

### **15A NCAC 02H .1044 FAST TRACK PERMITTING PROCESS: FINAL PERMIT**

The purpose of this Rule is to set forth the Fast-Track Stormwater permitting process from the approval of the Authorization to Construct Permit to the approval of the Final Fast-Track Permit.

- (1) CONSTRUCTION REQUIREMENTS. Technical design documents shall be available upon request by the Division.
- (2) PROJECT COMPLETION. Approval of the as-built stormwater plans shall be required before the Erosion and Sedimentation Control Plan for the project may be closed out.
- (3) AS-BUILT PACKAGE SUBMITTAL. The applicant shall submit a permit application fee in accordance with G.S. 143-215.3D and an as-built package within 45 days of completion of the project. Signed and sealed documents shall be signed and sealed in accordance with Rule .1043(2) of this Section. The as-built package shall include the following:
  - (a) an As-Built Certification Form signed and sealed by the licensed professional of record and signed by the applicant. The As-Built Certification 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) 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, Sedimentation and Erosion Control Plan, and Section 401 of the Clean Water Act (33 U.S.C. 1341) permits;
    - (vi) description of SCMs that were used on the project;
    - (vii) applicant name, address, and contact information; and
    - (viii) owner name, address, and contact information.
  - (b) signed, sealed, and dated as-built calculations for the SCMs and calculations of the project density;
  - (c) when an SCM that has an MDC requiring evaluation of the SHWT or the soil infiltration rate, the applicant shall include the signed, sealed, and dated soils report based on field evaluation indicating the depth of SHWT within the footprint of the SCM, and a map of the boring locations, and boring logs. When the MDC require determination of the infiltration rate, the report shall include the soil type, infiltration rate, and method for determining the infiltration rate. Soils reports shall be signed and sealed by a licensed professional;
  - (d) 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 is not required to be to scale;
  - (e) signed, sealed, and dated plans of the entire site that are a minimum 22 by 34 inch 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; and
    - (iv) site layout showing all built-upon areas, maintenance access routes and easements, utility easements, drainage easements, public rights of way, stormwater collection systems, and SCMs at ultimate build-out. The information on stormwater collection systems shall include the locations of the inlets, outlets, pipes, and swales, as well as the inverts and diameters of pipes, excluding driveway culverts;
  - (f) signed, sealed, and dated as-built plan details of each SCM in both plan view at a scale of one inch equal to 30 feet or larger and cross-section. Other scales may be accepted if the scale is such that all details are legible on a copy. The as-built plan details shall include:
    - (i) dimensions, side slopes, and elevations with a benchmark for clean-out if appropriate;

- (ii) all conveyance devices, including inlet devices, bypass structures, pretreatment areas, flow distribution devices, underdrain discharge points (if accessible), outlet devices, energy dissipater, and level spreader; and
    - (iii) specification sheets for materials used in the SCM, such as planting media, filter media, and aggregate.
  - (g) signed, sealed, and dated as-built planting plans for each stormwater wetland and bioretention cell (or typical) at a scale of one inch equals 20 feet or larger. 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;
  - (h) a copy of the signed, notarized, and recorded operation and maintenance agreement;
  - (i) a copy of the recorded documents, 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;
  - (j) a copy of the recorded drainage easements; and
  - (k) if there is an increase in built-upon area or a change in SCM design from the permitted plans, then the applicant shall explain the increase or change. The permit applicant shall have the burden of providing sufficient evidence to ensure that the proposed system complies with all applicable water quality standards and requirements.
- (4) **SITE INSPECTION.** The Division may perform a site inspection of the project to ensure that the as-built drawings are an accurate depiction of the stormwater management plan. The Division may inspect the site either:
- (a) before the final stormwater permit is issued by scheduling an inspection with the applicant. If the applicant does not agree to the inspection date selected by the Division, then the Division shall work with the applicant to schedule another inspection date; however, in this case, the Division's deadline for action shall be modified pursuant to Item (5) of this Rule; or
  - (b) after issuance of the final stormwater permit as part of the sediment and erosion control plan close-out.
- (5) **DIVISION REVIEW OF THE AS-BUILT PACKAGE.** Within 15 days after receipt of the as-built package or of additional or amended information, the Division shall notify the applicant if additional information is necessary to determine compliance with this Section. The applicant shall have 30 days from the date of such notice to submit the required information to the Division. If the as-built package is complete, then within 40 days after receipt of the as-built package or 30 days after completion of a site inspection that has been rescheduled at the request of the applicant, whichever date is later, the Division shall take any of the following actions:
- (a) issue the final permit pursuant to Rule .1040 of this Section;
  - (b) draft a permit with special conditions in accordance with Item (6) of this Rule;
  - (c) initiate compliance and enforcement action in accordance with G.S. 143, Article 21; or
  - (d) deny the permit pursuant to Rule .1040 of this Section.
- (6) **PERMIT WITH SPECIAL CONDITIONS.** If the Division determines that the stormwater plan has only minor deviations from the MDC, then it shall draft a permit with special conditions to bring the project into compliance with the MDC. The Division shall provide the applicant with a draft of the proposed permit and the applicant shall have 10 days to submit comments or concerns back to the Division. After the draft permit is reviewed by the applicant, the Division shall issue a final permit with special conditions that includes the following:
- (a) a list of corrections to be made to the stormwater plan to bring the project into compliance with the MDC; and
  - (b) a proposed schedule of compliance for meeting the MDC.
- (7) **COMPLIANCE.** Applicants who fail to comply with the requirements of this Rule may be subject to enforcement action as set forth in G.S. 143-215.3.
- (8) **EXCEPTIONS TO ABOVE TIMEFRAMES.** If the Division fails to act within the timelines specified in Item (5) of this Rule, the project shall be considered to be approved unless:
- (a) the applicant does not agree to the inspection date proposed by the Division pursuant to Sub-item (4)(a) of this Rule.

- (b) the applicant agrees, in writing, to a longer period;
- (c) the final decision is to be made pursuant to a public notice or hearing;
- (d) the applicant fails to furnish information necessary for the Division's as set forth in Items (3) and (5) of this Rule; or
- (e) the applicant refuses the staff access to its records or premises for the purpose of gathering information necessary for the Division's decision.

*History Note: Authority 143.214.7; 143-214.7B; 143-215.1; 143-215.3; 143-215.3(a); 143-215.6A; 143-215.6B; 143-215.6C; S.L. 2013-82; Eff. January 1, 2017.*