fees set and established under this regulation, changes made in the fee schedule since the last report, number of applications received and number of permits issued by each permitting program, adherence to the time schedules as listed in Section H, reduction, if any, in the backlog of permit applications awaiting review, the amount collected and expended by each fee source, and any other information requested by the Board.

F. APPEALS.

Any person required to pay a fee established pursuant to this regulation, who disagrees with the calculation or applicability of the fee, may submit to the Department a petition for a hearing together with the total amount of the fee assessed by the Department. The petition must comply with the requirements of Section 201 of Regulation 61-72 and must identify the fee, which is challenged and set forth the grounds on which relief is sought. Such petition, and the full amount of the fee due, must be received by the Department no later than thirty days after the due date.

The hearing shall be in accordance with Regulation 61-72, Procedures for Contested Cases, and the State Administrative Procedures Act. If, through the appeals process, it is determined that the fee was improperly assessed, the Department shall return the amount determined to be improperly assessed with interest not to exceed the statutory rate.

G. SCHEDULE OF FEES.

(1) Water Pollution Control.

(a) Annual Fees for NPDES and State Construction Permits and State Land Application Permits. Annual operating fees for facilities with five or less pipes must be calculated based on the previous year's actual flow except for municipal separate storm sewer system (MS4) permits and coverage under a general permit. Annual operating fees for facilities with more than five pipes must be calculated based on the number of pipes except for municipal separate storm sewer system (MS4) permits and coverage under a general permit.

| | |
|---|--|
| (i) Facilities with five or less discharge pipes: | |
| 1. Flow greater than 4,999,000 gal/day | \$2,660 |
| 2. Flow 2,000,000 - 4,999,999 gal/day | \$2,130 |
| 3. Flow 1,000,000-1,999,999 gal/day | \$1,600 |
| 4. Flow 500,000-999,999 gal/day | \$1,330 |
| 5. Flow 100,000-499,999 gal/day | \$1,065 |
| 6. Flow 50,000-99,000 gal/day | \$800 |
| 7. Flow 0-49,999 gal/day | \$530 |
| (ii) For six (6) or more discharge pipes | \$1,600 |
| | plus \$800/discharge for each discharge pipe over five. (\$2,400 minimum charge) |
| (iii) Coverage under General Permit except for NPDES Storm Water General Permits) | \$100 |
| (iv) Municipal Separate Storm Sewer Systems | |
| 1. Individual Permits | |
| a. Large MS4 (population equal to or greater than 250,000) | \$25,000 |
| b. Medium MS4 (population equal to or greater than 100,000 and less than 250,000) | \$15,000 |
| c. Small MS4 (population less than 100,000) | \$10,000 |
| 2. Coverage under a MS4 General Permit | \$2,000 |

(v) Agricultural Facilities

Annual Fee will be based on maximum permitted capacity.

1. Swine Facilities

- a. Facilities with a capacity of 1,000,000 pounds or more of normal production animal live weight at any one time \$500
- b. Facilities with a capacity between 500,000 pounds and 1,000,000 pounds of normal production animal live weight at any one time \$300
- c. Facilities with a capacity of less than 500,000 pounds of normal production animal live weight at any one time \$150

2. Other Animal Operations

- a. Dry Manure/Litter Operations \$75
- b. Wet Manure/Litter Operations \$150

(vi) Industrial NPDES Storm Water General Permit Coverage \$75

(b) Water Quality Certification Application Fees.

- (i) Certification of major activities requiring federal or state permits \$1,000
- (ii) Certification of minor activities requiring federal or state permits \$100

(c) Construction Permit Fees.

(i) Pretreatment Systems

- 1. For simple systems, such as one-component systems (e.g. oil/water separators, air strippers, pH control, etc.) \$200
- 2. Complex (such as Multi-Component) systems \$600

(ii) Collection Systems

1. Non-Delegated Program

- a. 1000 ft. or less \$100
- b. 1,001 to 9,999 ft. \$200
- c. 10,000 ft. or greater \$350
- d. Pump stations with or without sewer lines \$350
(Fee exempt for individual, residential pumps)

2. Delegated Project Review Program \$75

(iii) Wastewater Treatment Facilities. Fees for modifications without expansions will be assessed by the Department only for those modifications, which require the actual submission of plans and specifications to the Department for review.

- 1. Facilities with a Flow of 1,000,000 GPD or greater
 - a. New \$1,050
 - b. Expansion \$800
 - c. Modification without Expansion (Engineering review required) \$550
 - d. Modification without Expansion (No Engineering review required) NC
- 2. Facilities with a Flow of 0-999,999 GPD
 - a. New \$700
 - b. Expansion \$550
 - c. Modification without Expansion (Engineering review required) \$400
 - d. Modification without Expansion (No Engineering review required) NC

(iv) Project submittals with both collection and treatment components pay the sum of the applicable collection and treatment fees under (i), (ii), and (iii) above.

