

# Water

## Post Construction Stormwater Permit - State or Local Issuance

**What Activities Require This Permit?** Any development activities that require an Erosion and Sedimentation Control Plan (for disturbances of one or more acres) or a Coastal Area Management Act (CAMA) major permit and meet any of the following criteria:

- (1) drain to outstanding resource waters (ORW);
- (2) drain to high quality waters (HQW);
- (3) located within area designated as a NPDES MS4 or urbanizing area under most recent federal decennial census;
- (4) located in unincorporated area of county outside of municipality designated as urbanizing area, but meeting certain population densities or growth rates,
- (5) located in the Neuse or Tar Pamlico River Basins, Jordan, Falls or Randleman Lake watersheds,
- (6) located within the twenty coastal counties, or
- (7) located within a water supply watershed (a).

(a) Requirements differ among different water supply classifications, please see the following:

1. 15A NCAC 02B .0620-.0624 - <https://deq.nc.gov/about/divisions/energy-mineral-land-resources/water-supply-watershed-protection-program>
2. See Factsheet: What's Allowed and Not Allowed on above website.

In addition to these requirements, non-residential development activities within twenty coastal counties that disturb less than one acre of land, but add more than 10,000 square feet of built upon area require a permit. Residential development activities within ½ mile of and draining to shellfishing waters that disturb less than one acre of land, but add more than 10,000 square feet of built upon area resulting in at least 12 percent total built upon area, also require a permit.

**Please note:** depending upon where the project is located and what post construction stormwater programs are implemented in that area will determine if one applies to the State or Local government for a permit.

**To help determine if your project is subject to one of the above mentioned programs, please use the interactive web-based map viewer:**

(<https://ncdenr.maps.arcgis.com/apps/StoryMapBasic/index.html?appid=70e2781780834a4bb5d3ec95ddfc01a6>).

**What Is The Purpose of This Permit?** To protect sensitive surface waters by requiring long-term stormwater management for new development projects. Stormwater management is achieved through minimizing impervious surface, maintaining vegetative buffers, transporting runoff through vegetative conveyances and/or installing and maintaining structural Stormwater Control Measures where appropriate.

### Who Issues This Permit?

For state contacts: <https://deq.nc.gov/about/divisions/energy-mineral-land-resources/contact-demlr>

- N.C. Division of Energy, Mineral and Land Resources (DEMLR), Stormwater Permitting Program – Central Office
- N.C. Division of Energy, Mineral and Land Resources (DEMLR) – appropriate Regional Office (scroll down on website for regional office listings)
- Local Program that could administer ...
  - NPDES MS4 Permitting
  - Neuse, Tar Pamlico, Jordan, Falls or Randleman Nutrient Management Strategies
  - State Water Supply Watershed Protection Program

### How Much Will This Permit Cost?

Standard Review: Project Permit Fee (New & Modifications) \$505; Permit Renewal \$505; Permit Transfer \$505.00 Express Review: \$2,000 for low-density projects; \$4,000 for high-density projects; other fees outlined on web fee schedule (see link below). Fast Track Review: Authorization to Construct (ATC) \$505; Renewal or Transfer of ATC \$505; Final Permit Fee \$505 Stormwater Permit Fee Schedules: (<http://deq.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineralland-permits/stormwater-permits/fees>)

### What Are My Payment Options for Permit Application Fees?

Most application fees can be paid by check or money order.

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**If Paying by Check, Who do I Make the Check Payable to?** Checks, money orders should be made payable to: Division of Energy, Mineral and Land Resources (or DEMLR) – Stormwater  
For more information, see the section below titled “Where Do I Submit My Application and Check.”

### Where Can I Get the Application For This Permit?

<https://deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/post-construction>. Other Post-Construction Forms may be found at the following link:

<https://deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/post-construction-1>

### How Long Will It Take To Review My Application?

Application Submittal Options: Standard, Express & Fast Track:

1. Standard Review: Within 90 days, upon receipt of a complete application
2. Express Review: Within 30 days, upon receipt of a complete application. The express permitting option is available for this permit type only in the 20 coastal counties. This option offers quicker review times than the standard traditional review process. To learn more about Express permitting, contact a division staff representative at the Washington (252) 946-6481 or Wilmington (910) 796-7215 regional offices.
3. Fast Track ATC Review: Within 30 days, upon receipt of a complete application.
4. Final Fast Track Standard Permit: Within 40 days after receipt of the complete package or 30 days after a rescheduled inspection at the request of the applicant (whichever date is later). The Fast Track Stormwater Permitting Process is only available for projects required to apply for a post construction stormwater permit from DEQ. When a local government is the permitting authority, consult with the local government regarding their permitting process. To learn more about the Fast Track permitting option, please visit: <https://deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/post-construction> or contact division staff at the number below.

### Where Do I Submit My Application and Check?

N.C. Division of Energy, Mineral and Land Resources (DEMLR)  
Stormwater Program  
1612 Mail Service Center  
512 N. Salisbury Street  
Raleigh NC 27699-1612

**How Long Is My Permit or License or Certificate Valid?** Permits for low density projects (no engineered stormwater SCMs) do not expire. Permits for high density projects (with engineered stormwater SCMs) are valid for up to 8 years. A Fast Track Authorization to Construct (ATC) is valid for 5 years and the final permit follows the requirements for low and high density as noted above.

### Notes/Comments:

The above listed permitting options are general descriptions and are not inclusive of all NCDEQ’s stormwater regulations. The Water Supply Watershed Protection Program, Neuse and Tar Pamlico River Nutrient Sensitive Waters Stormwater Programs, and Jordan, Falls, and Randleman Lake Nutrient Strategies are implemented by local governments. Project requirements are based on site-specific conditions, and it is the responsibility of the applicant to verify necessary permits.

**Legal Authority/Statute Reference:** 15A NCAC 2H .1000, G.S 143-214.7, Session Law 2006-246, Session Law 2008-211, 15A NCAC 2B .0271, 15A NCAC 2B .0281, 15A NCAC 2B .0600.

**Links:** <http://deq.nc.gov/about/divisions/energy-mineral-land-resources/stormwater> or type [deq.nc.gov/SW](http://deq.nc.gov/SW)

### Statewide Contact Information:

NC Division of Energy, Mineral and Land Resources  
Stormwater Program  
1612 Mail Service Center  
512 N. Salisbury Street  
Raleigh, NC 27699-1612  
Telephone: (919) 707-9200