

SUBCHAPTER 01X – EXPRESS PERMITTING

SECTION .0100 – EXPRESS PERMITTING

15A NCAC 01X .0101 PURPOSE

The purpose of these Rules is to set forth the processes and procedures for implementation of the Department's express review program to provide expedited permit and certification reviews for certain new or modified permits, plans, or certifications.

History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;
Eff. July 1, 2025.

15A NCAC 01X .0102 DEFINITIONS

For purposes of this Subchapter,

- (1) "Acceptance Date" means the assigned date upon which the Department will begin the formal review of an Application after granting a Request for Express Review;
- (2) "AccessDEQ" means the Department's online portal for electronic permit applications, which can be found at <https://portal.deq.nc.gov>. In the event AccessDEQ is unavailable for a specific type of Application, alternative submissions may be made to the regional office with jurisdiction over the project location by submitting one electronic copy or two paper copies of the Application;
- (3) "Application" means the materials to be reviewed by the applicable program once a Request for Express Review has been granted;
- (4) "Department" means the North Carolina Department of Environmental Quality;
- (5) "ESC Plan" means an Erosion and Sedimentation Control Plan submitted pursuant to G.S. 113A, Article 4.
- (6) "Experienced Consultant" means an individual that has received from the Department 25 ESC Plan approvals or 5 issued PCSW Permits, specific to the type of Application for which a Request for Express Review is being made;
- (7) "PCSW Permit" means Coastal Post-Construction Stormwater Permits submitted pursuant to G.S. 143, Article 21, Part 1;
- (8) "Pre-Application Review Meeting" means the initial meeting between the Applicant or the Experienced Consultant and the Department to perform a preliminary review of all materials submitted as part of the Request for Express Review and Application to make a determination regarding whether the Request for Express Review should be granted or denied, as well as provide initial feedback of the Application Materials. The Department is under no obligation to perform any form of technical review of the materials submitted prior to the meeting; and
- (9) "Request for Express Review" means the initial submission requesting consideration for express review, including all applicability, eligibility, and availability reviews.

History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;
Eff. July 1, 2025.

15A NCAC 01X .0103 APPLICABILITY

The rules in this Subchapter apply to the submission and review of Requests for Express Review of Applications for the following permits, plans, or certifications:

- (1) Coastal Post-Construction Stormwater Permits pursuant to G.S. 143, Article 21, Part 1; and
- (2) Erosion and Sedimentation Control Plans pursuant to G.S. 113A, Article 4.

History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;
Eff. July 1, 2025.

15A NCAC 01X .0104 REQUESTS FOR EXPRESS REVIEW

In addition to the information required in Rules .0202 and .0302 of this Subchapter, a Request for Express Review shall be submitted on a form including:

- (1) Applicant name and contact information;
- (2) Experienced Consultant name and contact information;

- (3) Project name, location, and receiving waters;
- (4) Narrative description of the project, including its various features, impacts, and proximity to surface waters identified in Item (5) of this Rule;
- (5) Vicinity map identifying the project area, GPS coordinates, and any nearby surface waters. Nearby surface waters shall include Class SA waters as identified in 15A NCAC 02B .0221, Outstanding Resource Waters as identified in 15A NCAC 02B .0225, High Quality Waters, as identified in 15A NCAC 02B .0224, or Trout Waters, as defined in 15A NCAC 02B .0202(58); 15A NCAC 02B .0221, 15A NCAC 02B .0225, 15A NCAC 02B .0224 and 15A NCAC 02B .0202 are incorporated by reference, including subsequent amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge;
- (6) Site plan identifying the boundaries of all surface waters, wetlands, regulatory flood zones, protected vegetated setbacks, and protected riparian buffers;
- (7) A list of all existing State or Federal permits, plans, certifications, or approvals related to the project; and
- (8) A list of all other State or Federal permits, plans, certifications, or approvals necessary to conduct the project and their current status.

History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 143-214.7; G.S. 113A-54.1; G.S. 113A-57;
Eff. July 1, 2025.

