

Permitting Considerations

1. There are streams and wetlands all over the state. If you intend to discharge dredged or fill material into waters of the United States (i.e., surface waters and/or wetlands), then you must obtain a Clean Water Act at [Regulatory Request System \(RRS\)](#) from the U.S. Army Corps of Engineers (USACE). Additionally, a [401 Water Quality Certification](#) (WQC) from the Division of Water Resources is required for any federally permitted or licensed activity that may result in a discharge to waters of the U.S. Typically, if the USACE determines that a 404 Permit or Section 10 Permit is required because your proposed project involves impacts to wetlands or waters, then a 401 WQC is also required. For more information on permitting or if you have questions about whether your project impacts jurisdictional water features, [contact the US Army Corps of Engineers](#). Note: There may be Isolated and Other Non-404 Jurisdictional Wetlands and Waters that are regulated by the State, [learn more](#).
2. In early stages of project planning and prior to any land disturbance to determine if the project will occur in or near an area that the state, [Accessibility | NC DNCR Accessibility](#) | NC DNCR federal or tribal governments have designated as having historic or cultural preservation status. You may also wish to visit North Carolina State Historic Preservation office's [GIS Maps and Data | NC HPO](#) webpage.
3. If the project impacts Tribal Lands, or known tribal resources are at or nearby the project, you should contact the appropriate State or Federally Recognized Tribe for evaluation of potential environmental impacts and consultation about any historic properties of traditional religious or cultural importance that may be affected by the proposed project. NC General Statutes 71A provides guidance with regards to the state recognized tribes and the Federal Register defines tribes that are federally recognized. The Eastern Band of Cherokee is the only fully Federally Recognized Tribe in NC. See the following links for a [map of NC Tribal Communities](#) and their [respective contacts](#). Note: You will need to contact the Tribe for regulatory requirements and permitting if the project falls within the Tribal Boundary.
4. Submit a [site-specific request to the Natural Heritage Program](#) (NHP) to initiate a search of the NHP database for lists of rare species, natural communities, natural areas, etc. Additionally, you should consult the [U.S. Fish and Wildlife's endangered species database](#). Please note that the absence of records does not necessarily mean that there are not rare, threatened, or endangered species present. It may simply mean that the area has not been surveyed and the use of these resources/data should not be substituted for actual field surveys prior to any land-disturbing activities. Please note that the listing of the Northern long-eared bat may affect your land-clearing activities, [learn more](#).
5. Use the [Division of Waste Management Site Locator Tool](#) to help search for sites managed, regulated, and inventoried by the division, such as Brownfield locations, underground storage tanks, landfills, superfund sites and hazardous waste facilities.
6. For land disturbance of one acre or more, you will need an approved [Erosion and Sediment Control Plan](#). [NPDES Construction Stormwater permit](#) from the Division of Energy, Mineral and Land Resources. **Note:** *Authority may be delegated to cities and counties that adopt a qualifying local erosion and sediment control ordinance in compliance with State requirements. These requirements may be more stringent and thus require permits for land disturbances less than 1 acre.* [Local Erosion and Sediment Control Programs | NC DEQ](#)
7. Land-disturbing activities adjacent to waters that have been classified as **trout waters** should have an undisturbed buffer zone 25-feet wide. There is an allowable amount of encroachment within the buffer zone, but it must have special approval. [Learn more about trout buffer requirements](#). Also, trout moratoriums on construction activities, established by the NC Wildlife Resources Commission (NCWRC), may apply to your project if working within designated trout waters or the 25' trout buffer zone. Exemptions to this condition *may require written approval* by the resource agency. [Contact NCWRC](#).
8. If your project or facility will have emission sources that emit five or more tons of pollutants each year, then you'll likely need an air permit. The tons generated by the operation will determine the type of permit required. If you're unsure about air permitting, then [Air Quality Contacts | NC DEQ](#) to conduct an Air Permit Applicability Determination. [Learn more](#).
9. If development is to occur on a barrier island, adjacent to a water body, coastal marsh, in or over the water, or along the ocean front, a [Coastal Area Management Act \(CAMA\) permit](#) may be required within the coastal counties.
10. Any development that is located in a coastal county and requires a soil erosion and sedimentation control plan or a [Coastal Area Management Act \(CAMA\) Major Permit](#) may need to obtain a Post-Construction Stormwater Permit [Post-Construction Program | NC DEQ](#). A Post-Construction Stormwater Permit will be required for **Non-residential projects** proposing 10,000 sf of build upon area within the 20 coastal counties (i.e., *Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell, Washington*). To determine whether development activities are subject to post-construction stormwater requirements or other stormwater permitting requirements, please consult the [N.C. DEQ Stormwater Post-Construction Permitting Map](#)
11. [NPDES Industrial Stormwater Permitting](#) (which is different from a Post Construction Permit) applicability for industrial activities is based upon the standard industrial Classification (SIC) code of the manufacturing process or a narrative description if there is a point-source discharge of stormwater. Permitting applicability can be assessed by reviewing the [list of the activities](#) as noted in 40 CFR 122.26(b)(14)(i)-(xi) that fall under the program. Coverage may be through an individual permit or one of 20 general permits.
12. Any construction activity along the [Goose Creek Watershed](#), [Jordan Lake Water Supply Watershed](#), [Randlemen Lake Water Supply Watershed](#), [Catawba River](#), [Neuse River](#) and [Tar-Pamlico River basins](#) will need to comply with the 50' buffer and may

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need wetlands delineation from the U.S. Army Corp of Engineers and/or stream determinations, buffer variances, and stormwater management approvals from [Division of Water Resources, Wetlands Branch, 401 and Buffer Permitting Unit](#).