(v) Construction NPDES Storm Water Permit

- 1. When the Department is the entity responsible for reviewing the Stormwater Pollution Prevention Plan Plus \$100 per disturbed submitted for review.acre (not to exceed \$2000) \$125
- 2. When an entity other than the Department is responsible for review of the Storm Water Pollution Prevention Plan and the entity's approval serves as a notice of intent for coverage under the general permit. \$125

(d) Agricultural Waste Management Plan Application.

(i) New or Expanding Swine Facilities

- 1. Facilities with a capacity of 1,000,000 pounds or more of normal production animal live weight at any one time \$2,500
- 2. Facilities with a capacity between 500,000 pounds and 1,000,000 pounds of normal production animal live weight at any one time \$680
- 3. Facilities with a capacity of less than 500,000 pounds of normal production animal live weight at any one time \$340

(ii) New* or expanding Other Animal Facilities

- 1. Dry Manure/Litter Operation \$165
- 2. Wet Manure/Litter Operation \$240

*includes conversion to another type of facility, i.e. poultry to swine.

- (e) Industrial Storm Water 'No Exposure' Certification \$350

(2) DHEC: Safe Drinking Water Act.

(a) In order to comply with the provisions of the federal Safe Drinking Water Act, the Department is authorized to collect a fee from each public water system. The fee must be based upon the number of taps through which the system provides water to its customers. The fees collected must be returned to the Department for the purposes of implementing the Safe Drinking Water Act Regulatory Program including engineering plan review, compliance inspections, and enforcement; and for providing technical assistance and monitoring and laboratory analytical services for the public water systems of the State. The fee shall be as follows:

(i) Community And Non-Transient Non-Community Water Systems

Fee = Program Administration Component + Distribution Monitoring Component + Source Monitoring Component

Program Administration Component:

$\$14.38 \times (\# \text{ Taps Up To } 10) + \$9.60 \times (\# \text{ Taps From } 11 \text{ To } 25) + \$7.76 \times (\# \text{ Taps From } 26 \text{ To } 50) + \$5.75 \times (\# \text{ Taps From } 51 \text{ To } 100) + \$3.85 \times (\# \text{ Taps From } 101 \text{ To } 500) + \$2.88 \times (\# \text{ Taps From } 501 \text{ To } 1,000) + \$1.96 \times (\# \text{ Taps From } 1,001 \text{ To } 5,000) + \$1.44 \times (\# \text{ Taps From } 5,001 \text{ To } 10,000) + \$0.92 \times (\# \text{ Taps From } 10,001 \text{ To } 15,000) + \$0.46 \times (\# \text{ Taps From } 15,001 \text{ To } 25,000) + \$0.29 \times (\# \text{ Taps From } 25,001 \text{ To } 50,000) + \$0.17 \times (\# \text{ Taps From } 50,001 \text{ To } 100,000) + \$0.12 \times (\# \text{ Taps Greater Than } 100,000)$

Distribution Monitoring Component:

\$262.50 (Systems Serving Up To 100 Taps) Or,
\$750.00 (Systems Serving 101 To 1,000 Taps); Or,
\$3,750 (Systems Serving 1,001 To 15,000 Taps) Or
\$7,500 (Systems Serving Greater Than 15,000 Taps)

Source Monitoring Component:

$[(\$250 \times (\# \text{GW Sources})) + (\$500 \times (\# \text{SW Sources}))]$ (Up To 25 Taps); Or,
 $[(\$450 \times (\# \text{GW Sources})) + (\$800 \times (\# \text{SW Sources}))]$ (From 26 To 100 Taps);
Or, $[(\$1,250 \times (\# \text{GW Sources})) + (\$1,800 \times (\# \text{SW Sources}))]$ (Greater Than 100 Taps); Or, [Maximum \$7,500]