15A NCAC 01X .0105 GRANTING REQUESTS FOR EXPRESS REVIEW

The Department shall grant Requests for Express Review that are determined to be complete and eligible, in accordance with Rules .0104, .0201, .0202, .0301 and .0302 of this Subchapter. The Department shall not grant a Request for Express Review if it is incomplete or if the review of the Application cannot be completed within the deadlines established in Rules .0203 and .0303 of this Subchapter due to:

- (1) staffing vacancies or absences at the Department;
- (2) existing workloads at the Department;
- (3) emergencies; or
- (4) other factors that would conflict with the purposes or requirements of G.S. 143B-279.13 or would prevent an Application from being reviewed prior to the deadlines established in Rules .0203 and .0303 of this Subchapter.

History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;
Eff. July 1, 2025.

15A NCAC 01X .0106 PROCESSING OF REQUESTS FOR EXPRESS REVIEW

The processing of Requests for Express Review shall be performed as follows:

- (1) To be considered for express review under these Rules, an applicant shall submit a Request for Express Review and intake fee via AccessDEQ, including the information required pursuant to Rules .0104, .0202, and .0302 of this Subchapter. Current fees may be found at <https://www.deq.nc.gov/accessdeq/express-permitting> or in AccessDEQ. The Department shall provide the applicant with notice once the necessary fees have been received. Fees are nonrefundable.
- (2) Upon receipt of a Request for Express Review and intake fee, the Department shall perform an administrative review to make an initial determination of applicability pursuant to Rule .0103 of this Section, eligibility pursuant to Rules .0201 and .0301 of this Subchapter, and availability pursuant to Rule .0105 of this Section. The Department is under no obligation to perform any form of technical review of the materials submitted prior to the Pre-Application Review Meeting.
- (3) Once an initial determination of applicability, eligibility, and availability is made by the Department, notice shall be provided to the applicant and a Pre-Application Review Meeting shall be scheduled with the applicant and their Experienced Consultant.
- (4) During the Pre-Application Review Meeting, the Department, applicant, or applicant's Experienced Consultant shall discuss the project, jointly review the submitted application materials, and advise regarding any initially identified deficiency issues. If the Request for Express Review involves a PCSW Permit, both the applicant and applicant's Experienced

Consultant shall be required to attend the Pre-Application Review Meeting. If, during the Pre-Application Review Meeting, it is determined that the project is ineligible for express review or the Application is incomplete, the Request for Express Review may be denied. If required information is identified as missing during the Pre-Application Review Meeting, an extension may be granted for up to three business days to submit the required information, after which time a determination regarding the Request for Express Review shall be made. If these identified items are not submitted by the extension deadline, the Request for Express Review shall be considered incomplete and shall be denied.

- (5) If the Request for Express Review is granted, the next available Acceptance Date shall be assigned to the Application and the application review shall proceed in accordance with Rule .0203 or .0303 of this Subchapter.
- (6) Once an Acceptance Date is assigned to the Application, the applicant shall submit the necessary fees via AccessDEQ or by check submitted to the regional office with jurisdiction over the project location. Current fees may be found at <https://www.deq.nc.gov/accessdeq/express-permitting> or in AccessDEQ. The Department shall provide the applicant with notice once the necessary fees have been received. Fees are nonrefundable.
- (7) If the necessary fees have not been received by the Department via AccessDEQ or by check submitted to the regional office with jurisdiction over the project location one business day prior to the Acceptance Date, the Acceptance Date shall be cancelled.
- (8) If the Department determines, after granting the Request for Express Review, that the project is ineligible for express review, the Department shall conclude the Express Review in accordance with Rules .0203(4) or .0303(4) of this Subchapter.
- (9) Receipt of an Application as part of a Request for Express Review shall not constitute receipt or submission of an application for purposes of the timeframes set forth in G.S. 143-214.7(b6) or in G.S. 113A-54.1(a).

History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;
Eff. July 1, 2025.