13. If demolition will occur, please note the following: [The Health Hazards Control Unit \(HHCU\)](#) of the N.C. Department of Health and Human Services must be **notified** of plans to demolish a building, including residences for commercial or industrial expansion, **even if no asbestos is present in the building**. In addition, county or local building inspections departments may have requirements for demolition or asbestos removal. **Note:** *Obtaining a demolition permit from the local city or county Building Inspections Department does NOT satisfy or meet the notification requirements of the HHCU.*

Local Air Pollution Control Programs in Mecklenburg, Buncombe and Forsyth counties have their own asbestos-related requirements in North Carolina — refer to the County-Specific Ordinances section of the [AHMP Rules, Regulations & Ordinances](#) page for contact information for those counties. When regulated asbestos is to be removed in these counties, an asbestos removal permit is required and must be obtained from the HHCU. [Learn more](#)

14. Development in a water supply watershed can include certain land-use restrictions. Municipal and county governments with jurisdictions within a water supply watershed must prepare water supply ordinances (or include water supply sections within existing local ordinances) for land under their jurisdiction in the water supply watershed. The [Water Supply Watershed Map](#) is an interactive web-based map to help determine if your project is in a water supply watershed. For guidance and applicability contact the local governing authority first. If you have further questions, please contact the [DEQ Stormwater Program Unit](#). **Always contact your local government to verify current boundaries and classifications of water supply watershed areas.**
15. Generating or transporting hazardous waste may require an EPA Identification Number or a permit. If you're unsure of what's considered "listed" and "characteristic" hazardous wastes as well as the regulated quantities, then visit the [Hazardous Wastes Section's website](#) or [contact a Hazardous Waste staff member](#) for help with interpreting the RCRA rules and regulations.
16. For On-site wastewater treatment (e.g., septic systems, composting toilets) and private drinking water wells [contact the County Environmental Health Department](#).
17. For wastewater collection and disposal you may need a permit from the Division of Water Resources (Water Quality Permitting Section), [Wastewater Branch](#) for direct discharge to surface waters or the [Non-Discharge Branch](#) for the permitting of residual and/or wastewater effluent land application or for the beneficial use of reclaimed water.
18. If city or county water and/or sewer is available, you will need to contact the local governing authority for capacity questions and regulatory/permitting requirements. Also, collection system construction or sewer extensions to reach an existing sewer collection system including those involving gravity sewers, pump stations and force mains discharging into a sewer collection system, as well as some types of replacements/repairs (e.g., changes in pipe sizes, changes with the alignment, etc.), will need permitting from the [Water Quality Regional Operations Section](#) serving the project area. [Learn more](#). If sewer on the project site will be privately owned you may need to obtain a permit – [Local Programs | NC DEQ](#).
19. Plans and specifications for the construction, expansion, or alteration of a public water system must be approved by the Division of Water Resources/Public Water Supply Section prior to the award of a contract or the initiation of construction as per 15A NCAC 18C .0300 et. seq. If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Water Resources/Public Water Supply Section. Also, if your facility and/or project's well(s) will involve providing drinking water for ≥ 25 people or ≥ 15 connections, you will need to contact the Public Water Supply Section. For more information, contact [the Public Water Supply Section](#) at (919) 707-9100.
20. Contact the city/county planner and local governing authorities where the project is proposed to verify local rules and requirements (e.g., zoning, local ordinances, floodplain development, stormwater, Fire Marshal, etc.).
21. [Per 44 CFR 60.3.d.3 and the North Carolina Executive Order 123](#) – Any new proposed development located within the Special Flood Hazard Area (SFHA), 100-yr Floodplain, may need a Floodplain Development Permit prior to construction.
 - If the proposed development causes an increase in flood levels, a Conditional Letter of Map Revision will be required prior to permitting and construction.
 - If the proposed development does not cause an increase in flood levels, a No-Rise Certification will be required. This Certification, including the Hydraulic analysis, should be reviewed by a qualified professional Engineer prior to approval. Please contact your local NFIP Community Official (e.g., local Floodplain Administrator, Building Inspections Permit Office, Engineering or Planning Department) for more directions. [flood.nc - North Carolina's Flood Information Center](#)
22. Contact the Department of Transportation, or any owners of easements for approval/permission to cross their property. Also, to obtain a driveway permit please contact the appropriate [DOT district office](#).
23. Check if your project is subject to SEPA (State Environmental Policy Act). [Learn more](#).
24. [Surface Water Classifications Map](#) – verify the stream classification as certain stream classifications can dictate more stringent permitting requirements. For example, if the project site drains to waters classified as a Water Supply-I, Outstanding Resource Waters, High-Quality Waters or Nutrient Sensitive Waters there may be site-specific requirements.
25. If the registered agent is being asked for on your permit application, visit the [NC Secretary of State's website](#) to verify who is officially listed.
26. [NC DEQ Permit Directory](#): A guide produced by the Department of Environmental Quality's (DEQ) with fact sheets.