

## **Burgos, Alexander N**

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**Subject:** FW: June 2025 RRC Meeting (15A NCAC 01X)

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Thursday, June 19, 2025 7:53 PM

**To:** Everett, Jennifer <jennifer.everett@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ansel, Douglas R <douglas.ansel@deq.nc.gov>

**Subject:** RE: June 2025 RRC Meeting (15A NCAC 01X)

Received. Thank you.

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

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**Subject:** FW: June 2025 RRC Meeting (15A NCAC 01X)  
**Attachments:** 15A NCAC 01X .0101.docx; 15A NCAC 01X .0102.docx; 15A NCAC 01X .0103.docx; 15A NCAC 01X .0104.docx; 15A NCAC 01X .0105.docx; 15A NCAC 01X .0106.docx; 15A NCAC 01X .0201.docx; 15A NCAC 01X .0202.docx; 15A NCAC 01X .0203.docx; 15A NCAC 01X .0301.docx; 15A NCAC 01X .0302.docx; 15A NCAC 01X .0303.docx

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**From:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Sent:** Thursday, June 19, 2025 3:50 PM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ansel, Douglas R <douglas.ansel@deq.nc.gov>  
**Subject:** RE: June 2025 RRC Meeting (15A NCAC 01X)

Travis,

Added your further requests to .0201. All final revised rules are attached.

Best,

Jennifer Everett  
DEQ Rulemaking Coordinator  
N.C. Depart. Of Environmental Quality  
Office of General Counsel  
1601 Mail Service Center  
Raleigh, NC 27699-1601  
Tele: (919)-707-8595  
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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1 15A NCAC 01X .0101 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **SUBCHAPTER 01X – EXPRESS PERMITTING**

4  
5 **SECTION .0100 – EXPRESS PERMITTING**

6  
7 **15A NCAC 01X .0101 PURPOSE**

8 The purpose of these Rules is to set forth the processes and procedures for implementation of the Department's  
9 express review program to provide expedited permit and certification reviews for certain new or modified permits,  
10 ~~plans~~ plans, or certifications.

11 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
12 *Eff. July 1, 2025.*

1 15A NCAC 01X .0102 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0102 DEFINITIONS**

4 For purposes of this Subchapter,

- 5 (1) “Acceptance Date” means the assigned date upon which the Department will begin the formal review of an  
6 Application after granting a Request for Express Review;
- 7 (2) “AccessDEQ” means the Department’s online portal for electronic permit applications, which can be found  
8 at <https://portal.deq.nc.gov>. In the event AccessDEQ is unavailable for a specific type of Application,  
9 alternative submissions may be made to the regional office with jurisdiction over the project location ~~in the~~  
10 ~~form of either~~ by submitting one electronic copy or two paper copies of the Application;
- 11 (3) “Application” means the materials to be reviewed by the applicable program once a Request for Express  
12 Review has been granted;
- 13 (4) “Department” means the North Carolina Department of Environmental Quality;
- 14 (5) “ESC Plan” means an Erosion and Sedimentation Control Plan submitted pursuant to G.S. 113A, Article 4.
- 15 (6) “Experienced Consultant” means an individual that has received from the Department 25 ESC Plan  
16 approvals or 5 issued PCSW Permits, specific to the type of Application for which a Request for Express  
17 Review is being made;
- 18 (7) “PCSW Permit” means Coastal Post-Construction Stormwater Permits submitted pursuant to G.S. 143,  
19 Article 21, Part 1;
- 20 (8) “Pre-Application Review Meeting” means the initial meeting between the Applicant or the Experienced  
21 ~~Consultant~~, Consultant and the Department to perform a preliminary review of all materials submitted as  
22 part of the Request for Express Review and Application to make a determination regarding whether the  
23 Request for Express Review should be granted or ~~denied~~ denied, as well as provide initial feedback of the  
24 Application Materials. The Department is under no obligation to perform any form of technical review of  
25 the materials submitted prior to the meeting; and
- 26 (9) “Request for Express Review” means the initial submission requesting consideration for express review,  
27 including all applicability, ~~eligibility~~ eligibility, and availability reviews;

28 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
29 *Eff. July 1, 2025.*



1 15A NCAC 01X .0103 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0103 APPLICABILITY**

4 The rules in this Subchapter apply to the submission and review of Requests for Express Review of Applications for  
5 the following permits, ~~plans~~ plans, or certifications:

6 (1) Coastal Post-Construction Stormwater Permits pursuant to G.S. 143, Article 21, Part 1; and\

7 (2) Erosion and Sedimentation Control Plans pursuant to G.S. 113A, Article 4.

8 *History Note:* Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;

9 *Eff. July 1, 2025.*

1 15A NCAC 01X .0104 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0104 REQUESTS FOR EXPRESS REVIEW**

4 In addition to the information required in Rules .0202 and .0302 of this Subchapter, a Request for Express Review  
5 shall be submitted on a form including:

- 6 (1) Applicant name and contact information;
- 7 (2) Experienced Consultant name and contact information;
- 8 (3) Project name, location, and receiving waters;
- 9 (4) Narrative description of the project, including its various features, ~~impacts~~ impacts, and proximity to  
10 surface waters identified in Item (5) of this Rule;
- 11 (5) Vicinity map identifying the project area, GPS coordinates, and any nearby surface ~~waters~~ waters. Nearby  
12 surface waters shall ~~include~~ including Class SA waters as identified in 15A NCAC 02B .0221, Outstanding  
13 Resource Waters as identified in 15A NCAC 02B .0225, High Quality Waters, as identified in 15A NCAC  
14 02B .0224, or Trout Waters, as defined in 15A NCAC 02B ~~.0202(58)~~, .0202(58); 15A NCAC 02B .0221,  
15 15A NCAC 02B .0225, 15A NCAC 02B .0224 and 15A NCAC 02B .0202 are incorporated by reference,  
16 including subsequent ~~amendments~~ amendments, and may be accessed at  
17 <http://reports.oah.state.nc.us/ncac.asp> at no charge;
- 18 (6) Site plan identifying the boundaries of all surface waters, wetlands, regulatory flood zones, protected  
19 vegetated setbacks, and protected riparian buffers;
- 20 (7) A list of all existing State or Federal permits, plans, ~~certifications~~ certifications, or approvals related to the  
21 project; and
- 22 (8) A list of all other State or Federal permits, plans, ~~certifications~~ certifications, or approvals necessary to  
23 conduct the project and their current status.

24 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 143-214.7; G.S. 113A-54.1; G.S.*  
25 *113A-57;*  
26 *Eff. July 1, 2025.*

1 15A NCAC 01X .0105 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0105 GRANTING REQUESTS FOR EXPRESS REVIEW**

4 The Department shall grant Requests for Express Review that are determined to be complete and eligible, in  
5 accordance with Rules .0104, .0201, .0202, .0301 and .0302 of this Subchapter. The Department shall not grant a  
6 Request for Express Review if it ~~determines~~ it is incomplete or if the review of the Application cannot be completed  
7 within the deadlines established in Rules .0203 and .0303 of this Subchapter due to:

8 (1) staffing vacancies or ~~absences~~; absences at the Department;

9 (2) existing ~~workloads~~; workloads at the Department;

10 (3) emergencies; or

11 (4) other factors that would conflict with the purposes or requirements of G.S. 143B-279.13 or would  
12 prevent an Application from being reviewed prior to the deadlines established in Rules .0203 and .0303  
13 of this Subchapter.