Program Administration Component of Fee (Base Amount + Rate Per Tap)

| <i>System Size</i> | <i>Base Amount</i> | <i>Rate Per Tap</i> |
|--------------------|--------------------|------------------------------|
| 1 – 10 | \$0 | \$14.38 First 10 Taps |
| 11 – 25 | \$143.80 | \$9.60 Taps 11 – 25 |
| 26 – 50 | \$287.80 | \$7.76 Taps 26 – 50 |
| 51 – 100 | \$481.80 | \$5.75 Taps 51 – 100 |
| 101 – 500 | \$769.30 | \$3.85 Taps 101 – 500 |
| 501 – 1000 | \$2,309.30 | \$2.88 Taps 501 – 1,000 |
| 1,001 – 5,000 | \$3,749.30 | \$1.96 Taps 1,001 – 5,000 |
| 5,000 – 10,000 | \$11,589.30 | \$1.44 Taps 5,001 – 10,000 |
| 10,001 – 15,000 | \$18,789.30 | \$0.92 Taps 10,001 – 15,000 |
| 15,001 – 25,000 | \$23,389.30 | \$0.46 Taps 15,001 – 25,000 |
| 25,001 – 50,000 | \$27,989.30 | \$0.29 Taps 25,001 – 50,000 |
| 50,001 – 100,000 | \$35,239.30 | \$0.17 Taps 50,001 – 100,000 |
| 100,001 and Above | \$43,739.30 | \$0.12 Taps Over 100,000 |

Distribution and Source Monitoring Components of Fee

| <i>System Size</i> <i>(Number Of Taps)</i> | <i>Distribution Monitoring</i> <i>(Fixed Rate)</i> | <i>Source Monitoring</i> <i>(Rate per Source)</i> | |
|---|---|--|----------------------|
| | | <i>Ground Water</i> | <i>Surface Water</i> |
| 1 – 10 | \$262.50 | \$250 | \$500 |
| 11 – 25 | \$262.50 | \$250 | \$500 |
| 26 – 50 | \$262.50 | \$450 | \$800 |
| 51 – 100 | \$262.50 | \$450 | \$800 |
| 101 – 500 | \$750 | \$1,250 | \$1,800 |
| 501 – 1000 | \$750 | \$1,250 | \$1,800 |
| 1,001 – 5,000 | \$3,750 | \$1,250 | \$1,800 |
| 5,000 – 10,000 | \$3,750 | \$1,250 | \$1,800 |
| 10,001 – 15,000 | \$3,750 | \$1,250 | \$1,800 |
| 15,001 – 25,000 | \$7,500 | \$1,250 | \$1,800 |
| 25,001 – 50,000 | \$7,500 | \$1,250 | \$1,800 |
| 50,001 – 100,000 | \$7,500 | \$1,250 | \$1,800 |
| 100,001 And Above | \$7,500 | \$1,250 | \$1,800 |

(ii) Other Public Water Systems

| | |
|---|-------------|
| Transient Non-Community Systems | Fee = \$275 |
| Systems Serving More Than 1 Tap But Less than 15 Taps and Serving Less Than 25 People | Fee = \$175 |
| Systems Serving 1 Tap and Serving Less than 25 People | Fee = \$125 |
| Vending Machines | Fee = \$75 |

(iii) For the purposes of this fee schedule, tap is defined as a service connection, the point at which water is delivered to the consumer (building, dwelling, commercial establishment, camping space, industry, etc.) from a distribution system, whether metered or not and regardless of whether there is a user charge for consumption of the water.

(iv) The Department shall submit an annual report to the Senate Finance Committee, House Ways and Means Committee, South Carolina Section American Water Works Association and the Municipal Association detailing activities funded from safe drinking water fees. The report shall include the amount of fees collected from each waterworks and the listing of expenditures from those fees. The expenditures shall be accompanied by a list of benefits the waterworks receive from the State as a result of the fees. In providing monitoring and laboratory analytical services, DHEC will consider least cost alternatives including contracting with private laboratories when appropriate. DHEC shall include all applicable direct and indirect costs in developing cost comparisons with private laboratories.

(v) Penalties. All fees remaining unpaid thirty (30) days after billing will be issued a late notice with no penalty due; however, it will contain advisement of penalty for non-payment after sixty (60) days. Fees remaining unpaid after sixty days will be assessed a ten percent (10%) penalty. Fees remaining unpaid at the end of ninety (90) days will be assessed a twenty-five percent (25%) penalty in addition to the sixty day penalty. The Department may waive any or all of the assessed penalties in extenuating circumstances. The sum of both penalties may not exceed five thousand dollars. Persons delinquent under this paragraph will be notified by the Department by certified mail at their last known address.

1. All returned checks will be subject to a returned check fee as outlined in the DHEC Administrative Policy and Procedures Manual. This penalty will be in addition to those outlined above.

2. No monitoring will be conducted on systems with fees unpaid at the end of ninety (90) days.

(b) Construction General permit (for Distribution Systems) Annual Fee.
The annual fee is \$1,000.