SECTION .0200 – COASTAL POST-CONSTRUCTION STORMWATER PERMITS

15A NCAC 01X .0201 PROJECT ELIGIBILITY

The following PCSW Permit Applications shall be ineligible for express review:

- (1) PCSW Permit Applications submitted by an individual who does not meet the requirements of being an Experienced Consultant, as defined in 15A NCAC 01X .0102(6), familiar with coastal soil performance and stormwater control design standards and specifications in North Carolina.
- (2) Transfers.
- (3) Renewals.
- (4) Applications for high density projects that propose or modify four or more primary stormwater control measures, as defined in 15A NCAC 02H .1002(37); 15A NCAC 02H .1002 is incorporated by reference, including subsequent amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- (5) Applications for projects that will impact another PCSW Permit, unless Applications for both projects are submitted jointly.
- (6) Applications for projects that will overlap with another PCSW Permit, unless Applications for both projects are submitted jointly.
- (7) Applications for projects whose construction or permitting would cause another PCSW Permit to become out of compliance, unless Applications for both projects are submitted jointly.
- (8) Applications for projects that would require a variation pursuant to 15A NCAC 02H .1003(6) or would modify a project subject to a variation previously granted; 15A NCAC 02H .1003 is incorporated by reference, including subsequent amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- (9) Applications for projects that would require a Director's Certification pursuant to 15A NCAC 02H .1040(7) or would modify a project subject to a Director's Certification previously granted; 15A NCAC 02H .1040 is incorporated by reference, including subsequent amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.

- (10) Applications for projects that are out of compliance at the time of submission or review, unless approval of the Application would bring the project into compliance. This provision does not allow applicants to apply for renewal of expired PCSW Permits as part of a Request for Express Review.
- (11) Applications that have been previously returned pursuant to Rule .0203(4) of this Section or 15A NCAC 02H .1042(3)(a)(ii), or denied pursuant to 15A NCAC 02H .0140(5); 15A NCAC 02H .1042 is incorporated by reference, including subsequent amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- (12) Applications for projects that the Department determines to be too complex, unconventional, irregular, or that utilize New Stormwater Technologies approved pursuant to 15A NCAC 02H .1050(15) that have been approved by the Department for less than five years; 15A NCAC 02H .1050 is incorporated by reference, including subsequent amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- (13) Applications for projects that do not provide all submission requirements from Rule .0202 of this Section.

History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; Eff. July 1, 2025.

15A NCAC 01X .0202 APPLICATION SUBMISSION REQUIREMENTS

Applications shall include:

- (1) The type of permitting action and the type of PCSW Permit or approval being requested;
- (2) A list of the number and type of stormwater control measures intended to be utilized in the project;
- (3) A drainage area map depicting the location of all stormwater control measures within the project;
- (4) The Supplement form found at <https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-design-manual> summarizing compliance with 15A NCAC 02H .1000 requirements; 15A NCAC 02H .1000 is incorporated by reference, including subsequent amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge; and
- (5) State stormwater management permit application materials listed in 15A NCAC 02H .1042(2)(a) through (m).

History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 143-214.7; Eff. July 1, 2025.

15A NCAC 01X .0203 REVIEW OF APPLICATIONS

The review of a PCSW Permit Application shall proceed as follows:

- (1) Upon granting a Request for Express Review pursuant to Rule .0106(5) of this Subchapter, the Department shall review the Application within ten business days of the Acceptance Date and shall make a determination to:
 - (A) Issue or deny the PCSW Permit pursuant to 15A NCAC 02H .1040;
 - (B) Request additional information pursuant to 15A NCAC 02H .1042(3)(a)(i); or
 - (C) Extend the review deadline upon agreement by both the Department and the applicant.
- (2) When a request for additional information is made by the Department, the applicant shall respond with the requested information within five business days from receipt of the request, beginning the first business day after the request is received. A single, five business day extension may be granted by the Department upon receipt of a justification for the request for extension prior to the expiration of the initial five business day response period.
- (3) Upon receipt of the information in Item (2) of this Rule, the Department shall review the Application and additional information within five business days, starting with the first business day after receipt and shall make a determination in accordance with Item (1) of this Rule.
- (4) No more than two requests for additional information shall be made under this Rule. If additional information, clarification, or revision is required after two requests, or if the Department determines, after granting the Request for Express Review, that the project is ineligible for express review, the Application shall be returned in accordance with the procedures set forth in 15A

NCAC 02H .1042(3)(a)(ii) and the applicant shall be required to resubmit the Application to the standard permit review process with a new application fee.

History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 143-214.7; Eff. July 1, 2025.