14  
15 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
16 *Eff. July 1, 2025.*

1 15A NCAC 01X .0106 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0106 PROCESSING OF REQUESTS FOR EXPRESS REVIEW**

4 The processing of Requests for Express Review shall be performed as follows:

- 5 (1) To be considered for express review under these Rules, an applicant shall submit a Request for  
6 Express Review and intake fee via AccessDEQ, including the information required pursuant to  
7 Rules .0104, .0202, and .0302 of this ~~Section~~ Subchapter. Current fees may be found at  
8 <https://www.deq.nc.gov/accessdeq/express-permitting> or in AccessDEQ. The Department shall  
9 provide the applicant with notice once the necessary fees have been received. Fees are  
10 nonrefundable.
- 11 (2) Upon receipt of a Request for Express Review and intake fee, the Department shall perform an  
12 administrative review to make an initial determination of applicability pursuant to Rule .0103 of  
13 this Section, eligibility pursuant to Rules .0201 and .0301 of this ~~Subchapter~~ Subchapter, and  
14 availability pursuant to Rule .0105 of this Section. The Department is under no obligation to  
15 perform any form of technical review of the materials submitted prior to the Pre-Application  
16 Review Meeting.
- 17 (3) Once an initial determination of applicability, ~~eligibility~~ eligibility, and availability is made by the  
18 Department, notice shall be provided to the applicant and a Pre-Application Review Meeting shall  
19 be scheduled with the applicant and their Experienced Consultant.
- 20 (4) During the Pre-Application Review Meeting, the Department, ~~applicant~~ applicant, or applicant's  
21 Experienced Consultant shall discuss the project, jointly review the submitted application  
22 ~~materials~~ materials, and advise regarding any initially identified deficiency issues. If the Request  
23 for Express Review involves a PCSW Permit, both the applicant and applicant's Experienced  
24 Consultant shall be required to attend the Pre-Application Review Meeting. If, during the Pre-  
25 Application Review Meeting, it is determined that the project is ineligible for express review or  
26 the Application is incomplete, the Request for Express Review may be denied. If required  
27 information is identified as missing during the Pre-Application Review Meeting, an extension may  
28 be granted for up to three business days to submit the required information, after which time a  
29 determination regarding the Request for Express Review shall be made. If these identified items  
30 are not submitted by the extension deadline, the Request for Express Review shall be considered  
31 incomplete and shall be denied.
- 32 (5) If the Request for Express Review is granted, the next available Acceptance Date shall be assigned  
33 to the Application and the application review shall proceed in accordance with Rule .0203 or  
34 .0303 of this Subchapter.
- 35 (6) Once an Acceptance Date is assigned to the Application, the applicant shall submit the necessary  
36 fees via AccessDEQ or by check submitted to the to the regional office with jurisdiction over the  
37 project location. Current fees may be found at <https://www.deq.nc.gov/accessdeq/express->

1            [permitting](#) or in AccessDEQ. The Department shall provide the applicant with notice once the  
2            necessary fees have been received. Fees are nonrefundable.

3            (7)        If the necessary fees have not been received by the Department via AccessDEQ or by check  
4            submitted to the to the regional office with jurisdiction over the project location one business day  
5            prior to the Acceptance Date, the Acceptance Date shall be cancelled.

6            (8)        If the Department determines, after granting the Request for Express Review, that the project is  
7            ineligible for express review, the Department shall conclude the Express Review in accordance  
8            with Rules .0203(4) or .0303(4) of this Subchapter.

9            (9)        Receipt of an Application as part of a Request for Express Review shall not constitute receipt or  
10           submission of an application for purposes of the timeframes set forth in G.S. 143-214.7(b6) or in  
11           G.S. 113A-54.1(a).

12  
13        *History Note:*        *Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
14                                *Eff. July 1, 2025.*

1 15A NCAC 01X .0201 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **SECTION .0200 – COASTAL POST-CONSTRUCTION STORMWATER PERMITS**

4  
5 **15A NCAC 01X .0201 PROJECT ELIGIBILITY**

6 The following PCSW Permit Applications shall be ineligible for express review:

- 7 (1) PCSW Permit Applications submitted by an individual who does not meet the requirements of being  
8 an Experienced ~~Consultant~~ Consultant, as defined in 15A NCAC 01X .0102(6), familiar with coastal  
9 soil performance and stormwater control design standards and specifications in North Carolina.
- 10 (2) Transfers.
- 11 (3) Renewals.
- 12 (4) Applications for high density projects that propose or modify four or more primary stormwater control  
13 measures, as defined in 15A NCAC 02H ~~.1002(37)~~, .1002(37); 15A NCAC 02H .1002 is incorporated  
14 by reference, including subsequent ~~amendments~~, amendments, and may be accessed at  
15 <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- 16 (5) Applications for projects that will impact another PCSW Permit, unless Applications for both projects  
17 are submitted jointly.
- 18 (6) Applications for projects that will overlap with another PCSW Permit, unless Applications for both  
19 projects are submitted jointly.
- 20 (7) Applications for projects whose construction or permitting would cause another PCSW Permit to  
21 become out of compliance, unless Applications for both projects are submitted jointly.
- 22 (8) Applications for projects that would require a variation pursuant to 15A NCAC 02H .1003(6) or would  
23 modify a project subject to a variation previously ~~granted~~, granted; 15A NCAC 02H .1003 is  
24 incorporated by reference, including subsequent ~~amendments~~, amendments, and may be accessed at  
25 <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- 26 (9) Applications for projects that would require a Director's Certification pursuant to 15A NCAC 02H  
27 .1040(7) or would modify a project subject to a Director's Certification previously ~~granted~~, granted;  
28 15A NCAC 02H .1040 is incorporated by reference, including subsequent ~~amendments~~, amendments,  
29 and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- 30 (10) Applications for projects that are out of compliance at the time of submission or review, unless  
31 approval of the Application would bring the project into compliance. This provision does not allow  
32 applicants to apply for renewal of expired PCSW Permits as part of a Request for Express Review.
- 33 (11) Applications that have been previously returned pursuant to Rule .0203(4) of this Section or 15A  
34 NCAC 02H ~~.1042(3)(a)(ii)~~, .1042(3)(a)(ii), or denied pursuant to 15A NCAC 02H ~~.1040(5)~~, .1040(5);  
35 15A NCAC 02H .1042 is incorporated by reference, including subsequent ~~amendments~~, amendments,  
36 and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.

- 1 (12) Applications for projects that the Department determines to be too complex, ~~unconventional~~  
2 ~~unconventional, or irregular~~ irregular, or that utilize New Stormwater Technologies approved pursuant  
3 to 15A NCAC 02H .1050(15) that have been approved by the Department for less than five ~~years,~~  
4 ~~years;~~ 15A NCAC 02H .1050 is incorporated by reference, including subsequent ~~amendments.~~  
5 amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.  
6 (13) Applications for projects that do not provide all submission requirements from Rule .0202 of this  
7 Section.

8 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
9 *Eff. July 1, 2025.*

1 15A NCAC 01X .0202 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0202 APPLICATION SUBMISSION REQUIREMENTS**

4 Applications shall include:

- 5 (1) The type of permitting action and the type of PCSW Permit or approval being requested;
- 6 (2) A list of the number and type of stormwater control measures intended to be utilized in the project;
- 7 (3) A drainage area map depicting the location of all stormwater control measures within the project;
- 8 (4) The Supplement form found at [https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-](https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-design-manual)  
9 [resources/stormwater/stormwater-program/stormwater-design-manual](https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-design-manual) summarizing compliance  
10 with 15A NCAC 02H .1000 ~~requirements~~, requirements; 15A NCAC 02H .1000 is incorporated  
11 by reference, including subsequent ~~amendments~~, amendments, and may be accessed at  
12 <http://reports.oah.state.nc.us/ncac.asp> at no charge; and
- 13 (5) State stormwater management permit application materials listed in 15A NCAC 02H .1042(2)(a)  
14 through (m).

15 *History Note:* *Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 143-214.7;*  
16 *Eff. July 1, 2025.*



1 15A NCAC 01X .0203 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0203 REVIEW OF APPLICATIONS**

4 The review of a PCSW Permit Application shall proceed as follows:

5 (1) Upon granting a Request for Express Review pursuant to Rule .0106(5) of this Subchapter, the Department  
6 shall review the Application within ten business days of the Acceptance Date and shall make a  
7 determination to:

8 (A) Issue or deny the PCSW Permit pursuant to 15A NCAC 02H .1040;

9 (B) Request additional information pursuant to 15A NCAC 02H .1042(3)(a)(i); or

10 (C) Extend the review deadline upon agreement by both the Department and the applicant.

11 (2) When a request for additional information is made by the Department, the applicant shall respond with the  
12 requested information within five business days from receipt of the request, beginning the first business day  
13 after the request is received. A single, five business day extension may be granted by the Department upon  
14 receipt of a justification for the request for extension prior to the expiration of the initial five business day  
15 response period.

16 (3) Upon receipt of the information in Item (2) of this Rule, the Department shall review the Application and  
17 additional information within five business days, starting with the first business day after receipt and shall  
18 make a determination in accordance with Item (1) of this Rule.

