TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL

SUBCHAPTER 8. PERMITS FOR PART 70 SOURCES AND MAJOR NEW SOURCE REVIEW (NSR) SOURCES

PART 3. PERMIT APPLICATION FEES

252:100-8-1.8. Expedited permitting for certain types of applications

(a) DEQ, at its discretion, may authorize qualified permit review staff to work after normal business hours and on weekends as part of an expedited permitting program for certain types of air quality permits. The participating permit review staff will be compensated for their work using voluntary surcharges paid for by permit applicants who wish to expedite the review of the permit application. Participation in the expedited permitting program does not guarantee a specific permit issuance date, and the voluntary surcharges paid to DEQ are non-refundable.

(1) **Pre-application meeting.** An applicant must schedule a pre-application meeting with DEQ to discuss the permit requirements and to determine if the applicant's placement into the expedited permit program is possible.

(2) **Application and fee.** Following the Pre-application meeting, the applicant shall submit its complete permit application, including the associated application fee, to DEQ.

(3) **Expedited permit surcharge.** The applicant shall remit payment for the Expedited Permit Surcharge in the amount specified in this subsection. This payment shall be paid separately from the permit application fee and must be paid before any expedited review work is performed. The expedited permit surcharge is not refundable. The expedited surcharges for different type of air quality permits are as follows:

(A) PSD Construction Permit - $15,000.00,

(B) Tier II Construction Permit - $12,000.00,

(C) Applicability Determination - $5,000.00, and

(D) Tier Determination for Minor Modification - $5,000.00.

(4) **Timely response to DEQ information requests.** An applicant participating in the expedited permit program shall respond to any written request for information or Notice of Deficiency issued by DEQ within two (2) business days of receipt. Failure by the applicant to respond within the specified timeframe may result in delays to permit processing and/or administrative review. Each response shall include:

(A) A written acknowledgment of the request.

(B) An estimated timeframe for providing the requested information, not to exceed ten (10) business days, unless otherwise agreed in writing by DEQ.

(5) **Communication with DEQ.** All notices and communications, including information requests and responses, shall be made in writing and delivered via email, mail, or any other DEQ-approved method to the designated contact(s). Either DEQ or the applicant may update its contact information by providing written notice to the other party. Changes become effective upon receipt.

(6) **Administration of expedited permit program.** Upon receipt and administrative review of the applicant's complete application package, including all requisite forms, the

associated application fee, and the expedited surcharge, DEQ shall formally place the applicant's application into the expedited permit program. Upon placement of the applicant's application into the expedited permit program, DEQ shall issue a formal Program Acceptance Notice confirming the applicant's enrollment in the expedited permit program. This notice shall include:

(A) Affirmation that the Applicant's application has been approved for participation,

(B) Name and contact details of the assigned permit writer or DEQ representative,

(C) Any outstanding requirements or actions to be completed by the Applicant, with estimated timelines, and

(D) Clarification that program inclusion does not guarantee a specific permit issuance date and that all fees are non-refundable.

(b) Subject to employee availability and workload constraints, DEQ shall make reasonable efforts to expedite permit processing by authorizing the assigned permit writer to work additional hours. However, DEQ makes no representation, warranty, or guarantee regarding the specific timeline for permit issuance.