

## **15A NCAC 02H .1042 STANDARD PERMITTING PROCESS**

This Rule contains the requirements for the application, review, issuance, and denial of state stormwater management permits under the standard permitting process.

- (1) **APPLICABILITY.** This rule applies to:
  - (a) any person seeking to permit a development activity subject to a stormwater program implemented by the Division under the standard permitting process; and
  - (b) any person proposing a major modification to an existing state stormwater permit under the standard permitting process.
- (2) **APPLICATION SUBMITTAL REQUIREMENTS.** The applicant shall submit a nonrefundable permit application fee in accordance with G.S. 143-215.3D and two signed hard copies and one electronic copy of each of the following:
  - (a) a completed and signed Standard Process Application Form. This form may be obtained on the Division's website at <http://portal.ncdenr.org/web/lr/stormwater> <http://deq.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineral-land-permits/stormwater-program> and shall include the following information:
    - (i) current project name and previous project name, if applicable;
    - (ii) information about the physical location of project;
    - (iii) stormwater project number, if assigned;
    - (iv) density of the entire project and each drainage area;
    - (v) information about applicability of other State and federal environmental permits to the project including CAMA Major Development Permits, NPDES, Erosion and Sedimentation Control Plans, and Section 401 of the Clean Water Act (33 U.S.C. 1341) permits;
    - (vi) description of SCMs that will be used on the project;
    - (vi) information about vested rights, if applicable;
    - (vii) applicant name, address, and contact information; and
    - (ix) owner name, address, and contact information.
  - (b) when the applicant is a corporation or limited liability corporation (LLC):
    - (i) documentation showing the corporation or LLC is an active corporation in good standing with the NC Secretary of State; and
    - (ii) documentation from the NC Secretary of State or other official documentation showing the titles and positions held by the person who signed the application pursuant to Rule .1040(1) of this Section;
  - (c) when the applicant is not the property owner, a copy of a lease agreement, affidavit, or other document showing that the applicant has obtained legal rights to submit a stormwater permit application within the proposed project area;
  - (d) a U.S. Geological Survey (USGS) map identifying the project location and the GPS coordinates for the project. Areas within the project that are subject to SA Waters, Outstanding Resource Waters (ORW), or High Quality Waters (HQW) stormwater requirements set forth in Rules .1019 and .1021 of this Section shall be shown on the map;
  - (e) a location map with street names and SR numbers to the nearest intersection, with 1, 2, or 3 digit road numbers, legend, and north arrow. This map is not required to be to scale;
  - (f) signed, sealed, and dated calculations and documentation of project density and allocation of built-upon area for all lots at project completion;
  - (g) signed, sealed, and dated plans of the entire site that are a minimum of 22 inches by 34 inches in size and are at a legible scale. All plan packages shall include:
    - (i) project name, designer, and dates;
    - (ii) dimensioned project or project phase boundary with bearings and distances;
    - (iii) the boundaries of all surface waters, wetlands, regulatory flood zones, protected vegetated setbacks, and protected riparian buffers, or a note on the plans that none exist;
    - (iv) proposed contours and drainage patterns;
    - (v) site layout showing all existing and proposed built-upon areas, except for built-upon areas associated with single family residential lots and outparcels on commercial developments that are undetermined at the time of project submittal;

- (vi) subdivision lot lines, maintenance access routes and easements, utility and drainage easements, public rights of way, and SCMs; and
- (vii) the location of the stormwater collection system, including the locations of the inlets, outlets, pipes, and swales, as well as the inverts and diameters of pipes, excluding driveway culverts.

The Division shall accept conceptual stormwater plans in lieu of this Sub-Item when the applicant can demonstrate that the project complies with this Section, including that SCMs will be properly sized and sited. The detailed plans shall be provided to the Division for review before construction begins;