19 (4) No more than two requests for additional information shall be made under this Rule. If additional  
20 information, ~~clarification~~ clarification, or revision is required after two requests, or if the Department  
21 determines, after granting the Request for Express Review, that the project is ineligible for express review,  
22 the Application shall be returned in accordance with the procedures set forth in 15A NCAC 02H  
23 .1042(3)(a)(ii) and the applicant shall be required to resubmit the Application to the standard permit review  
24 process with a new application fee.

25 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 143-214.7;*  
26 *Eff. July 1, 2025.*

1 15A NCAC 01X .0301 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **SECTION .0300 – EROSION AND SEDIMENTATION CONTROL PLANS**

4  
5 **15A NCAC 01X .0301 PROJECT ELIGIBILITY**

6 The following Erosion and Sedimentation Control Plan Applications shall be ineligible for express review:

- 7 (1) ESC Plans submitted by an individual who does not meet the requirements of being an Experienced  
8 ~~Consultant~~ Consultant, as defined in 15A NCAC 01X .0102(6), who is familiar with soil performance and  
9 erosion control design standards and specifications in North Carolina.
- 10 (2) ESC Plans submitted where the financially responsible party, pursuant to 15A NCAC 04B .0118(c), is  
11 currently subject to a Notice of Violation issued pursuant to the authority of G.S. 113A, Article 4, 4; 15A  
12 NCAC 04B .0118 is incorporated by reference, including subsequent ~~amendment.~~ amendments, and may be  
13 accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- 14 (3) ESC Plans submitted for a site that is currently subject to a Notice of Violation issued pursuant to the  
15 authority of G.S. 113A, Article 4.
- 16 (4) ESC Plans impacting buffer zones adjacent to Trout Waters, as defined in 15A NCAC 02B .0202(58),  
17 unless a Trout Buffer Waiver has been obtained in advance in accordance with 15A NCAC 04B .0125(c)  
18 and G.S. ~~113A-57(1),~~ 113A-57(1); 15A NCAC 04B .0125 is incorporated by reference, including  
19 subsequent ~~amendments.~~ amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no  
20 charge;
- 21 (5) ESC Plans with a limit of disturbance greater than 20 acres, except where the Department provides prior  
22 approval.
- 23 (6) ESC Plans that propose a site or grading plan that does not comply with G.S. 143-214.7, the rules of  
24 Section .1000 of Subchapter .02H, 15A NCAC 02H .1000, G.S. 113A, Article 7, Part 4, the rules of title  
25 15A of Chapter 15A NCAC-07, or G.S. 74-49(7)(f).
- 26 (7) ESC Plans that do not include all submission requirements from Rule .0302 of this Section.

27 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
28 *Eff. July 1, 2025.*

1 15A NCAC 01X .0302 is adopted as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0302 APPLICATION SUBMISSION REQUIREMENTS**

4 Applications for ESC Plan reviews shall include:

- 5 (1) All items listed in the Erosion and Sedimentation Control Plan Preliminary Review Checklist found at  
6 <https://www.deq.nc.gov/ESCforms> summarizing compliance with G.S. 113A, Article 4 and 15A NCAC 04,  
7 04; 15A NCAC 04 is incorporated by reference, including subsequent ~~amendments~~; ~~amendments~~, and may  
8 be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge;  
9 (2) The authorized statement of financial responsibility and documentation of property ownership, pursuant to  
10 15A NCAC 04B .0118(c);  
11 (3) A detailed construction sequence for all erosion and sedimentation controls on all permits, plans or  
12 certifications necessary for the project;  
13 (4) Applicable landowner-builder agreements as described in 15A NCAC 04B .0118 and G.S. 113A-54.1(a);  
14 and  
15 (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).

17 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 113A-54.1; G.S. 113A-57;*  
18 *Eff. July 1, 2025.*

1 15A NCAC 01X .0303 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0303 REVIEW OF APPLICATIONS**

4 The review of an ESC Plan Application shall proceed as follows:

- 5 (1) Upon granting a Request for Express Review pursuant to Rule .0106(5) of this Subchapter, the Department  
6 shall review the ESC Plan within five business days of the Acceptance Date and shall make a determination  
7 to:  
8 (A) Request additional information, clarification or revision;  
9 (B) Approve the ESC Plan;  
10 (C) Approve the ESC Plan with modification;  
11 (D) Disapprove the ESC Plan;  
12 (E) Transfer the ESC Plan to the standard ESC Plan review process; or  
13 (2) When a request for additional information, ~~clarification~~ clarification, or revision is made by the  
14 Department, the applicant shall respond with the requested information, ~~clarifications~~ clarifications, or  
15 revisions within five business days from receipt of the request, beginning the first business day after the  
16 request is received.  
17 (3) Upon receipt of the information in Item (2) of this Rule, the Department shall review the ESC Plan and  
18 additional information within five business days, starting with the first business day after receipt and shall  
19 make a determination in accordance with Item (1) of this Rule.  
20 (4) No more than one request for additional information, ~~clarification~~ clarification, or revision shall be made  
21 under Sub-Item (1)(A) of this Rule. If additional information, ~~clarification~~ clarification, or revision is  
22 required after one request, or if the Department determines, after granting the Request for Express Review,  
23 that the project is ineligible for express review, the ESC Plan shall either be disapproved or transferred to  
24 the standard ESC Plan review process. If transferred, the date of receipt of the Application for purposes of  
25 G.S. 113A-54.1 or G.S. 113A-57 shall be the date upon which the transfer occurs.

26 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 113A-54.1; G.S. 113A-57;*  
27 *Eff. July 1, 2025.*

## Burgos, Alexander N

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**Subject:** FW: June 2025 RRC Meeting (15A NCAC 01X)

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Sent:** Thursday, June 19, 2025 9:03 AM  
**To:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ansel, Douglas R <douglas.ansel@deq.nc.gov>  
**Subject:** RE: June 2025 RRC Meeting (15A NCAC 01X)

Good morning,

One last request. In .0201(12), replace the comma after “years” with a semicolon and add to the end, “may be accessed at {URL} at no charge” or words to that effect.

Once that final change is made, please submit all of the final revised rules via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov) no later than 5pm on June 20, 2025. The electronic copy must be saved as the official rule name (XX NCAC XXXX). Please include me on the email.

Thank you.

Travis C. Wiggs  
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## Burgos, Alexander N

---

**Subject:** FW: June 2025 RRC Meeting (15A NCAC 01X)  
**Attachments:** 15A NCAC 01X .0101.docx; 15A NCAC 01X .0102.docx; 15A NCAC 01X .0103.docx; 15A NCAC 01X .0104.docx; 15A NCAC 01X .0105.docx; 15A NCAC 01X .0106.docx; 15A NCAC 01X .0201.docx; 15A NCAC 01X .0202.docx; 15A NCAC 01X .0203.docx; 15A NCAC 01X .0301.docx; 15A NCAC 01X .0302.docx; 15A NCAC 01X .0303.docx

---

**From:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Sent:** Thursday, June 19, 2025 3:50 PM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ansel, Douglas R <douglas.ansel@deq.nc.gov>  
**Subject:** RE: June 2025 RRC Meeting (15A NCAC 01X)

Travis,

Added your further requests to .0201. All final revised rules are attached.

Best,

Jennifer Everett  
DEQ Rulemaking Coordinator  
N.C. Depart. Of Environmental Quality  
Office of General Counsel  
1601 Mail Service Center  
Raleigh, NC 27699-1601  
Tele: (919)-707-8595  
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

1 15A NCAC 01X .0101 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **SUBCHAPTER 01X – EXPRESS PERMITTING**

4  
5 **SECTION .0100 – EXPRESS PERMITTING**

6  
7 **15A NCAC 01X .0101 PURPOSE**

8 The purpose of these Rules is to set forth the processes and procedures for implementation of the Department's  
9 express review program to provide expedited permit and certification reviews for certain new or modified permits,  
10 ~~plans~~ plans, or certifications.