(c) Construction Permit Application Fees

(i) distribution systems and related components

| | |
|---------------------------------------|-------|
| 1. 1,000 feet or less of line | \$150 |
| 2. 1,001 feet to 9,999 feet | \$400 |
| 3. 10,000 feet or greater | \$600 |
| 4. Distribution storage/pump stations | \$600 |

| | |
|--|---------|
| (ii) Supply/Treatment from Groundwater Sources | |
| 1. Well systems (test well) | \$500 |
| 2. Well systems (follow-up, including well head piping, storage) | \$500 |
| 3. Well Systems (one step) | \$1,000 |
| 4. Treatment systems (except for chemical feed systems) | \$500 |
| 5. Chemical feed systems | \$250 |
| 6. Small water system permits | \$250 |
| (iii) Supply/Treatment from Surface Water Sources | |
| 1. New treatment plants | \$2,000 |
| 2. Expansion of existing facilities | \$1,500 |
| 3. Modifications or addition of components | \$1,000 |
| 4. Plant storage, pumping and piping facilities | \$500 |
| 5. Chemical feed systems | \$250 |
| (iv) Drinking Water Dispensing Stations/Bottled Water Plants (using distribution water) | \$500 |
| (v) General Permit (which may include Delegated Review Program Approval) | |
| 1. Application for permit (not a renewal) | \$1,000 |
| 2. Delegated review permit | \$75 |
| (vi) Permit extensions | \$50 |

(3) Air Quality.

(a) General.

(i) The fees assessed are those fees sufficient to cover reasonable costs associated with the development, processing, and administration of the Title V air quality permit program. Such costs are defined as those necessary to administer the permit program, the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, support staff, equipment, legal services, contracts with consultants and program expenses listed in Section 502(b)(3)(a) of Title V of the 1990 amendments to the Federal Clean Air Act.

(ii) Fees collected shall be placed in a separate non-reverting account within the Department to be used exclusively for the expenses in G(3)(a)(i).

(iii) Except as provided in Section F of this regulation, fees are non-refundable.

(iv) Types of permits used in Table 1 below refer to the Definitions used in Regulation 61-62.1.

(v) All sources are subject to the fee schedule in paragraph (b) below. All sources subject to Title V requirements under Regulation 61-62.70 are also subject to the fee schedule in paragraph (c) below.

(b) Annual Fee. The source owner or operator must pay an annual permit fee to the Department. Beginning on July 1, 1994, and for each subsequent year, fees will be as follows:

(i) \$25.00 per ton (plus Consumer Price Index (CPI) adjustment) of regulated pollutant based on the actual emissions for the preceding calendar year or any other period determined by the Department to be representative of normal source operation. The CPI adjustment is that percentage of \$25.00/ton equal to the percentage, if any, by which the CPI for the most recent calendar year ending before the beginning of such year exceeds the CPI for 1989.

(ii) New sources or any source without sufficient data to be able to determine actual emissions must be assessed the above \$25.00 a ton fee with appropriate CPI adjustment calculated on a pro rata basis for their months of operation. The fee must be based on permitted emissions, until such time as “Actual emissions” can be calculated, and must be paid before the operating permit is issued.

(c) Annual Title V Program Maintenance Fee. The owner or operator of a source subject to the title V requirements under Regulation 61-62.70 will be assessed the following annual maintenance fee set forth in Table 1 and based on actual emissions as determined in paragraph (3)(b) above.

| Table 1: Schedule of Annual Title V Program Maintenance Fees | |
|--|-------------|
| Actual Emission Level | Fee |
| < (less than) 10 tons | \$500.00 |
| 10 tons to 50 tons | \$1,000.00 |
| > (greater than) 50 tons to 100 tons | \$2,000.00 |
| > (greater than) 100 tons to 250 tons | \$3,500.00 |
| > (greater than) 250 tons to 1,000 tons | \$6,500.00 |
| > (greater than) 1,000 tons | \$10,000.00 |

(d) Should funds in the non-reverting account exceed the anticipated budgeted expenditures for the following year, the fee described in Section G.3.b(i) and (ii) and G.3.c. above may be adjusted by the Board. At no time shall this adjustment cause a depletion of funds to a level less than ten percent (10%) of the previous year’s expenditures for the Title V permitting requirements of the 1990 Federal Clean air Act. Any adjustment of fees will require a public hearing to propose the adjustment prior to a final decision of the Board.

(e) Exceptions.

(i) No fees will be assessed for emissions of carbon monoxide.

(ii) No fee will be assessed for actual or permitted emissions in excess of 4,000 tons/year per pollutant.

(iii) The Department may exclude, from the fee calculations, insignificant quantities of actual emission not required in a permit application pursuant to Regulation 61-62.70.5(c).

