**Fast-Track Stormwater Permitting Process**

**DRAFT as of May 19, 2015**

1. PE prepares fast track application package

2. Is the project is eligible & the application complete?

5. Fast track authorization to construct permit issued within 30 days.

3. DEMLR notifies applicant that application is not complete. PE may re-submit to fast-track.

4. DEMLR notifies applicant that project is not eligible. Applicant may submit to regular or express review programs.

6. Project or project phase constructed & completed.

7. Applicant submits as-built package.

8. The as-built package is reviewed within: - 15 days for completeness; and

- 40 days for compliance.

9. Does the as-built package comply with the MDC?

12. Does applicant respond in 30 days with a Schedule for Compliance?

10. DEMLR issues final stormwater permit.

13. Enforcement action against permittee and PE.

Incomplete

Ineligible

No

Yes

Yes

Yes

11. DEMLR staff issue a Finding of Non-Compliance that the applicant shall respond to within 30 days.

14. Applicant brings the project into compliance with MDC and updates the as-built package accordingly.

No

**Box 1 - Qualified professional prepares fast track application package.**

A fast track stormwater permit application shall be prepared by a North Carolina licensed professional engineer.

**Box 2 – DENR will confirm that the project is eligible and the application is complete:**

***All projects are eligible EXCEPT for:***

1. Projects that do not follow the MDC. (Note: This includes projects claiming an exemption from the MDC based on vested rights, a waiver or variance as well as modifications to existing permits where the modified/new SCMs do not meet the MDC)
2. Projects that currently do not comply with an existing state stormwater permit.

***A complete application shall include the following:***

1. Fast-track application form and permit application fee. The application form will include, among other items:
2. Latitude & longitude will be included in the application.
3. Opportunity to designate an authorized agent.
4. A statement of Financial Responsibility/Ownership.
5. Agreement that there will be a transferable O&M agreement in perpetuity. A copy of the most current property deed and a copy of the lease agreement or sales agreement if applicable.
6. Signature of applicant.
7. A guaranty of the following items that has been signed and notarized by the applicant and sealed by the PE:
   1. That the design has been completed and is in accordance with the MDC.
   2. That the completed design will meet the MDC and that the percentage BUA that is the basis for the design will not be exceeded.
   3. That 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 DENR that he is no longer associated with this project.
8. A USGS map identifying the site location. If the receiving stream is reported as class SA or the receiving stream drains to and is within 1/2 mile of SA waters, then include the 1/2 mile radius shall be included on the map.
9. 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.
10. For corporations and limited liability corporations (LLC): Documentation from the NC Secretary of State or other official documentation, which supports the titles and positions held by the persons listed in the Contact Information section. The corporation or LLC must be listed as an active corporation in good standing with the NC Secretary of State, otherwise the application will be returned.
11. A construction sequence that discusses how any future development on the project will be phased. (Moved from as-built package submittal list as discussed at the April 2015 meeting.)

**Box 4 – Fast track authorization to construct permit is issued in a reasonable time frame.**

The goal is 14-21 calendar days for an authorization to construct permit or a decision that the application is incomplete or ineligible. After 30 calendar days, if there is no response, then it is deemed permitted.

**Box 5 – Project or project phase is constructed and completed.**

**Two provisions shall apply to the construction and completion of projects permitted under the fast-track program:**

1. **Engineering design documents shall be available upon request by the Division. Note: DENR requests for design documents shall be based on the need to audit the stormwater program or a particular project for technical review. The general public who would like to know about the proposed land uses within the project should be directed to the local planning & zoning authority.**
2. **Approval of the as-built stormwater plans shall be required before the erosion and sediment control plan may be closed out.**

**Box 6 – Permittee submits as-built package and supporting documentation.**

The following items shall be submitted with the as-built package:

1. A certification form that has been signed and sealed by the engineer and signed and notarized by the applicant stating that the project meets the MDC.
2. Sealed, signed and dated as-built calculations for the stormwater control measures and calculations of the project density. For infiltration systems such as permeable pavement and infiltration trenches and filtration systems such as sand filters and bioretention cells, include the sealed, signed, & 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. For infiltration systems and permeable pavement, the report shall also include the soil type, infiltration rate and method for determining the infiltration rate. Soils information shall be signed and sealed by a licensed soil scientist.
3. As-built certification form noting any changes to ownership, authorization to construct permit number.
4. Sealed, signed, & dated minimum 22”x34” plans of the entire site at a legible scale (smaller sizes will be accepted on a case-by-case basis), including:

a. Project name, engineer and firm and dates.

b. Location map with street names and SR numbers, legend, and north arrow.

c. Dimensioned /project/project phase boundary with bearings & distances.

d. The boundaries of all surface waters, regulatory flood zones, and protected vegetated or protected riparian buffers or a note on the plans that none exist.

e. 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. This sub-item may be the designed stormwater collection system rather than the as-built record drawings.

f. Existing contours, design contours or design spot elevations and a note certifying that the site has been built in reasonable compliance with the design.

g. Drainage area boundaries, including off-site drainage.