11 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
12 *Eff. July 1, 2025.*

1 15A NCAC 01X .0102 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0102 DEFINITIONS**

4 For purposes of this Subchapter,

- 5 (1) “Acceptance Date” means the assigned date upon which the Department will begin the formal review of an  
6 Application after granting a Request for Express Review;
- 7 (2) “AccessDEQ” means the Department’s online portal for electronic permit applications, which can be found  
8 at <https://portal.deq.nc.gov>. In the event AccessDEQ is unavailable for a specific type of Application,  
9 alternative submissions may be made to the regional office with jurisdiction over the project location ~~in the~~  
10 ~~form of either~~ by submitting one electronic copy or two paper copies of the Application;
- 11 (3) “Application” means the materials to be reviewed by the applicable program once a Request for Express  
12 Review has been granted;
- 13 (4) “Department” means the North Carolina Department of Environmental Quality;
- 14 (5) “ESC Plan” means an Erosion and Sedimentation Control Plan submitted pursuant to G.S. 113A, Article 4.
- 15 (6) “Experienced Consultant” means an individual that has received from the Department 25 ESC Plan  
16 approvals or 5 issued PCSW Permits, specific to the type of Application for which a Request for Express  
17 Review is being made;
- 18 (7) “PCSW Permit” means Coastal Post-Construction Stormwater Permits submitted pursuant to G.S. 143,  
19 Article 21, Part 1;
- 20 (8) “Pre-Application Review Meeting” means the initial meeting between the Applicant or the Experienced  
21 ~~Consultant~~, Consultant and the Department to perform a preliminary review of all materials submitted as  
22 part of the Request for Express Review and Application to make a determination regarding whether the  
23 Request for Express Review should be granted or ~~denied~~ denied, as well as provide initial feedback of the  
24 Application Materials. The Department is under no obligation to perform any form of technical review of  
25 the materials submitted prior to the meeting; and
- 26 (9) “Request for Express Review” means the initial submission requesting consideration for express review,  
27 including all applicability, ~~eligibility~~ eligibility, and availability reviews;

28 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
29 *Eff. July 1, 2025.*



1 15A NCAC 01X .0103 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0103 APPLICABILITY**

4 The rules in this Subchapter apply to the submission and review of Requests for Express Review of Applications for  
5 the following permits, ~~plans~~ plans, or certifications:

6 (1) Coastal Post-Construction Stormwater Permits pursuant to G.S. 143, Article 21, Part 1; and\

7 (2) Erosion and Sedimentation Control Plans pursuant to G.S. 113A, Article 4.

8 *History Note:* Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;

9 *Eff. July 1, 2025.*

1 15A NCAC 01X .0104 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0104 REQUESTS FOR EXPRESS REVIEW**

4 In addition to the information required in Rules .0202 and .0302 of this Subchapter, a Request for Express Review  
5 shall be submitted on a form including:

- 6 (1) Applicant name and contact information;
- 7 (2) Experienced Consultant name and contact information;
- 8 (3) Project name, location, and receiving waters;
- 9 (4) Narrative description of the project, including its various features, ~~impacts~~ impacts, and proximity to  
10 surface waters identified in Item (5) of this Rule;
- 11 (5) Vicinity map identifying the project area, GPS coordinates, and any nearby surface ~~waters~~ waters. Nearby  
12 surface waters shall ~~include~~ including Class SA waters as identified in 15A NCAC 02B .0221, Outstanding  
13 Resource Waters as identified in 15A NCAC 02B .0225, High Quality Waters, as identified in 15A NCAC  
14 02B .0224, or Trout Waters, as defined in 15A NCAC 02B ~~.0202(58)~~, .0202(58); 15A NCAC 02B .0221,  
15 15A NCAC 02B .0225, 15A NCAC 02B .0224 and 15A NCAC 02B .0202 are incorporated by reference,  
16 including subsequent ~~amendments~~ amendments, and may be accessed at  
17 <http://reports.oah.state.nc.us/ncac.asp> at no charge;
- 18 (6) Site plan identifying the boundaries of all surface waters, wetlands, regulatory flood zones, protected  
19 vegetated setbacks, and protected riparian buffers;
- 20 (7) A list of all existing State or Federal permits, plans, ~~certifications~~ certifications, or approvals related to the  
21 project; and
- 22 (8) A list of all other State or Federal permits, plans, ~~certifications~~ certifications, or approvals necessary to  
23 conduct the project and their current status.

24 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 143-214.7; G.S. 113A-54.1; G.S.*  
25 *113A-57;*  
26 *Eff. July 1, 2025.*

1 15A NCAC 01X .0105 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0105 GRANTING REQUESTS FOR EXPRESS REVIEW**

4 The Department shall grant Requests for Express Review that are determined to be complete and eligible, in  
5 accordance with Rules .0104, .0201, .0202, .0301 and .0302 of this Subchapter. The Department shall not grant a  
6 Request for Express Review if it ~~determines~~ it is incomplete or if the review of the Application cannot be completed  
7 within the deadlines established in Rules .0203 and .0303 of this Subchapter due to:

8 (1) staffing vacancies or ~~absences~~; absences at the Department;

9 (2) existing ~~workloads~~; workloads at the Department;

10 (3) emergencies; or

11 (4) other factors that would conflict with the purposes or requirements of G.S. 143B-279.13 or would  
12 prevent an Application from being reviewed prior to the deadlines established in Rules .0203 and .0303  
13 of this Subchapter.

14  
15 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
16 *Eff. July 1, 2025.*

1 15A NCAC 01X .0106 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0106 PROCESSING OF REQUESTS FOR EXPRESS REVIEW**

4 The processing of Requests for Express Review shall be performed as follows:

- 5 (1) To be considered for express review under these Rules, an applicant shall submit a Request for  
6 Express Review and intake fee via AccessDEQ, including the information required pursuant to  
7 Rules .0104, .0202, and .0302 of this ~~Section~~ Subchapter. Current fees may be found at  
8 <https://www.deq.nc.gov/accessdeq/express-permitting> or in AccessDEQ. The Department shall  
9 provide the applicant with notice once the necessary fees have been received. Fees are  
10 nonrefundable.
- 11 (2) Upon receipt of a Request for Express Review and intake fee, the Department shall perform an  
12 administrative review to make an initial determination of applicability pursuant to Rule .0103 of  
13 this Section, eligibility pursuant to Rules .0201 and .0301 of this ~~Subchapter~~ Subchapter, and  
14 availability pursuant to Rule .0105 of this Section. The Department is under no obligation to  
15 perform any form of technical review of the materials submitted prior to the Pre-Application  
16 Review Meeting.
- 17 (3) Once an initial determination of applicability, ~~eligibility~~ eligibility, and availability is made by the  
18 Department, notice shall be provided to the applicant and a Pre-Application Review Meeting shall  
19 be scheduled with the applicant and their Experienced Consultant.
- 20 (4) During the Pre-Application Review Meeting, the Department, ~~applicant~~ applicant, or applicant's  
21 Experienced Consultant shall discuss the project, jointly review the submitted application  
22 ~~materials~~ materials, and advise regarding any initially identified deficiency issues. If the Request  
23 for Express Review involves a PCSW Permit, both the applicant and applicant's Experienced  
24 Consultant shall be required to attend the Pre-Application Review Meeting. If, during the Pre-  
25 Application Review Meeting, it is determined that the project is ineligible for express review or  
26 the Application is incomplete, the Request for Express Review may be denied. If required  
27 information is identified as missing during the Pre-Application Review Meeting, an extension may  
28 be granted for up to three business days to submit the required information, after which time a  
29 determination regarding the Request for Express Review shall be made. If these identified items  
30 are not submitted by the extension deadline, the Request for Express Review shall be considered  
31 incomplete and shall be denied.
- 32 (5) If the Request for Express Review is granted, the next available Acceptance Date shall be assigned  
33 to the Application and the application review shall proceed in accordance with Rule .0203 or  
34 .0303 of this Subchapter.
- 35 (6) Once an Acceptance Date is assigned to the Application, the applicant shall submit the necessary  
36 fees via AccessDEQ or by check submitted to the to the regional office with jurisdiction over the  
37 project location. Current fees may be found at <https://www.deq.nc.gov/accessdeq/express->

1            [permitting](#) or in AccessDEQ. The Department shall provide the applicant with notice once the  
2            necessary fees have been received. Fees are nonrefundable.

3            (7)        If the necessary fees have not been received by the Department via AccessDEQ or by check  
4            submitted to the to the regional office with jurisdiction over the project location one business day  
5            prior to the Acceptance Date, the Acceptance Date shall be cancelled.

6            (8)        If the Department determines, after granting the Request for Express Review, that the project is  
7            ineligible for express review, the Department shall conclude the Express Review in accordance  
8            with Rules .0203(4) or .0303(4) of this Subchapter.