(4) Laboratory Certification Services.

| | |
|--|-------|
| (a) Application Fee | \$125 |
| (b) Minimum Annual Fee (per laboratory) | \$125 |
| (c) Clean Water Act (CWA) Inorganics per parameter | \$20 |

| | |
|---|----------------|
| (d) Safe Drinking Water Act (SDWA) Inorganics per parameter | \$20 |
| (e) SDWA “Secondary” Inorganics per parameter | \$20 |
| (f) CWA Organics: | |
| (i) PCBs and Pesticides | \$350 |
| (ii) Herbicides | \$350 |
| (iii) Volatiles | \$350 |
| (iv) Semi-Volatiles | \$350 |
| (v) Dioxins and Furans | \$350 |
| (g) SDWA Organics: | |
| (i) Trihalomethanes | \$350 |
| (ii) Organic Compounds | \$350 |
| (iii) Volatiles | \$350 |
| (h) Microbiology: | |
| (i) Total Coliform | \$75 |
| (ii) Fecal Coliform | \$75 |
| (iii) Fecal Streptococci | \$75 |
| (i) Biology: | |
| (i) Toxicity Testing | \$500/ Species |
| (ii) Taxonomy | \$250 |
| (j) Solid and Hazardous Wastes (SW-846 Methods): | |
| (i) Inorganics (per parameter) | \$20 |
| (ii) Organics (per parameter group) | \$350 |
| Note: SW-846 certification fees shall be capped at \$1,500 for those laboratories which have paid the applicable per-parameter fees for CWA tests. | |
| (k) Air Quality Analysis: | |
| (i) Inorganics (per parameter) | \$20 |
| (ii) Organics (per parameter group) | \$350 |
| Note: Air Quality Certification fees shall be capped at \$1,500 for those laboratories which have paid the applicable per-parameter fees for CWA tests. | |

(5) Radioactive materials licenses including reciprocity and general licenses specified in R.61-63.

| | |
|---|-----------|
| (a) Low-Level Radioactive Waste Shallow Land Disposal | \$600,000 |
| (b) Low-Level Waste Interim On Site Storage & Processing: | |
| (i) Solid Components Only | \$7,500 |
| (ii) Combination Waste Streams | \$15,000 |
| (c) Low-Level Waste Processing Services: | |
| (i) Less than 200 FT ³ /year | \$15,000 |
| (ii) Greater than 200 FT ³ /year | \$75,000 |
| (d) Low-Level Waste Consolidation Services | \$37,5 00 |
| (e) Decontamination, Recycling, Pilot Study Services & Contaminated Equipment Storage (Non-waste) | \$4,500 |
| (f) Decommissioned Facility: | |
| (i) Test Reactor | \$750 |
| (ii) Non Fuel Cycle | \$750 |
| (iii) Fuel Cycle | \$7,500 |
| (g) Natural Occurring from Processes | \$750 |
| (h) Radioactive Material Manufacturing/Processing | \$40,500 |
| (i) Irradiator (unshielded) | \$5,994 |
| (j) Irradiator (Self-contained) | \$313 |
| (k) Large Quantity Source Material | \$1,250 |
| (l) Industrial Radiography (In-Plant only) | \$1,119 |
| (m) Industrial Radiography (Temporary Field Site) | \$1,344 |
| (n) General License for Distribution | \$806 |
| (o) Medical Institution | \$707 |
| (p) Teletherapy | \$1,000 |
| (q) Industrial Gauges | \$344 |
| (r) Laboratories- Commercial/Medical | \$325 |

| | |
|--------------------------------------|---------|
| (s) Educational Institution | \$407 |
| (t) Nuclear Pharmacy | \$1,244 |
| (u) Medical Private Practice | \$588 |
| (v) Moisture/Density Gauge | \$325 |
| (w) Gas Chromatograph | \$188 |
| (x) Services/Consultants | \$207 |
| (y) Bone Mineral Analyzer | \$432 |
| (z) Eye Applicator | \$432 |
| (aa) Medical/Academic Broad License | \$2,313 |
| (bb) Well Logging | \$1,125 |
| (cc) Mobile Scanning Services | \$675 |
| (dd) Decontamination/Nuclear Laundry | \$4,375 |
| (ee) All other | \$338 |

(6) Radioactive Waste Transportation Permits.

| | |
|---|---------|
| (a) Type X - Annually greater than 75 cubic feet | \$2,500 |
| (b) Type Y - Annually less than 75 cubic feet | \$300 |
| (c) Type Z - Combination X or Y but not for disposal within State-Transport only | \$100 |

(7) Radioactive Material Fees for review and approval of special projects, topical reports, on site disposals, permits, licenses, amendments, renewals and inspections that are not covered by the above schedule, but are based on the full cost recovery for the review or inspection, will be calculated using a professional staff-hour rate equivalent to the sum of the average cost to the agency for a professional staff member, including salary and benefits, administrative support, travel, and certain program support. The professional staff-hour rate will be based on the applicable fiscal year budget but would not exceed one hundred dollars per hour.