- (h) signed, sealed, and dated plan details of each SCM in plan view at a scale of one inch equal to 30 feet or larger and a cross-section view. Other scales may be accepted if the scale is such that all details are legible on a copy. The plan details shall include:
    - (i) dimensions, side slopes, and elevations with a benchmark for clean-out if appropriate;
    - (ii) all conveyance devices, including inlet device, bypass structure, pretreatment area, flow distribution device, underdrains, outlet device, energy dissipater, and level spreader; and
    - (iii) specification sheets for materials used in the SCM, such as planting media, filter media, and aggregate;
  - (i) signed, sealed, and dated planting plans for each SCM that requires a planting plan per the Minimum Design Criteria. The planting plan shall include:
    - (i) plant layout with species names and locations;
    - (ii) total number and sizes of all plant species; and
    - (iii) for stormwater wetlands, a delineation of planting zones;
  - (j) a signed and notarized operation and maintenance agreement;
  - (k) for major modifications, a copy of the recorded deed restrictions and protective covenants limiting the built-upon area so that it does not exceed the capacity of the SCM(s) or the BUA thresholds. For new projects, proposed deed restrictions and protective covenants. A signed agreement to provide final recorded articles shall be accepted when final documents are not available at the time of submittal; and
  - (l) for major modifications, a copy of the recorded drainage easements, when applicable. For new projects, proposed drainage easements shown on the plans, and a signed agreement to provide final recorded drainage easements if recorded documents are not available at the time of submittal; and
  - (m) wherever this Item requires sealed documents, a seal shall not be required if the person designing an SCM or components of an SCM is not required to be licensed as provided in Rule .1050 of this Section.
- (3) DIVISION REVIEW OF APPLICATIONS.
- (a) The Division shall take one of the following actions:
    - (i) notify the applicant that additional information is necessary for the Division to determine whether the project complies with this Section. The Division shall provide a list of the additional information that is required. The applicant shall have 30 days from the date the letter was sent to submit the additional information to the Division;
    - (ii) return the application if the required information listed in Item (2) of this Rule is not provided or if information the Division has requested per Sub-Item (i) of this Sub-Item is not provided within 30 days. In this case, the application shall be deemed denied, and the applicant shall be required to resubmit a complete application with a new application fee;
    - (iii) issue a permit pursuant to Rule .1040 of this Section; or
    - (iv) deny a permit pursuant to Rule .1040 of this Section.
  - (b) The Division shall require an applicant to submit plans, specifications, and other information it considers necessary to evaluate the application when the information provided is inadequate or incorrect. The applicant shall allow the Division safe access to the records, lands, and facilities of the applicant.

- (c) If the Division fails to act within the required response times set forth in G.S. 143-215.1, then the application shall be considered approved unless:
  - (i) the applicant agrees, in writing, to a longer period;
  - (ii) a final decision is to be made pursuant to a public hearing;
  - (iii) the applicant fails to furnish information necessary for the Division's decision in accordance with Item (2) or Sub-item (3)(a) of this Rule; or
  - (iv) the applicant refuses the staff access to its records or premises for the purpose of gathering information necessary for the Division's decision.
- (4) **FINAL SUBMITTAL REQUIREMENTS IF COMPLETED PROJECT COMPLIES WITH PERMITTED PLANS.** If the actual built-upon area is equal to or less than that shown on the permitted plans and the constructed SCM is in compliance with the approved plans, then within 45 days of completion of the project the applicant shall submit to the Division one hard copy and one electronic copy of the following:
  - (a) a completed and signed Designer's Certification Form. This form may be obtained on the Division's website at <http://deq.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineral-land-permits/stormwater-program> and shall include the following information:
    - (i) designer name and licensure number;
    - (ii) project name;
    - (iii) project owner name; and
    - (iv) information about deviations from approved plans and specifications;
  - (b) unless already provided with the permit application, a copy of the recorded deed restrictions and protective covenants limiting the built-upon area so that it does not exceed the capacity of the SCM(s) or the built-upon area thresholds; and
  - (c) a copy of the recorded drainage easements, when applicable.
- (5) **IF PROJECT DOES NOT COMPLY WITH PERMITTED PLANS.** If the actual built-upon area exceeds that shown on the permitted plans or if the constructed SCM is not in compliance with the approved plans, then within 30 days of completion of the project, the applicant shall submit an application for a modified stormwater permit in accordance with the requirements of this Rule. On a case-by-case basis, based on the project's size and complexity, the Division may grant the applicant more time to submit the modification application.

*History Note:* Authority G.S. 143-214.7; 143-215.1; 143-215.3; 143-215.3(a); 143-215.3D; Eff. January 1, 2017 (portions of this Rule previously codified in 15A NCAC 02H .1008, 1009, and .1010).