9            (9)        Receipt of an Application as part of a Request for Express Review shall not constitute receipt or  
10           submission of an application for purposes of the timeframes set forth in G.S. 143-214.7(b6) or in  
11           G.S. 113A-54.1(a).

12  
13        *History Note:*        *Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
14                                *Eff. July 1, 2025.*

1 15A NCAC 01X .0201 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **SECTION .0200 – COASTAL POST-CONSTRUCTION STORMWATER PERMITS**

4  
5 **15A NCAC 01X .0201 PROJECT ELIGIBILITY**

6 The following PCSW Permit Applications shall be ineligible for express review:

- 7 (1) PCSW Permit Applications submitted by an individual who does not meet the requirements of being  
8 an Experienced ~~Consultant~~ Consultant, as defined in 15A NCAC 01X .0102(6), familiar with coastal  
9 soil performance and stormwater control design standards and specifications in North Carolina.
- 10 (2) Transfers.
- 11 (3) Renewals.
- 12 (4) Applications for high density projects that propose or modify four or more primary stormwater control  
13 measures, as defined in 15A NCAC 02H ~~.1002(37)~~, .1002(37); 15A NCAC 02H .1002 is incorporated  
14 by reference, including subsequent ~~amendments~~, amendments, and may be accessed at  
15 <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- 16 (5) Applications for projects that will impact another PCSW Permit, unless Applications for both projects  
17 are submitted jointly.
- 18 (6) Applications for projects that will overlap with another PCSW Permit, unless Applications for both  
19 projects are submitted jointly.
- 20 (7) Applications for projects whose construction or permitting would cause another PCSW Permit to  
21 become out of compliance, unless Applications for both projects are submitted jointly.
- 22 (8) Applications for projects that would require a variation pursuant to 15A NCAC 02H .1003(6) or would  
23 modify a project subject to a variation previously ~~granted~~, granted; 15A NCAC 02H .1003 is  
24 incorporated by reference, including subsequent ~~amendments~~, amendments, and may be accessed at  
25 <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- 26 (9) Applications for projects that would require a Director's Certification pursuant to 15A NCAC 02H  
27 .1040(7) or would modify a project subject to a Director's Certification previously ~~granted~~, granted;  
28 15A NCAC 02H .1040 is incorporated by reference, including subsequent ~~amendments~~, amendments,  
29 and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- 30 (10) Applications for projects that are out of compliance at the time of submission or review, unless  
31 approval of the Application would bring the project into compliance. This provision does not allow  
32 applicants to apply for renewal of expired PCSW Permits as part of a Request for Express Review.
- 33 (11) Applications that have been previously returned pursuant to Rule .0203(4) of this Section or 15A  
34 NCAC 02H ~~.1042(3)(a)(ii)~~, .1042(3)(a)(ii), or denied pursuant to 15A NCAC 02H ~~.1040(5)~~, .1040(5);  
35 15A NCAC 02H .1042 is incorporated by reference, including subsequent ~~amendments~~, amendments,  
36 and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.

- 1 (12) Applications for projects that the Department determines to be too complex, ~~unconventional~~  
2 ~~unconventional, or irregular~~ irregular, or that utilize New Stormwater Technologies approved pursuant  
3 to 15A NCAC 02H .1050(15) that have been approved by the Department for less than five ~~years,~~  
4 ~~years;~~ 15A NCAC 02H .1050 is incorporated by reference, including subsequent ~~amendments.~~  
5 amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.  
6 (13) Applications for projects that do not provide all submission requirements from Rule .0202 of this  
7 Section.

8 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
9 *Eff. July 1, 2025.*

1 15A NCAC 01X .0202 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0202 APPLICATION SUBMISSION REQUIREMENTS**

4 Applications shall include:

- 5 (1) The type of permitting action and the type of PCSW Permit or approval being requested;
- 6 (2) A list of the number and type of stormwater control measures intended to be utilized in the project;
- 7 (3) A drainage area map depicting the location of all stormwater control measures within the project;
- 8 (4) The Supplement form found at [https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-](https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-design-manual)  
9 [resources/stormwater/stormwater-program/stormwater-design-manual](https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-design-manual) summarizing compliance  
10 with 15A NCAC 02H .1000 ~~requirements~~, requirements; 15A NCAC 02H .1000 is incorporated  
11 by reference, including subsequent ~~amendments~~, amendments, and may be accessed at  
12 <http://reports.oah.state.nc.us/ncac.asp> at no charge; and
- 13 (5) State stormwater management permit application materials listed in 15A NCAC 02H .1042(2)(a)  
14 through (m).

15 *History Note:* *Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 143-214.7;*  
16 *Eff. July 1, 2025.*



1 15A NCAC 01X .0203 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0203 REVIEW OF APPLICATIONS**

4 The review of a PCSW Permit Application shall proceed as follows:

- 5 (1) Upon granting a Request for Express Review pursuant to Rule .0106(5) of this Subchapter, the Department  
6 shall review the Application within ten business days of the Acceptance Date and shall make a  
7 determination to:
- 8 (A) Issue or deny the PCSW Permit pursuant to 15A NCAC 02H .1040;  
9 (B) Request additional information pursuant to 15A NCAC 02H .1042(3)(a)(i); or  
10 (C) Extend the review deadline upon agreement by both the Department and the applicant.
- 11 (2) When a request for additional information is made by the Department, the applicant shall respond with the  
12 requested information within five business days from receipt of the request, beginning the first business day  
13 after the request is received. A single, five business day extension may be granted by the Department upon  
14 receipt of a justification for the request for extension prior to the expiration of the initial five business day  
15 response period.
- 16 (3) Upon receipt of the information in Item (2) of this Rule, the Department shall review the Application and  
17 additional information within five business days, starting with the first business day after receipt and shall  
18 make a determination in accordance with Item (1) of this Rule.
- 19 (4) No more than two requests for additional information shall be made under this Rule. If additional  
20 information, ~~clarification~~ clarification, or revision is required after two requests, or if the Department  
21 determines, after granting the Request for Express Review, that the project is ineligible for express review,  
22 the Application shall be returned in accordance with the procedures set forth in 15A NCAC 02H  
23 .1042(3)(a)(ii) and the applicant shall be required to resubmit the Application to the standard permit review  
24 process with a new application fee.

25 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 143-214.7;*  
26 *Eff. July 1, 2025.*

1 15A NCAC 01X .0301 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **SECTION .0300 – EROSION AND SEDIMENTATION CONTROL PLANS**

4  
5 **15A NCAC 01X .0301 PROJECT ELIGIBILITY**

6 The following Erosion and Sedimentation Control Plan Applications shall be ineligible for express review:

- 7 (1) ESC Plans submitted by an individual who does not meet the requirements of being an Experienced  
8 ~~Consultant~~ Consultant, as defined in 15A NCAC 01X .0102(6), who is familiar with soil performance and  
9 erosion control design standards and specifications in North Carolina.
- 10 (2) ESC Plans submitted where the financially responsible party, pursuant to 15A NCAC 04B .0118(c), is  
11 currently subject to a Notice of Violation issued pursuant to the authority of G.S. 113A, Article 4, 4; 15A  
12 NCAC 04B .0118 is incorporated by reference, including subsequent ~~amendment.~~ amendments, and may be  
13 accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- 14 (3) ESC Plans submitted for a site that is currently subject to a Notice of Violation issued pursuant to the  
15 authority of G.S. 113A, Article 4.
- 16 (4) ESC Plans impacting buffer zones adjacent to Trout Waters, as defined in 15A NCAC 02B .0202(58),  
17 unless a Trout Buffer Waiver has been obtained in advance in accordance with 15A NCAC 04B .0125(c)  
18 and G.S. ~~113A-57(1),~~ 113A-57(1); 15A NCAC 04B .0125 is incorporated by reference, including  
19 subsequent ~~amendments.~~ amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no  
20 charge;
- 21 (5) ESC Plans with a limit of disturbance greater than 20 acres, except where the Department provides prior  
22 approval.
- 23 (6) ESC Plans that propose a site or grading plan that does not comply with G.S. 143-214.7, the rules of  
24 Section .1000 of Subchapter .02H, 15A NCAC 02H .1000, G.S. 113A, Article 7, Part 4, the rules of title  
25 15A of Chapter 15A NCAC-07, or G.S. 74-49(7)(f).
- 26 (7) ESC Plans that do not include all submission requirements from Rule .0302 of this Section.

