

15A NCAC 18E .1703 DEPARTMENT AND COMMISSION APPLICATION REVIEW

- (a) The Department shall review all applications submitted to determine if the information listed in Rule .1702 of this Section is included and determine whether additional information is needed to continue the review.
- (b) Within 30 days of receipt of the initial application, the Department shall notify the manufacturer of any items necessary to complete the application or notify the manufacturer that the application is complete. This determination shall not constitute a qualitative review of the information provided, nor the approval or denial of the proposed system designation. Specified additional information shall be received within 180 days or the application file shall be closed.
- (c) Upon receipt of a complete application, the Department shall conduct a qualitative review in accordance with PIA Approval criteria identified in Rules .1704, .1705, and .1706 of this Section, as applicable.
- (d) For systems that are certified and listed by a nationally recognized certification body, the Department shall complete its review and determine whether to approve or deny Provisional System applications within 90 days of receipt of a complete application.
- (e) The Department shall complete its review and determine whether to approve or deny Innovative System applications within 90 days of publication in the North Carolina Register of the notice of receipt of a complete application.
- (f) The Department shall prepare and submit its findings and recommendations for a Functionally Equivalent Trench System or an Accepted System to the Commission within 120 days of receipt of a complete application.
- (g) Upon request by the petitioner, the Commission may modify the 180-day time frame for receipt of additional information specified by the Department for a Functionally Equivalent Trench System or Accepted System petition based on a determination that a petition is incomplete and additional information is needed. The petitioner may also request Commission review of the Department's determination that a petition is incomplete or additional information request.
- (h) The Department shall notify the applicant and LHDs of the approval or denial of a PIA System. The PIA Approval shall include conditions for permitting, siting, installation, use, monitoring, operation and maintenance, and number of systems that can be installed. When an application is denied, the Department shall inform the applicant in writing of the reason for denial. The Department shall assign a unique code to the approved products for tracking purposes.
- (i) An applicant may reapply in accordance with this Section. When reapplying, a new application shall be required and the applicant shall make a new fee payment as required by G.S. 130A-343(k).
- (j) Denials issued under this Rule shall include notice of the right to appeal under G.S. 130A-24 and 150B.

History Note: Authority G.S. 130A-335(e) and (f); 130A-343;
Eff. January 1, 2024.