

**15A NCAC 02H .1043 FAST TRACK PERMITTING PROCESS: AUTHORIZATION TO CONSTRUCT**

The purpose of this Rule is to set forth the first of two phases of the Fast-Track Stormwater Permit application process: applying for and receiving an authorization to construct permit. There will be a completeness review during the first phase of this process; however, at project completion, the Division shall review the as-built submittal package to determine compliance with the Minimum Design Criteria (MDC).

- (1) **APPLICABILITY.** The fast-track permitting process shall be an option for new projects and major modifications of existing projects provided that all of the MDC shall be met upon project completion. Projects that do not qualify for the fast-track permitting process include:
  - (a) projects claiming an exemption from the MDC based on vested rights, a waiver, or Director's certification pursuant to Rule .1040(7) of this Section;
  - (b) modifications to existing projects where the proposed changes to the SCMs will not result in compliance with MDC; and
  - (c) projects that are not in compliance with a current stormwater permit.
- (2) **ELIGIBILITY FOR FAST-TRACK SUBMITTAL.** Persons seeking authorization to construct under the fast-track permitting process shall submit an application bearing the signature and seal of a person licensed pursuant to either Chapter 89A or Chapter 89C of the NC General Statutes. The signature and seal of such persons on the fast-track application shall signify that they have the expertise, education, and experience required to design the SCMs proposed in the application in accordance with the MDC and that they are in compliance with the applicable standards of professional conduct.
- (3) **APPLICATION SUBMITTAL REQUIREMENTS.** The applicant shall submit a 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 Fast-Track Process Application Form. This form may be obtained on the Division's website at <http://portal.ncdenr.org/web/lr/stormwater> 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) 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;
    - (v) applicant name, address, and contact information;
    - (vi) owner name, address, and contact information; and
    - (vii) certification of financially responsible owner.
  - (b) when the applicant is a corporation or a 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 persons signed the application pursuant to Rule .1040(1) of this Section;
  - (c) when the applicant is not the property owner, a copy of lease agreements, affidavits, or other documents showing that the applicant has obtained legal rights to submit a stormwater permit application within the proposed project area;
  - (d) a guaranty signed and notarized by the applicant and sealed by the licensed professional in accordance with Item (2) of this Rule attesting to the following:
    - (i) the design has been completed in accordance with the MDC as set forth in Rules .1050 through .1062 of this Section, as applicable.
    - (ii) the completed design meets the MDC and that the percentage built-upon area that is the basis for the design shall not be exceeded; and
    - (iii) the applicant shall maintain a licensed professional of record for the duration of the project who will prepare and certify the as-built package. If the applicant retains another licensed professional before the project is complete, then the applicant shall provide an updated guaranty with the current licensed

- professional's seal. A licensed professional shall inform the Division if he is no longer associated with this project;
- (e) 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;
  - (f) a site plan depicting the boundary of the project or project phase currently being permitted, including the locations of stormwater control measures, streams, wetlands, and buffers; and
  - (g) a construction sequence that discusses how any future development on the project may be phased.
- (4) **DIVISION REVIEW OF APPLICATIONS.** The Division shall take one of the following actions within 30 days of the receipt of the application:
- (a) Notify the applicant that the project does not qualify for the fast track permitting process pursuant to Item (1) of this Rule. The applicant shall then follow the standard permitting process in accordance with Rule .1042 of this Section;
  - (b) 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 required. The applicant shall have 30 days to submit the additional information to the Division;
  - (c) Return the application if the required information listed in Item (3) of this Rule is not provided or if information the Division has requested per Sub-item (4)(b) of this Rule is not provided within 30 days. In this case, the applicant shall be required to resubmit a complete application with a new application fee; or
  - (d) Issue an authorization to construct permit; or
  - (e) Deny the application in accordance with Rule .1040 of this Section.
- (5) **EXPIRATION OF THE AUTHORIZATION TO CONSTRUCT PERMIT.** The authorization to construct permit shall expire five years after the date of issuance.

*History Note: Authority G.S. 143.214.7; 143-214.7B; 143-215.1; 143-215.3(a); S.L. 2013-82; Eff. January 1, 2017.*