27 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
28 *Eff. July 1, 2025.*

1 15A NCAC 01X .0302 is adopted as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0302 APPLICATION SUBMISSION REQUIREMENTS**

4 Applications for ESC Plan reviews shall include:

- 5 (1) All items listed in the Erosion and Sedimentation Control Plan Preliminary Review Checklist found at  
6 <https://www.deq.nc.gov/ESCforms> summarizing compliance with G.S. 113A, Article 4 and 15A NCAC 04,  
7 04; 15A NCAC 04 is incorporated by reference, including subsequent ~~amendments~~; ~~amendments~~, and may  
8 be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge;  
9 (2) The authorized statement of financial responsibility and documentation of property ownership, pursuant to  
10 15A NCAC 04B .0118(c);  
11 (3) A detailed construction sequence for all erosion and sedimentation controls on all permits, plans or  
12 certifications necessary for the project;  
13 (4) Applicable landowner-builder agreements as described in 15A NCAC 04B .0118 and G.S. 113A-54.1(a);  
14 and  
15 (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).

17 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 113A-54.1; G.S. 113A-57;*  
18 *Eff. July 1, 2025.*

1 15A NCAC 01X .0303 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0303 REVIEW OF APPLICATIONS**

4 The review of an ESC Plan Application shall proceed as follows:

- 5 (1) Upon granting a Request for Express Review pursuant to Rule .0106(5) of this Subchapter, the Department  
6 shall review the ESC Plan within five business days of the Acceptance Date and shall make a determination  
7 to:  
8 (A) Request additional information, clarification or revision;  
9 (B) Approve the ESC Plan;  
10 (C) Approve the ESC Plan with modification;  
11 (D) Disapprove the ESC Plan;  
12 (E) Transfer the ESC Plan to the standard ESC Plan review process; or  
13 (2) When a request for additional information, ~~clarification~~ clarification, or revision is made by the  
14 Department, the applicant shall respond with the requested information, ~~clarifications~~ clarifications, or  
15 revisions within five business days from receipt of the request, beginning the first business day after the  
16 request is received.  
17 (3) Upon receipt of the information in Item (2) of this Rule, the Department shall review the ESC Plan and  
18 additional information within five business days, starting with the first business day after receipt and shall  
19 make a determination in accordance with Item (1) of this Rule.  
20 (4) No more than one request for additional information, ~~clarification~~ clarification, or revision shall be made  
21 under Sub-Item (1)(A) of this Rule. If additional information, ~~clarification~~ clarification, or revision is  
22 required after one request, or if the Department determines, after granting the Request for Express Review,  
23 that the project is ineligible for express review, the ESC Plan shall either be disapproved or transferred to  
24 the standard ESC Plan review process. If transferred, the date of receipt of the Application for purposes of  
25 G.S. 113A-54.1 or G.S. 113A-57 shall be the date upon which the transfer occurs.

26 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 113A-54.1; G.S. 113A-57;*  
27 *Eff. July 1, 2025.*

## Burgos, Alexander N

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**Subject:** FW: June 2025 RRC Meeting (15A NCAC 01X)

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Sent:** Thursday, June 19, 2025 9:03 AM  
**To:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ansel, Douglas R <douglas.ansel@deq.nc.gov>  
**Subject:** RE: June 2025 RRC Meeting (15A NCAC 01X)

Good morning,

One last request. In .0201(12), replace the comma after “years” with a semicolon and add to the end, “may be accessed at {URL} at no charge” or words to that effect.

Once that final change is made, please submit all of the final revised rules via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov) no later than 5pm on June 20, 2025. The electronic copy must be saved as the official rule name (XX NCAC XXXX). Please include me on the email.

Thank you.

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

1 15A NCAC 01X .0101 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **SUBCHAPTER 01X – EXPRESS PERMITTING**

4  
5 **SECTION .0100 – EXPRESS PERMITTING**

6  
7 **15A NCAC 01X .0101 PURPOSE**

8 The purpose of these Rules is to set forth the processes and procedures for implementation of the Department's  
9 express review program to provide expedited permit and certification reviews for certain new or modified permits,  
10 ~~plans~~ plans, or certifications.

11 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
12 *Eff. July 1, 2025.*

1 15A NCAC 01X .0102 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0102 DEFINITIONS**

4 For purposes of this Subchapter,

- 5 (1) “Acceptance Date” means the assigned date upon which the Department will begin the formal review of an  
6 Application after granting a Request for Express Review;
- 7 (2) “AccessDEQ” means the Department’s online portal for electronic permit applications, which can be found  
8 at <https://portal.deq.nc.gov>. In the event AccessDEQ is unavailable for a specific type of Application,  
9 alternative submissions may be made to the regional office with jurisdiction over the project location ~~in the~~  
10 ~~form of either~~ by submitting one electronic copy or two paper copies of the Application;
- 11 (3) “Application” means the materials to be reviewed by the applicable program once a Request for Express  
12 Review has been granted;
- 13 (4) “Department” means the North Carolina Department of Environmental Quality;
- 14 (5) “ESC Plan” means an Erosion and Sedimentation Control Plan submitted pursuant to G.S. 113A, Article 4.
- 15 (6) “Experienced Consultant” means an individual that has received from the Department 25 ESC Plan  
16 approvals or 5 issued PCSW Permits, specific to the type of Application for which a Request for Express  
17 Review is being made;
- 18 (7) “PCSW Permit” means Coastal Post-Construction Stormwater Permits submitted pursuant to G.S. 143,  
19 Article 21, Part 1;
- 20 (8) “Pre-Application Review Meeting” means the initial meeting between the Applicant or the Experienced  
21 ~~Consultant~~, Consultant and the Department to perform a preliminary review of all materials submitted as  
22 part of the Request for Express Review and Application to make a determination regarding whether the  
23 Request for Express Review should be granted or ~~denied~~ denied, as well as provide initial feedback of the  
24 Application Materials. The Department is under no obligation to perform any form of technical review of  
25 the materials submitted prior to the meeting; and
- 26 (9) “Request for Express Review” means the initial submission requesting consideration for express review,  
27 including all applicability, ~~eligibility~~ eligibility, and availability reviews;

28 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
29 *Eff. July 1, 2025.*

1 15A NCAC 01X .0103 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0103 APPLICABILITY**

4 The rules in this Subchapter apply to the submission and review of Requests for Express Review of Applications for  
5 the following permits, ~~plans~~ plans, or certifications:

6 (1) Coastal Post-Construction Stormwater Permits pursuant to G.S. 143, Article 21, Part 1; and\

7 (2) Erosion and Sedimentation Control Plans pursuant to G.S. 113A, Article 4.

8 *History Note:* Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;

9 *Eff. July 1, 2025.*



1 15A NCAC 01X .0104 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0104 REQUESTS FOR EXPRESS REVIEW**

4 In addition to the information required in Rules .0202 and .0302 of this Subchapter, a Request for Express Review  
5 shall be submitted on a form including:

- 6 (1) Applicant name and contact information;
- 7 (2) Experienced Consultant name and contact information;
- 8 (3) Project name, location, and receiving waters;
- 9 (4) Narrative description of the project, including its various features, ~~impacts~~ impacts, and proximity to  
10 surface waters identified in Item (5) of this Rule;
- 11 (5) Vicinity map identifying the project area, GPS coordinates, and any nearby surface ~~waters~~ waters. Nearby  
12 surface waters shall ~~include~~ including Class SA waters as identified in 15A NCAC 02B .0221, Outstanding  
13 Resource Waters as identified in 15A NCAC 02B .0225, High Quality Waters, as identified in 15A NCAC  
14 02B .0224, or Trout Waters, as defined in 15A NCAC 02B ~~.0202(58)~~, .0202(58); 15A NCAC 02B .0221,  
15 15A NCAC 02B .0225, 15A NCAC 02B .0224 and 15A NCAC 02B .0202 are incorporated by reference,  
16 including subsequent ~~amendments~~ amendments, and may be accessed at  
17 <http://reports.oah.state.nc.us/ncac.asp> at no charge;
- 18 (6) Site plan identifying the boundaries of all surface waters, wetlands, regulatory flood zones, protected  
19 vegetated setbacks, and protected riparian buffers;
- 20 (7) A list of all existing State or Federal permits, plans, ~~certifications~~ certifications, or approvals related to the  
21 project; and
- 22 (8) A list of all other State or Federal permits, plans, ~~certifications~~ certifications, or approvals necessary to  
23 conduct the project and their current status.

