

LAND QUALITY SECTION EXPRESS PERMIT REVIEW

*General Guidelines and Step by Step Process for Erosion and Sediment Control (ESC)**

**It is highly recommended to contact the appropriate Regional Office Express Reviewer to inquiry about availability prior to making a request as Express Reviews will be accepted depending upon staffing and express workload (contact the applicable express permit reviewer for more details). The Express Permitting process for an Erosion and Sediment Control Plan Approval has been developed in accordance with 15A NCAC 01X.*

Project Ineligibility:

- ESC Plans submitted by an individual who does not meet the requirement of being an Experienced Consultant, as defined in 15A NCAC 01X.0102(6), who is familiar with soil performance and ESC design standards and specifications in NC.
- ESC Plans submitted by a financially responsible party who is currently subject to a Notice of Violation.
- ESC Plans submitted for a site that is currently subject to a Notice of Violation.
- ESC Plans impacting buffer zones adjacent to Trout Waters unless a Trout Buffer Waiver has already been obtained.
- ESC Plans with a limit of disturbance greater than 20 acres, except when the Department provide prior approval to make an Express Review Request.
- ESC Plans that propose a site or grading plan that does not comply with G.S. 143-217.7, the rules of Section .1000 of Subchapter .02H, G.S. 113A, Article 7, Part 4, the rules of title 15A of Chapter 07, or G.S. 74-49(7)(f).
- ESC Plans that do not include the following:
 1. All items listed in the Erosion and Sedimentation Control Plan Preliminary Review Checklist found on the [NC DEMLR Erosion and Sediment Control Applications Webpage](#).
 2. The authorized statement of financial responsibility in the form of the application submitted through the [AccessDEQ Portal](#) and documentation of property ownership, pursuant to 15A NCAC 04B.0118(c).
 3. A detailed construction sequence for all erosion and sedimentation controls on all permits, plans or certifications necessary for the project.
 4. Applicable landowner-builder agreements as described in 15A NCAC 04B .0118 and G.S. 113A-54.1(a).
 5. If the project is for a single-source borrow pit, all items necessary to meet the requirements of G.S. 74- 16 49(7)(f).



Request for Express Review Must Include the Following:

1. Applicant (Financially Responsible Party) name and contact information.
2. Experienced Consultant name and contact information.
3. Project name, location, and receiving waters.
4. A Narrative description of the project, including its various features, impacts, and proximity to surface waters identified in item (5).
5. Vicinity map identifying the project area, GPS coordinates, and any nearby surface waters. "Nearby waters" shall include the waters that are classified as the following, Class SA, Outstanding Resource Waters, High Quality Waters, or Trout Waters.
6. Site Plan identifying the boundaries of all surface waters, wetlands, regulatory flood zones, protected vegetated setbacks, and protected riparian buffers.
7. A list of all existing State or Federal permits, plans, certifications, or approvals related to the project; and
8. A list of all other State of Federal permits, plans, certifications, or approvals necessary to conduct the project and their status.
9. The Express Review Request intake fee of \$250 (note the intake fee must be sent via check to the appropriate Regional Office)

General Step by Step Process:

- Step 1: Applicant submits a request for Express Review. Requests must include the items listed above. An Express Review Request form can be found on the [Erosion and Sediment Control Application webpage](#).
- Step 2: The Department will conduct an administrative review to make an initial determination of applicability, eligibility and availability. The request for Express Review will be accepted or denied and the applicant notified.
- Step 3: The Department will schedule a Pre-Application Review Meeting with the Experienced Consultant and the applicant. If during the Pre-Application Review Meeting, it is determined that the project is ineligible for express review or the Application is incomplete, the request for Express Review may be denied. If required information is identified as missing, an extension may be granted for up to 3 business days to submit the required information. If any missing items identified are not submitted by the extension deadline, the application shall be considered incomplete and the request for an express review will be denied.
- If the Request for Express Review is granted, the next Available date shall be assigned to the Application, and the application review will begin.
- Step 3: Once an Acceptance Date is assigned to the Application, the applicant shall submit the necessary fees via AccessDEQ or by check submitted to the regional office with jurisdiction over the project location. If the necessary



fees have not been received by the Department via AccessDEQ or by check, one business day prior to the Acceptance Date, the Acceptance Date shall be cancelled. Please note, checks sent to the incorrect office will cause delay in receipt of payment and may result in the cancellation of the Acceptance Date.

Step 4: Within 5 business days of the Acceptance Date the Department will review the ESC plan and either:

- A) Request additional information, clarification or revision;
- B) Approved the ESC Plan;
- C) Approve the ESC Plan with modifications;
- D) Disapprove the ESC Plan;
- E) Transfer the ESC plan to the standard ESC Plan review process;

If a request for additional information is made, the applicant has up to 5 working days to submit the requested information to the Land Quality Section to complete the express review.

Step 5: Upon receipt of the requested information or after the 5 working days noted in Step 4 expire, the review is completed by the Land Quality Section on the express review plan and a decision is made to:

- a. Approve the ESC Plan;
- b. Approve the ESC Plan with modifications;
- c. Disapprove the ESC Plan;
- d. Place the express review plan into the normal plan review process if the information requested in Step 4 is not received from the applicant (in lieu of disapproval). The date of receipt of the application for the standard review process will be the date which the transfer occurs.

Additional Notes:

1. Projects may need to be phased to be accepted as an Express Review;
2. The Express Review fee is \$264 per acre to be disturbed or part thereof, with a maximum of 8 acres (\$2,112). Disturbances of greater than 8 acres has a fixed \$2,112 Express Review fee. This is in addition to the Standard Review fee of \$119 per acre to be disturbed or part thereof.

For example: The fees for a project of 5.2 acres of disturbed area would be
 $\$264 \times 6 + \$119 \times 6 = \$2,298$

The fees for a project of 10.5 acres of disturbed area would be
 $\$264 \times 8 + \$100 \times 11 = \$3,421$

3. The intake fee of \$250 will be credited to the Express Review fee upon acceptance of the Express Review Request. The Intake and Review fees are non-refundable.

Any questions on the above should be directed to the express permit review staff in the appropriate Land Quality Section Regional Office. Contacts can be found at the [DEMLR Contacts Webpage](#)