SECTION .0300 – EROSION AND SEDIMENTATION CONTROL PLANS

15A NCAC 01X .0301 PROJECT ELIGIBILITY

The following Erosion and Sedimentation Control Plan Applications shall be ineligible for express review:

- (1) ESC Plans submitted by an individual who does not meet the requirements of being an Experienced Consultant, as defined in 15A NCAC 01X .0102(6), who is familiar with soil performance and erosion control design standards and specifications in North Carolina.
- (2) ESC Plans submitted where the financially responsible party, pursuant to 15A NCAC 04B .0118(c), is currently subject to a Notice of Violation issued pursuant to the authority of G.S. 113A, Article 4; 15A NCAC 04B .0118 is incorporated by reference, including subsequent amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- (3) ESC Plans submitted for a site that is currently subject to a Notice of Violation issued pursuant to the authority of G.S. 113A, Article 4.
- (4) ESC Plans impacting buffer zones adjacent to Trout Waters, as defined in 15A NCAC 02B .0202(58), unless a Trout Buffer Waiver has been obtained in advance in accordance with 15A NCAC 04B .0125(c) and G.S. 113A-57(1); 15A NCAC 04B .0125 is incorporated by reference, including subsequent amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge;
- (5) ESC Plans with a limit of disturbance greater than 20 acres, except where the Department provides prior approval.
- (6) ESC Plans that propose a site or grading plan that does not comply with G.S. 143-214.7, the rules of Section .1000 of Subchapter 02H, G.S. 113A, Article 7, Part 4, the rules of title 15A of Chapter 07, or G.S. 74-49(7)(f).
- (7) ESC Plans that do not include all submission requirements from Rule .0302 of this Section.

History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; Eff. July 1, 2025.

15A NCAC 01X .0302 APPLICATION SUBMISSION REQUIREMENTS

Applications for ESC Plan reviews shall include:

- (1) All items listed in the Erosion and Sedimentation Control Plan Preliminary Review Checklist found at <https://www.deq.nc.gov/ESCforms> summarizing compliance with G.S. 113A, Article 4 and 15A NCAC 04; 15A NCAC 04 is incorporated by reference, including subsequent amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge;
- (2) The authorized statement of financial responsibility and documentation of property ownership, pursuant to 15A NCAC 04B .0118(c);
- (3) A detailed construction sequence for all erosion and sedimentation controls on all permits, plans or certifications necessary for the project;
- (4) Applicable landowner-builder agreements as described in 15A NCAC 04B .0118 and G.S. 113A-54.1(a); and
- (5) If the project is for a single-source borrow pit, all items necessary to meet the requirements of G.S. 74-49(7)(f).

History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 113A-54.1; G.S. 113A-57; Eff. July 1, 2025.

15A NCAC 01X .0303 REVIEW OF APPLICATIONS

The review of an ESC Plan Application shall proceed as follows:

- (1) Upon granting a Request for Express Review pursuant to Rule .0106(5) of this Subchapter, the Department shall review the ESC Plan within five business days of the Acceptance Date and shall make a determination to:
 - (A) Request additional information, clarification or revision;
 - (B) Approve the ESC Plan;
 - (C) Approve the ESC Plan with modification;
 - (D) Disapprove the ESC Plan; or
 - (E) Transfer the ESC Plan to the standard ESC Plan review process;
- (2) When a request for additional information, clarification, or revision is made by the Department, the applicant shall respond with the requested information, clarifications, or revisions within five business days from receipt of the request, beginning the first business day after the request is received.
- (3) Upon receipt of the information in Item (2) of this Rule, the Department shall review the ESC Plan and additional information within five business days, starting with the first business day after receipt and shall make a determination in accordance with Item (1) of this Rule.
- (4) No more than one request for additional information, clarification, or revision shall be made under Sub-Item (1)(A) of this Rule. If additional information, clarification, or revision is required after one request, or if the Department determines, after granting the Request for Express Review, that the project is ineligible for express review, the ESC Plan shall either be disapproved or transferred to the standard ESC Plan review process. If transferred, the date of receipt of the Application for purposes of G.S. 113A-54.1 or G.S. 113A-57 shall be the date upon which the transfer occurs.

History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 113A-54.1; G.S. 113A-57; Eff. July 1, 2025.