15A NCAC 02H .1007 is proposed for amendment as follows:

**15A NCAC 02H .1007 FAST TRACK PROCESS: SUBMITTAL AND REVIEW OF APPLICATION AND ISSUANCE OF AUTHORIZATION TO CONSTRUCT PERMIT**

(1) APPLICABILITY. Any person conducting a development activity subject to a stormwater program implemented by the Division as set forth in this Section shall apply for a stormwater permit through the Division. This applies to both new projects and modifications to existing projects.

(2) qUALIFICATION. Projects that meet all MDC and comply with any existing state stormwater permits may qualify for the fast-track process as set forth in this Rule. Projects that do not qualify for fast-track review include:

(a) Projects claiming an exemption from the MDC based on vested rights, a waiver, or Director’s certification; and

(b) Modifications to existing permits where the existing SCMs do not comply with the MDC.

(3) APPLICATION SUBMITTAL REQUIREMENTS. The applicant shall submit the following:

 (a) A completed and signed Fast-Track Process Application Form;

(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, supporting the titles and positions held by the persons listed in Paragraphs (a)(i) and (a)(ii) of this Rule.

(c) A completed and signed Financial Responsibility Ownership Form;

(d) A signed agreement that there will be a transferable operation and maintenance agreement in perpetuity;

(e) A copy of the most current property deed; or a copy of the lease agreement or sales agreement, if applicable;

(f) A guaranty signed and notarized by the applicant and sealed by the PE attesting to the following:

 (i) The design has been completed and is in accordance with the MDC;

(ii) The completed design will meet the MDC and that the percentage BUA that is the basis for the design will not be exceeded; and

(iii) The applicant will maintain an engineer of record for the duration of the project who will prepare and certify the as-built package. If the applicant retains another engineer of record before the project is complete, then the applicant shall provide an updated guaranty with the new engineer’s seal. Upon termination, an engineer of record shall inform the Department that he is no longer associated with this project;

(g) A USGS map identifying the project location and the GPS coordinates for the project. The areas that are subject to SA and HQW stormwater requirements per 02H .1011 and .1012 respectively shall be shown on the map;

 (h) 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;

(i) A construction sequence that discusses how any future development on the project will be phased; and

(j) A nonrefundable fee in accordance with G.S. 143-215.3D.

(4) DIVISION REVIEW OF APPLICATIONS. The Division shall take one of the following actions within 30 calendar days of receipt of the application. All actions taken by the Division shall be in writing. The Division may:

(a) Notify the applicant that the project does not qualify for the fast track permitting process in accordance with Item (3). The applicant shall then follow the standard permitting process in accordance with 15A NCAC 02H .1006.

(b) Notify the applicant that additional information is necessary for the Division to determine that the project complies with this Section. The Division shall provide a list of the information that is required. The applicant shall have 30 calendar days from the date the letter was sent to submit the required information to the Division.

(c) Return the application if the required information listed in Item (3) is not provided or if information the Division has requested per Sub-item (b) is not provided within 30 days. In this case, the applicant shall be required to resubmit a complete application with a new application fee;

(d) Issue an authorization to construct permit pursuant to .1003.

History Note: Authority G.S. 143-214.7B

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