(8) Hazardous and Mixed Waste.

| | |
|----------------------|-------|
| Annual Operating Fee | \$600 |
|----------------------|-------|

(9) Public Swimming Pool Fees.

| | |
|---------------------------|--|
| (a) Construction Permits. | |
|---------------------------|--|

(i) Type “A”, “B”, “C”, “D”, and “F” Pools - \$ 400 plus \$.50 per square foot of surface area.

(ii) Type “E” Pools - \$1,000 per flume (including minimum required design landing area) or water course, to include water slide. Additional area above minimum required landing area and all other Type “E” pools will be charged according to (i) above.

(iii) The Department may collect an additional \$250 from the owner for each repeat final inspection that is required due to incomplete construction or construction that is not in accordance with permitted plans and specifications.

(b) Annual Operating Permits

(i) Type “A”, “B”, “C”, “D” and “F” Pools - \$125 for the first pool on a property plus \$100 for each additional pool on the same property.

(ii) Type “E” Pools - \$100 per flume or water course.

(10) Individual Residential Wells and Irrigation Wells.

In accordance with R.61-44, Permitting of Individual Residential Wells and Irrigation Wells, the Department is authorized to collect a fee for each application to install an individual residential well and irrigation well. The fee collected must be returned to the Department for the purposes of developing and implementing the Individual Residential Well and Irrigation Well Program, including proposed well construction review, compliance inspections, technical assistance, enforcement; and for providing bacteriological analytical services for new individual residential wells. The fee shall be as follows:

| | |
|---------------------------------|------|
| (a) Individual Residential Well | \$70 |
| (b) Irrigation Well | \$50 |

(11) Individual Residential Well Monitoring.

These fees are to be charged for water samples collected by individuals from their residential well and submitted to the Department for analysis. These fees will not be charged if the samples are considered part of a Department groundwater contamination investigation and may be waived or reduced based on the individual’s ability to pay. Ambient water samples and samples from public water systems will not be accepted and analyzed.

| | |
|---|-----------------------|
| (a) Total or Fecal Coliform | \$20 per test |
| (b) Metals and Minerals | \$50 per sample |
| (c) Other Inorganic Parameters parameter | \$25 per |
| (d) Volatile Organic Chemicals | \$50 per sample |
| (e) Herbicides, Pesticides and other Synthetic Organic Parameters | \$50 per parameter |

(12) Infectious Waste Annual Fees.

| | |
|--|-------|
| (a) Generators of 1000 pounds per month or more | \$600 |
| (b) Generators of 50 pounds per month through 999 pounds per month | \$150 |
| (c) Transporters | \$500 |

(13) Coastal Zone Management Program.

(a) General.

(i) The fees assessed are those fees sufficient to cover a portion of the reasonable costs associated with the development, processing, and administration of the Coastal Zone Management Program.

(ii) Fees collected shall be placed in a separate non-reverting account within the Department to be used exclusively for the expenses in G(13)(a)(i), except for the amounts dedicated to the Coastal Resources Access Fund (CRAF). DHEC-OCRM shall make matching grants from the fund on a 50/50 basis to local governments in the South Carolina Coastal Zone for projects which enhance the public's use and enjoyment of coastal resources. A portion of the funds collected as per G(13)(b) shall be dedicated to the CRAF.

(iii) Local governments will only be charged the fee for a minor activity and State agencies will not be charged.

(b) Critical Area Permit Application Fees.

| | | |
|--|--------|--------|
| (i) Minor activity: | \$250, | except |
| docks 100 feet or less in length for which the fee will be | \$150 | |
| (ii) Major activity: | \$1000 | |
| (iii) Extensions or transfers of minor permits: | \$25 | |
| (iv) Extensions or transfers of major permits: | \$100 | |
| (v) Amendments for minor permits which must be placed on public notice: | \$100 | |
| (vi) Amendments for major permits which must be placed on public notice: | \$1000 | |

(14) Oil and Gas Annual Fees:

| | |
|-------------------------------------|-------|
| Terminal Facility Registration Fees | \$250 |
|-------------------------------------|-------|

H. TIME SCHEDULES.

(1) General.

(a) All times given in days are given in calendar days. The last day of the period is to be included, unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday. With respect to permit

reissuance, the schedule for timely action shall apply only if the applicant so elects and notifies the Department in writing.

