

POST-CONSTRUCTION STATE STORMWATER (PCSW) EXPRESS PERMIT REVIEW

*General Guidelines and Step by Step Process**

**For the Washington and Wilmington Regional Offices, contact the appropriate DEACS Regional Office Permit Coordinator found at [Express Permitting | NC DEQ](#) to inquire about availability prior to making a request as Express Reviews will be accepted depending upon staffing and express workload. The Express Permitting process for the Post-Construction State Stormwater has been developed in accordance with 15A NCAC 01X.*

Applicable Rules:

- 15A NCAC 01X.0100 – Express Permitting
- 15A NCAC 02H.1000 – Stormwater Management (includes Post-Construction Stormwater Management)

Project Ineligibility: *(per 15A NCAC 01X.0201)*

- PCSW Permit Applications submitted by an individual who does not meet the requirements of being an Experienced Consultant, as defined in 15A NCAC 01X .0102(6), familiar with coastal soil performance and stormwater control design standards and specifications in North Carolina. The definition of an experienced consultant in 15A NCAC 01X.0102(6) does note that they must have received an approval or permit specific to the type of application for which a request for express review is being made. This has been interpreted to mean that the 5 issued permits are similar to the type of permit requested (i.e. high density, low density, general, or offsite) and, if applicable, the type of SCM proposed (i.e. wet pond, infiltration device, or other primary SCM).
- PCSW Permit Transfers.
- PCSW Permit Renewals.
- PCSW Permit Applications for high density projects that propose or modify four or more (4+) primary stormwater control measures (SCMs), as defined in 15A NCAC 02H .1002(37).
- PCSW Permit Applications for projects that will impact another PCSW Permit, unless Applications for both projects are submitted jointly.
- PCSW Permit Applications for projects that will overlap with another PCSW Permit, unless Applications for both projects are submitted jointly.
- PCSW Permit Applications for projects whose construction or permitting would cause another PCSW Permit to become out of compliance, unless Applications for both projects are submitted jointly.
- PCSW Permit Applications for projects that would require a variation pursuant to 15A NCAC 02H .1003(6) or would modify a project subject to a variation previously granted.
- PCSW Permit Applications for projects that would require a Director's Certification pursuant to 15A NCAC 02H .1040(7) or would modify a project subject to a Director's Certification previously granted.

- PCSW Permit Applications for projects that are out of compliance at the time of submission or review, unless approval of the Application would bring the project into compliance. This provision does not allow applicants to apply for renewal of expired PCSW Permits as part of a Request for Express Review.
- PCSW Permit Applications that have been previously returned pursuant to Rule .0203(4) of this Section or 15A NCAC 02H .1042(3)(a)(ii), or denied pursuant to 15A NCAC 02H .0140(5).
- PCSW Permit Applications for projects that the Department determines to be too complex, unconventional, irregular, or that utilize New Stormwater Technologies approved pursuant to 15A NCAC 02H .1050(15) that have been approved by the Department for less than five years.
- PCSW Permit Applications for projects that do not provide the following:
 1. The type of permitting action and the type of PCSW Permit or approval being requested;
 2. A list of the number and type of stormwater control measures intended to be utilized in the project;
 3. A drainage area map depicting the location of all stormwater control measures within the project;
 4. The Supplement form found at <https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-design-manual> summarizing compliance with 15A NCAC 02H .1000 requirements; and
 5. State stormwater management permit application materials listed in 15A NCAC 02H .1042(2)(a) through (m).

Request for Express Review Must Include the Following:
(per 15A NCAC 01X.0104)

A Request for Express Review shall be submitted and include:

1. Applicant name and contact information.
2. Experienced Consultant name and contact information. (per .0102, an "Experienced Consultant" means an individual that has received from the Department 5 issued PCSW Permits, specific to the type of Application [i.e. type of permit and, if applicable, the type of SCM] for which a Request for Express Review is being made;)
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 surface waters shall include the following:
 - a. Class SA waters as identified in 15A NCAC 02B .0221,
 - b. Outstanding Resource Waters as identified in 15A NCAC 02B .0225,
 - c. High Quality Waters, as identified in 15A NCAC 02B .0224, or
 - d. Trout Waters, as defined in 15A NCAC 02B .0202(58)
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 information required in Rule .0202 of this Subchapter:
 - a. The type of permitting action and the type of PCSW Permit or approval being requested;
 - b. A list of the number and type of stormwater control measures intended to be utilized in the project;
 - c. A drainage area map depicting the location of all stormwater control measures within the project;
 - d. The Supplement form found at <https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-design-manual> summarizing compliance with 15A NCAC 02H .1000 requirements; 15A NCAC 02H .1000 is incorporated by reference, including subsequent amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge; and
 - e. State stormwater management permit application materials listed in 15A NCAC 02H .1042(2)(a) through (m).
10. The non-refundable PCSW Express Review Request intake fee of \$500 sent via check sent to the appropriate Regional Office. (note the intake fee will be credited to the Express Review fee upon acceptance of the Express Review Request.)

General Step by Step Process:
(per 15A NCAC 01X.0106 and .0203)

- Step 1: Applicant submits a complete request for Express Review that include the items listed above. An Express Review Request Form can be found at: [Express Permitting | NC DEQ](#)
- Step 2: The Department will conduct an administrative review to make an initial determination of applicability, eligibility and availability. **The Department is under no obligation to perform any form of technical review of the materials submitted prior to the Pre-Application Review Meeting.** 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. The Department, applicant and the applicant's Experienced Consultant are required to attend.
- Step 4: During the Pre-Application Meeting, the project will be discussed and the submitted application materials will be jointly reviewed. The Department will advise regarding any initially identified deficiency issues. Potential outcomes:
- i. 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.

- ii. If required information is identified as missing, an extension may be granted for up to 3 business days to submit the required information.
 1. Once the information is submitted, a determination regarding the request will be made.
 2. If any identified missing items are not submitted by the extension deadline, the application shall be considered incomplete and the request for an express review will be denied.
- iii. 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 5: Once an Acceptance Date is assigned to the Applications, the applicant shall submit the remainder of the necessary fees by check to the regional office with jurisdiction over the project location (or via AccessDEQ, once available). The intake fee will be credited to the Express Review fee upon acceptance of the Express Review Request.

If the necessary fees have not been received by the Department 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 6: Within 10 business days of the Acceptance Date the Department will review the PCSW Application and either:

- i. Issue or deny the PCSW Permit per 15A NCAC 02H.1040;
- ii. Request additional information* per 15A NCAC 02H.1042(3)(a)(i);
- iii. Extend the review deadline upon agreement by both the Department and the applicant.

If a request for additional information is made, the applicant has up to 5 working days to submit the requested information, beginning the first business day after the request is received. A single, five business day extension may be granted by the Department upon receipt of a justification for the request for extension prior to the expiration of the initial five business day response period.

Step 7: Upon receipt of the requested information The Department will review the PCSW Application and additional information with 5 business days, starting the first business day after the additional information is received and will make a determination per Step 6.

** No more than two requests for additional information shall be made under this Rule. If additional information, clarification, or revision is required after two requests, or if the Department determines, after granting the Request for Express Review, that the project is ineligible for express review, the Application shall be returned in accordance with the procedures set forth in 15A NCAC 02H.1042(3)(a)(ii) and the applicant shall be required to resubmit the Application to the standard permit review process with a new application fee.*