24 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 143-214.7; G.S. 113A-54.1; G.S.*  
25 *113A-57;*  
26 *Eff. July 1, 2025.*

1 15A NCAC 01X .0105 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0105 GRANTING REQUESTS FOR EXPRESS REVIEW**

4 The Department shall grant Requests for Express Review that are determined to be complete and eligible, in  
5 accordance with Rules .0104, .0201, .0202, .0301 and .0302 of this Subchapter. The Department shall not grant a  
6 Request for Express Review if it ~~determines~~ it is incomplete or if the review of the Application cannot be completed  
7 within the deadlines established in Rules .0203 and .0303 of this Subchapter due to:

8 (1) staffing vacancies or ~~absences~~; absences at the Department;

9 (2) existing ~~workloads~~; workloads at the Department;

10 (3) emergencies; or

11 (4) other factors that would conflict with the purposes or requirements of G.S. 143B-279.13 or would  
12 prevent an Application from being reviewed prior to the deadlines established in Rules .0203 and .0303  
13 of this Subchapter.

14  
15 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
16 *Eff. July 1, 2025.*

1 15A NCAC 01X .0106 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0106 PROCESSING OF REQUESTS FOR EXPRESS REVIEW**

4 The processing of Requests for Express Review shall be performed as follows:

- 5 (1) To be considered for express review under these Rules, an applicant shall submit a Request for  
6 Express Review and intake fee via AccessDEQ, including the information required pursuant to  
7 Rules .0104, .0202, and .0302 of this ~~Section~~ Subchapter. Current fees may be found at  
8 <https://www.deq.nc.gov/accessdeq/express-permitting> or in AccessDEQ. The Department shall  
9 provide the applicant with notice once the necessary fees have been received. Fees are  
10 nonrefundable.
- 11 (2) Upon receipt of a Request for Express Review and intake fee, the Department shall perform an  
12 administrative review to make an initial determination of applicability pursuant to Rule .0103 of  
13 this Section, eligibility pursuant to Rules .0201 and .0301 of this ~~Subchapter~~ Subchapter, and  
14 availability pursuant to Rule .0105 of this Section. The Department is under no obligation to  
15 perform any form of technical review of the materials submitted prior to the Pre-Application  
16 Review Meeting.
- 17 (3) Once an initial determination of applicability, ~~eligibility~~ eligibility, and availability is made by the  
18 Department, notice shall be provided to the applicant and a Pre-Application Review Meeting shall  
19 be scheduled with the applicant and their Experienced Consultant.
- 20 (4) During the Pre-Application Review Meeting, the Department, ~~applicant~~ applicant, or applicant's  
21 Experienced Consultant shall discuss the project, jointly review the submitted application  
22 ~~materials~~ materials, and advise regarding any initially identified deficiency issues. If the Request  
23 for Express Review involves a PCSW Permit, both the applicant and applicant's Experienced  
24 Consultant shall be required to attend the Pre-Application Review Meeting. If, during the Pre-  
25 Application Review Meeting, it is determined that the project is ineligible for express review or  
26 the Application is incomplete, the Request for Express Review may be denied. If required  
27 information is identified as missing during the Pre-Application Review Meeting, an extension may  
28 be granted for up to three business days to submit the required information, after which time a  
29 determination regarding the Request for Express Review shall be made. If these identified items  
30 are not submitted by the extension deadline, the Request for Express Review shall be considered  
31 incomplete and shall be denied.
- 32 (5) If the Request for Express Review is granted, the next available Acceptance Date shall be assigned  
33 to the Application and the application review shall proceed in accordance with Rule .0203 or  
34 .0303 of this Subchapter.
- 35 (6) Once an Acceptance Date is assigned to the Application, the applicant shall submit the necessary  
36 fees via AccessDEQ or by check submitted to the to the regional office with jurisdiction over the  
37 project location. Current fees may be found at <https://www.deq.nc.gov/accessdeq/express->

1            [permitting](#) or in AccessDEQ. The Department shall provide the applicant with notice once the  
2            necessary fees have been received. Fees are nonrefundable.

3            (7)        If the necessary fees have not been received by the Department via AccessDEQ or by check  
4            submitted to the to the regional office with jurisdiction over the project location one business day  
5            prior to the Acceptance Date, the Acceptance Date shall be cancelled.

6            (8)        If the Department determines, after granting the Request for Express Review, that the project is  
7            ineligible for express review, the Department shall conclude the Express Review in accordance  
8            with Rules .0203(4) or .0303(4) of this Subchapter.

9            (9)        Receipt of an Application as part of a Request for Express Review shall not constitute receipt or  
10           submission of an application for purposes of the timeframes set forth in G.S. 143-214.7(b6) or in  
11           G.S. 113A-54.1(a).

12  
13        *History Note:*        *Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
14                                *Eff. July 1, 2025.*

1 15A NCAC 01X .0201 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **SECTION .0200 – COASTAL POST-CONSTRUCTION STORMWATER PERMITS**

4  
5 **15A NCAC 01X .0201 PROJECT ELIGIBILITY**

6 The following PCSW Permit Applications shall be ineligible for express review:

- 7 (1) PCSW Permit Applications submitted by an individual who does not meet the requirements of being  
8 an Experienced ~~Consultant~~ Consultant, as defined in 15A NCAC 01X .0102(6), familiar with coastal  
9 soil performance and stormwater control design standards and specifications in North Carolina.
- 10 (2) Transfers.
- 11 (3) Renewals.
- 12 (4) Applications for high density projects that propose or modify four or more primary stormwater control  
13 measures, as defined in 15A NCAC 02H ~~.1002(37)~~, .1002(37); 15A NCAC 02H .1002 is incorporated  
14 by reference, including subsequent ~~amendments~~, amendments, and may be accessed at  
15 <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- 16 (5) Applications for projects that will impact another PCSW Permit, unless Applications for both projects  
17 are submitted jointly.
- 18 (6) Applications for projects that will overlap with another PCSW Permit, unless Applications for both  
19 projects are submitted jointly.
- 20 (7) Applications for projects whose construction or permitting would cause another PCSW Permit to  
21 become out of compliance, unless Applications for both projects are submitted jointly.
- 22 (8) Applications for projects that would require a variation pursuant to 15A NCAC 02H .1003(6) or would  
23 modify a project subject to a variation previously ~~granted~~, granted; 15A NCAC 02H .1003 is  
24 incorporated by reference, including subsequent ~~amendments~~, amendments, and may be accessed at  
25 <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- 26 (9) Applications for projects that would require a Director's Certification pursuant to 15A NCAC 02H  
27 .1040(7) or would modify a project subject to a Director's Certification previously ~~granted~~, granted;  
28 15A NCAC 02H .1040 is incorporated by reference, including subsequent ~~amendments~~, amendments,  
29 and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- 30 (10) Applications for projects that are out of compliance at the time of submission or review, unless  
31 approval of the Application would bring the project into compliance. This provision does not allow  
32 applicants to apply for renewal of expired PCSW Permits as part of a Request for Express Review.
- 33 (11) Applications that have been previously returned pursuant to Rule .0203(4) of this Section or 15A  
34 NCAC 02H ~~.1042(3)(a)(ii)~~, .1042(3)(a)(ii), or denied pursuant to 15A NCAC 02H ~~.1040(5)~~, .1040(5);  
35 15A NCAC 02H .1042 is incorporated by reference, including subsequent ~~amendments~~, amendments,  
36 and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.

- 1 (12) Applications for projects that the Department determines to be too complex, ~~unconventional~~  
2 ~~unconventional, or irregular~~ irregular, or that utilize New Stormwater Technologies approved pursuant  
3 to 15A NCAC 02H .1050(15) that have been approved by the Department for less than five ~~years,~~  
4 ~~years;~~ 15A NCAC 02H .1050 is incorporated by reference, including subsequent ~~amendments.~~  
5 amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.  
6 (13) Applications for projects that do not provide all submission requirements from Rule .0202 of this  
7 Section.