(b) The day notice is mailed to the applicant that the application is deemed administratively complete shall be counted. If notice that the application is Administratively Complete or notice that the application is not Administratively Complete, together with notice of the specific items deemed to be lacking, is not mailed to an applicant within ten (10) working days of receipt of an application, the time period will begin.

(c) The time schedule shall be tolled when the Department makes a written request for additional information and shall resume when the Department receives the requested information from the applicant. If an applicant fails to respond to such a request within 180 days, the Department will consider the application withdrawn and the application fee will be forfeited. The Department shall notify the applicant no later than 10 days prior to expiration of the 180-day period.

(d) The time periods given in Section H.2 shall be stayed if:

(i) The applicant requests that permit review be suspended;

(ii) The Department at least ten days prior to the expiration date, requests a delay in the review process to which the applicant agrees;

(iii) The Department is requested to hold a public hearing, in which case the time schedule will be tolled for no more than 60 days.

(e) Change in Project.

(i) Determination of Change. The Department may determine that the applicant has filed a new application whenever additional information provided by the applicant during any Departmental review period, in response to any statement identifying deficiencies in the application or supporting materials, or during any period allowed for public comment, either:

1. results in a change in the category in which the permit application is classified, or;

2. significantly increases or changes the nature of the potential effects of the proposed project or activity on public health and safety or the environment. Upon making a determination that the applicant has filed a new application, the Department shall promptly notify the applicant in writing. The notice shall indicate the basis for the determination and summarize the provisions relative to such determinations. The determination that a project has changed shall not be grounds for a request for adjudicatory hearing; however, an applicant aggrieved by such a determination may seek review of the determination as an issue in any appeal of the permit decision.

(ii) Effects of determination on schedule.

1. Immediately upon issuance of the notification, the schedule for timely action shall be suspended.

2. If the determination resulted from a proposed change in design or operation of the proposed project or activity the applicant may, within 30 days, withdraw the change and

return to its previous proposal by so notifying the Department in writing. If the applicant so notifies the Department, the schedule for timely action shall resume at the point at which it was suspended.

3. If the determination resulted from any other cause, or if the applicant does not elect to withdraw the change, the Department shall begin a review of the new application pursuant to the relevant schedule for timely action.

(iii) Effects of determination on fee. Unless the applicant elects to proceed with the previous application the original application shall be deemed withdrawn, and the fee shall be forfeited; provided, that the Department shall credit any amount to be refunded toward the permit application fee payable for the new permit unless the applicant requests a refund.

(f) Extension of schedule by other actions.

(i) Failure of payment. Whenever a check or other form of payment of an application fee is returned for insufficient funds, or if payment in full is in any other manner prevented, the schedule for timely action shall be suspended. The Department shall notify the applicant of such suspension in writing.

(g) Extension of periods for Departmental action.

(i) The time periods for the Department to take any action shall be extended whenever action by another federal, state, or municipal governmental agency is required before the Department may act, or judicial proceedings then underway affect the ability of the Department or the applicant to proceed with the application, or when the Department has commenced enforcement proceedings which could result in revocation of an existing permit for that facility or activity and denial of the application. The applicant shall promptly notify the Department in writing whenever it believes that action by another governmental agency is required, or that judicial proceedings affect the ability of the Department or the applicant to proceed with the application.

(ii) The Department shall provide written notice to the permit applicant within ten (10) days of making a determination that an extension is necessary. Such notice shall contain a statement of the reasons for which the schedule must be extended.

(iii) When the Department determines that the reason for such extension is no longer applicable, the Department shall so notify the applicant in writing within ten (10) days of making such determination. The time period for the Department to complete a timely review shall begin on the day the notice is mailed.

(2) Environmental Permit.

(a) Water Pollution Control.

- | | | |
|------|---|---|
| (i) | New/increased capacity NPDES or land application permits | 180 Days |
| (ii) | Construction Permit for new treatment plant or expansion with increased volume, mass loading, or loading, or addition of pollutant to be controlled | 120 Days (or 20 Days beyond effluent discharge permit issuance whichever is greater) |

