**15A NCAC 02H .1006 STANDARD PROCESS: SUBMITTAL, REVIEW, ISSUANCE AND COMPLETION OF NEW PERMITS AND PERMIT MODIFICATIONS**

(1) APPLICABILITY. This rule applies to:

(a) Any person conducting a development activity subject to a stormwater program implemented by the Division as set forth in this Section.

(b) Any person proposing to modify an existing stormwater permit.

(2) APPLICATION SUBMITTAL REQUIREMENTS. The applicant shall submit a nonrefundable permit application fee in accordance with G.S. 143-215.3D and two hard copies and one digital copy of each of the following:

(a) A completed and signed Standard Process Application Form.

(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, supporting the titles and positions held by the person who signed the application.

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

(d) 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;

(e) Signed, sealed, and dated calculations and documentation of project density pursuant to 2H .1010;

(f) Signed, sealed, and dated plans of the entire site that are a minimum of 22 inches by 34 inches in size and of the entire site at a legible scale. All plan packages shall include:

(i) Project name, engineer and firm, and dates;

(ii) Location map with street names and SR numbers, legend, and north arrow.

(iii) Dimensioned project or project phase boundary with bearings and distances;

(iv) The boundaries of all surface waters, wetlands, regulatory flood zones, and protected vegetated setbacks or protected riparian buffers or a note on the plans that none exist;

(v) Proposed contours and drainage patterns, all existing and proposed built-upon areas, maintenance access routes and easements, utility easements, drainage easements, public rights of way, stormwater collection systems and SCMs. 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.

 (g) Signed, sealed, and dated full-sized 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 as-built plan details shall include:

(i) Dimensions, side slopes, and elevations with a benchmark for clean-out if appropriate;

(ii) All applicable 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

(h) 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; and

(ii) Total number and sizes of all plant species; and

(iii) For stormwater wetlands, a delineation of planting zones.

(i) A signed and notarized operation and maintenance agreement;

(j) 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 BUA thresholds. As an alternative, proposed deed restriction and protective covenants and a signed agreement to provide final recorded articles shall be accepted when final documents are not available at the time of submittal.

(k) Recorded drainage easements or 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;

(3) DIVISION REVIEW OF APPLICATIONS. The Division shall review applications in accordance with the following:

(a) The Division shall take one of the following actions within 90 calendar days of receipt of the initial application or receipt of additional or amended information. All actions taken by the Division shall be in writing. The Division may:

(i) 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;

(ii) Return the application if the required information listed in Item (2) is not provided or if information the Division has requested per Sub-item (i) is not provided within 30 days. In this case, the applicant shall be required to resubmit a complete application with a new application fee;

(iii) Issue a permit in accordance with Rule .1003 of this Section; or

(iv) Deny a permit in accordance with Rule .1003 of this Section.

(b) The Director may issue a public notice or hold a public meeting to solicit and receive comments from other regulatory agencies and the public when necessary to obtain additional information needed to complete the review of either the stormwater permit application or the stormwater conditions. If comments are solicited, notice shall be posted on the Division’s website with 30 days provided for public comment to be submitted to the Director. The permit application shall be included in the notice published on the Division’s website. The Division’s 90-day response time shall begin on the day of the close of the comment period.

(c) The Division may conduct such investigations as it deems necessary. The applicant shall allow the Division safe access to the records, lands and facilities of the applicant and lend such assistance as shall be reasonable; and

(d) If the Division fails to act within 90 calendar days of receipt of the initial application or receipt of additional or amended information, the application shall be considered approved unless:

(i) The applicant agrees, in writing, to a longer period;

(ii) Final decision is to be made pursuant to a public hearing;

(iii) The applicant fails to furnish information necessary for the Director's decision;

(iv) The applicant refuses the staff access to its records or premises for the purpose of gathering information necessary for the Director's decision or;

(v) Information necessary for the Director's decision is unavailable.

(4) COMPLETION SUBMITTAL REQUIREMENTS. Within 30 calendar days of completion of the project, the applicant shall submit the following to the Division:

(a) A Certificate of Completion Form signed and sealed by the engineer of record and signed by the applicant;

(b) Signed, sealed and dated as-built plans of the site at a size of 22 by 34 inches and at a legible scale, including:

(i) The boundaries of all surface waters, wetlands, regulatory flood zones, and vegetated setbacks and protected riparian buffers or a note on the plans that none exist; and

(ii) Site layout showing final built-upon areas, easements, public rights of way, stormwater collection systems and SCMs. 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

 (c) Signed, sealed, and dated full-sized as-built plan details of each SCM in both 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 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, underdrains, 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.

(d) 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 BUA thresholds;

(e) A copy of the recorded drainage easements; and

(f) If the as-builts show variation from the approved plans, then the applicant shall explain the variation and, if the applicant deems it appropriate, shall demonstrate how the project protects water quality standards. The permit applicant has the burden of providing sufficient evidence to reasonably ensure that the proposed system will comply with all applicable water quality standards and requirements.

(5) DIVISION ACTION ON THE COMPLETION SUBMITTAL. Upon receipt of the completion submittal, the Division may:

(a) Perform a site inspection of the project to ensure that the as-built drawings are an accurate depiction of the stormwater management plan;

(b) Review the completions submittal to determine if the project was built in compliance with the approved plans or if the applicant has provided sufficient evidence that the project protects water quality standards despite variations from the approved plans;

(c) Request upgrades to the SCMs when they do not comply with the approved plans; or

(d) Initiate enforcement action if the SCMs do not comply with the approved plans.