5. Sealed, signed, & dated full-sized as-built plan details of each SCM in both plan view at a scale of 1" = 30' or larger and cross-section. Other scales will be accepted if the scale is such that all details are legible on copy. The as-built plan details shall include:

a. Dimensions, side slopes, and elevations with a benchmark for clean-out if appropriate.

b. All applicable conveyance devices, including: inlet device, bypass structure, pretreatment area, flow distribution device, underdrains, outlet device, energy dissipater and level spreader.

c. Specification sheets for materials used in the SCM, such as planting media, filter media and aggregate.

1. Ground cover planted on the side slopes of all SCMs. In addition, sealed, signed, & dated design planting plans for each stormwater wetland and bioretention cell (or typical) at a scale of 1" = 20' or larger and a note certifying that the plants were installed in reasonable compliance with the design The planting plan shall include:
2. Delineation of planting zones (for stormwater wetlands only);
3. Plant layout with species names and locations; and
4. Total number and sizes of all plant species.
5. In situ test of soils infiltration rates in infiltration systems and media of bio cells and sand filters.
6. A copy of the recorded operation and maintenance (O & M) agreement including an estimation of the maintenance cost.
7. 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 low/high density threshold (as applicable).
8. A copy of the recorded drainage easements.
9. For an individual project, the director may determine that some of these items may not be needed.
10. If the as-builts show variation from the MDC, then the applicant shall explain the variation and, if appropriate, shall demonstrate how the project protects water quality standards.

**Box 7 – As-built package reviewed for compliance with the MDC**

All notifications will be via email to both the applicant and the PE. DENR staff will perform the following activities in the order listed:

1. Within 15 calendar days after receipt, staff will perform a completeness review. If incomplete, a request for information would be sent to the applicant (note that incomplete as-built packages will have the clock start over again when they submit a complete package).
2. Within 40 calendar days after receiving a complete as-built submittal package, staff will issue the final permit if MDC are met. If there is no response from DENR within 40 calendar days of receipt of the as-built package, then the project is deemed approved and staff will issue a final permit as soon as they are able.
3. A site inspection of the project to ensure that the as-built drawings are an accurate depiction of the SCMs. As appropriate based on the project characteristics and staff availability, DENR staff shall inspect the site either:
4. Before the final stormwater permit is issued. Under this option, DENR will contact the owner with a date for a site visit. If applicant does not like the scheduled date, then the site visit can be rescheduled; however, DENR is no longer required to issue the final stormwater permit within 40 days.
5. After issuance of the final stormwater permit as part of the sediment and erosion control plan close-out.

**Box 9 – DENR issues the final stormwater permit.**

If the MDC are met or staff determine that any variations do not impede the project from meeting water quality standards, then DENR staff will issue the final stormwater permit within 40 calendar days after receiving a complete as-built submittal package. If there is no response from DENR within 40 calendar days, then the as-built package is deemed approved and DENR staff will issue a final permit as soon as they are able.

Permit conditions were discussed at the April 2015 MDC Team meeting. DENR staff is still working on updating the current permit conditions per the MDC Team’s requests. Updated permit conditions will be sent out for review within 30 days.

**Box 10 – DENR issues a Finding of Non-Compliance that the Applicant must respond to within 30 days.**

If the project does not comply with the MDC, then DENR staff will send a “Finding of Non-Compliance with the MDC” by certified mail to the applicant. The applicant will be required to provide a written “Schedule for Compliance with the MDC” within 30 days of receiving the finding of non-compliance. If the applicant does not respond to the finding of non-compliance within 30 days, then the applicant shall be subject to enforcement actions from DENR..

**Box 12 – Enforcement action against permittee.**

Any enforcement actions shall be in accordance with DENR’s current statutory authority and shall follow the current procedures for handling stormwater violations.