| | |
|---|--|
| (iii) Construction Permit for treatment plant upgrade (without expansion and no change in effluent discharge permit limits) | 90 Days |
| (iv) Construction permit for pre-treatment system | 90 Days |
| (v) Construction Permit for sewer systems (including pump stations and force main systems) | 60 Days* *Add 45 days if separate navigable waterway permit is applicable |
| (vi) Storm water discharge under General Permit | 7 Days |
| (vii) Water Quality Certification | 180 Days |
| (b) Agricultural Waste Management Plan Application. | |
| (i) Swine Facilities | |
| 1. Facilities with a capacity of 420,000 pounds or more of normal production animal live weight at any one time | 120 Days |
| 2. Facilities with a capacity of less than 420,000 pounds of normal production animal live weight at any one time | 90 Days |
| (ii) Other Animal Facilities | |
| 1. Dry Manure/Litter Operation | 90 Days |
| 2. Wet Manure/Litter Operation | 120 Days |
| (c) Air Quality. | |
| (i) Construction permit | 90 Days |
| Except for permits issued under the NESHAP Regulation [R.61-62.63], which provides 105 days for permit issuance.) | |
| (ii) Operating permit | 90 Days |
| (iii) PSD Construction Permit | 270 Days |
| (iv) Title V Operating Permit | 540 Days |
| (d) Laboratory Certification. | |
| (i) Initial certification | 90 Days |
| (e) Radioactive Materials Licenses. | |
| (i) New license: on-site disposal, broad license | 30 Days |
| (ii) New license: storage/treatment | 180 Days |

- (iii) License renewal - annual 30 Days
- (iv) Transporter permit 10 Days

(f) Hazardous and Mixed Waste Management.

- (i) Commercial Hazardous Waste Facilities 990 Days
- (ii) Non-Commercial Hazardous Waste Facilities 540 Days

Applications for permit modifications which add or delete units, or which change the capacity of permitted units, will be processed within the time schedules above.

(g) Solid Waste Management.

(i) Municipal Solid Waste Landfill Permit:

1. Solid Waste Landfill Siting Study:

- a. Preliminary Hydrogeologic Characterization Report 60 Days
- b. Site Hydrogeologic Characterization Work Plan 90 Days
- c. Site Hydrogeologic Characterization Report 120 Days
- 2. Permit Application 360 Days

(ii) Industrial Solid Waste Landfill Permit:

1. Solid Waste Landfill Siting Study:

- a. Preliminary Hydrogeologic Characterization Report 60 Days
- b. Site Hydrogeologic Characterization Work Plan 90 Days
- c. Site Hydrogeologic Characterization Report 120 Days

2. Permit Application 360 Days

(iii) Municipal Incinerator Ash Landfill Permit:

1. Solid Waste Landfill Siting Study:

- a. Preliminary Hydrogeologic Characterization Report 60 Days
- b. Site Hydrogeologic Characterization Work Plan 90 Days
- c. Site Hydrogeologic Characterization Report 120 Days

2. Permit Application 360 Days

(iv) Municipal Solid Waste Incineration Permit 180 Days

(v) Construction, Demolition and Land-Clearing Debris Landfill Permit 120 Days

(vi) Waste Tire Permit (Processing, Collection and Disposal Permit) 90 Days

(vii) Waste Tire Hauler Registration 30 Days

| | |
|---|----------|
| (viii) Transfer Station Permit | 90 Days |
| (ix) Research, Development and Demonstration Permit | 90 Days |
| (x) Municipal Solid Waste Processing Permit | 90 Days |
| (xi) Lead-Acid Battery Facility Registration | 30 Days |
| (xii) Yard Trash Composting Facility Registration | 30 Days |
| (h) Infectious Waste Management. | |
| (i) Treatment facility | 270 Days |
| (ii) Intermediate Handling Facility | 270 Days |
| (i) Drinking Water Permits. | |
| (i) Drinking Water Construction | 45 Days |
| (ii) Recreational Waters | 15 Days |
| (iii) UST Construction Permit | 15 Days |
| In Coastal Zone | 45 Days |
| (iv) UST Operating Permit | 10 Days |
| (v) UIC Construction Permit | 60 Days |
| (vi) UIC Operating Permit | 45 Days |

(j) Individual Residential Wells and Irrigation Wells (issued under a general permit with the 48 hour period calculated from the time and date of receipt of the Notice of Intent excluding weekends and legal state holidays):

| | |
|---------------------------------|----------|
| (i) Individual Residential Well | 48 Hours |
| (ii) Irrigation Well | 48 Hours |

(3) Coastal Zone Management Program.

(a) Critical Area Permits.

| | |
|--|---------|
| (i) Minor activities: | 30 days |
| (ii) Major activities: | 90 days |
| (iii) Extensions or transfers of minor activity permits: | 15 days |
| (iv) Extensions or transfers of major activity permits: | 30 days |
| (v) Amendments of minor activity permits: | 30 days |
| (vi) Amendments of major activity permits: | 90 days |

I. COMPLIANCE WITH OTHER STATUTES AND REGULATIONS.

Nothing in this regulation shall relieve the applicant of the duty to comply with all other applicable environmental statutes and regulations.

J. SEVERABILITY.

Should any section, paragraph or other part of these regulations be declared invalid for any reason, the remainder shall not be affected.