8 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
9 *Eff. July 1, 2025.*

1 15A NCAC 01X .0202 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0202 APPLICATION SUBMISSION REQUIREMENTS**

4 Applications shall include:

- 5 (1) The type of permitting action and the type of PCSW Permit or approval being requested;
- 6 (2) A list of the number and type of stormwater control measures intended to be utilized in the project;
- 7 (3) A drainage area map depicting the location of all stormwater control measures within the project;
- 8 (4) The Supplement form found at [https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-](https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-design-manual)  
9 [resources/stormwater/stormwater-program/stormwater-design-manual](https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-design-manual) summarizing compliance  
10 with 15A NCAC 02H .1000 ~~requirements~~, requirements; 15A NCAC 02H .1000 is incorporated  
11 by reference, including subsequent ~~amendments~~, amendments, and may be accessed at  
12 <http://reports.oah.state.nc.us/ncac.asp> at no charge; and
- 13 (5) State stormwater management permit application materials listed in 15A NCAC 02H .1042(2)(a)  
14 through (m).

15 *History Note:* *Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 143-214.7;*  
16 *Eff. July 1, 2025.*

1 15A NCAC 01X .0203 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0203 REVIEW OF APPLICATIONS**

4 The review of a PCSW Permit Application shall proceed as follows:

- 5 (1) Upon granting a Request for Express Review pursuant to Rule .0106(5) of this Subchapter, the Department  
6 shall review the Application within ten business days of the Acceptance Date and shall make a  
7 determination to:
- 8 (A) Issue or deny the PCSW Permit pursuant to 15A NCAC 02H .1040;  
9 (B) Request additional information pursuant to 15A NCAC 02H .1042(3)(a)(i); or  
10 (C) Extend the review deadline upon agreement by both the Department and the applicant.
- 11 (2) When a request for additional information is made by the Department, the applicant shall respond with the  
12 requested information within five business days from receipt of the request, beginning the first business day  
13 after the request is received. A single, five business day extension may be granted by the Department upon  
14 receipt of a justification for the request for extension prior to the expiration of the initial five business day  
15 response period.
- 16 (3) Upon receipt of the information in Item (2) of this Rule, the Department shall review the Application and  
17 additional information within five business days, starting with the first business day after receipt and shall  
18 make a determination in accordance with Item (1) of this Rule.
- 19 (4) No more than two requests for additional information shall be made under this Rule. If additional  
20 information, ~~clarification~~ clarification, or revision is required after two requests, or if the Department  
21 determines, after granting the Request for Express Review, that the project is ineligible for express review,  
22 the Application shall be returned in accordance with the procedures set forth in 15A NCAC 02H  
23 .1042(3)(a)(ii) and the applicant shall be required to resubmit the Application to the standard permit review  
24 process with a new application fee.

25 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 143-214.7;*  
26 *Eff. July 1, 2025.*



1 15A NCAC 01X .0301 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **SECTION .0300 – EROSION AND SEDIMENTATION CONTROL PLANS**

4  
5 **15A NCAC 01X .0301 PROJECT ELIGIBILITY**

6 The following Erosion and Sedimentation Control Plan Applications shall be ineligible for express review:

- 7 (1) ESC Plans submitted by an individual who does not meet the requirements of being an Experienced  
8 ~~Consultant~~ Consultant, as defined in 15A NCAC 01X .0102(6), who is familiar with soil performance and  
9 erosion control design standards and specifications in North Carolina.
- 10 (2) ESC Plans submitted where the financially responsible party, pursuant to 15A NCAC 04B .0118(c), is  
11 currently subject to a Notice of Violation issued pursuant to the authority of G.S. 113A, Article 4, 4; 15A  
12 NCAC 04B .0118 is incorporated by reference, including subsequent ~~amendment.~~ amendments, and may be  
13 accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- 14 (3) ESC Plans submitted for a site that is currently subject to a Notice of Violation issued pursuant to the  
15 authority of G.S. 113A, Article 4.
- 16 (4) ESC Plans impacting buffer zones adjacent to Trout Waters, as defined in 15A NCAC 02B .0202(58),  
17 unless a Trout Buffer Waiver has been obtained in advance in accordance with 15A NCAC 04B .0125(c)  
18 and G.S. ~~113A-57(1),~~ 113A-57(1); 15A NCAC 04B .0125 is incorporated by reference, including  
19 subsequent ~~amendments.~~ amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no  
20 charge;
- 21 (5) ESC Plans with a limit of disturbance greater than 20 acres, except where the Department provides prior  
22 approval.
- 23 (6) ESC Plans that propose a site or grading plan that does not comply with G.S. 143-214.7, the rules of  
24 Section .1000 of Subchapter .02H, 15A NCAC 02H .1000, G.S. 113A, Article 7, Part 4, the rules of title  
25 15A of Chapter 15A NCAC-07, or G.S. 74-49(7)(f).
- 26 (7) ESC Plans that do not include all submission requirements from Rule .0302 of this Section.

27 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
28 *Eff. July 1, 2025.*

1 15A NCAC 01X .0302 is adopted as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0302 APPLICATION SUBMISSION REQUIREMENTS**

4 Applications for ESC Plan reviews shall include:

- 5 (1) All items listed in the Erosion and Sedimentation Control Plan Preliminary Review Checklist found at  
6 <https://www.deq.nc.gov/ESCforms> summarizing compliance with G.S. 113A, Article 4 and 15A NCAC 04,  
7 04; 15A NCAC 04 is incorporated by reference, including subsequent ~~amendments~~; ~~amendments~~, and may  
8 be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge;  
9 (2) The authorized statement of financial responsibility and documentation of property ownership, pursuant to  
10 15A NCAC 04B .0118(c);  
11 (3) A detailed construction sequence for all erosion and sedimentation controls on all permits, plans or  
12 certifications necessary for the project;  
13 (4) Applicable landowner-builder agreements as described in 15A NCAC 04B .0118 and G.S. 113A-54.1(a);  
14 and  
15 (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).

17 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 113A-54.1; G.S. 113A-57;*  
18 *Eff. July 1, 2025.*

1 15A NCAC 01X .0303 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0303 REVIEW OF APPLICATIONS**

4 The review of an ESC Plan Application shall proceed as follows:

- 5 (1) Upon granting a Request for Express Review pursuant to Rule .0106(5) of this Subchapter, the Department  
6 shall review the ESC Plan within five business days of the Acceptance Date and shall make a determination  
7 to:  
8 (A) Request additional information, clarification or revision;  
9 (B) Approve the ESC Plan;  
10 (C) Approve the ESC Plan with modification;  
11 (D) Disapprove the ESC Plan;  
12 (E) Transfer the ESC Plan to the standard ESC Plan review process; or  
13 (2) When a request for additional information, ~~clarification~~ clarification, or revision is made by the  
14 Department, the applicant shall respond with the requested information, ~~clarifications~~ clarifications, or  
15 revisions within five business days from receipt of the request, beginning the first business day after the  
16 request is received.  
17 (3) Upon receipt of the information in Item (2) of this Rule, the Department shall review the ESC Plan and  
18 additional information within five business days, starting with the first business day after receipt and shall  
19 make a determination in accordance with Item (1) of this Rule.  
20 (4) No more than one request for additional information, ~~clarification~~ clarification, or revision shall be made  
21 under Sub-Item (1)(A) of this Rule. If additional information, ~~clarification~~ clarification, or revision is  
22 required after one request, or if the Department determines, after granting the Request for Express Review,  
23 that the project is ineligible for express review, the ESC Plan shall either be disapproved or transferred to  
24 the standard ESC Plan review process. If transferred, the date of receipt of the Application for purposes of  
25 G.S. 113A-54.1 or G.S. 113A-57 shall be the date upon which the transfer occurs.

26 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 113A-54.1; G.S. 113A-57;*  
27 *Eff. July 1, 2025.*

## Burgos, Alexander N

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**Subject:** FW: June 2025 RRC Meeting (15A NCAC 01X)  
**Attachments:** 15A NCAC 01X .0101.docx; 15A NCAC 01X .0102.docx; 15A NCAC 01X .0103.docx; 15A NCAC 01X .0104.docx; 15A NCAC 01X .0105.docx; 15A NCAC 01X .0106.docx; 15A NCAC 01X .0201.docx; 15A NCAC 01X .0202.docx; 15A NCAC 01X .0203.docx; 15A NCAC 01X .0301.docx; 15A NCAC 01X .0302.docx; 15A NCAC 01X .0303.docx

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**From:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Sent:** Wednesday, June 18, 2025 4:55 PM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ansel, Douglas R <douglas.ansel@deq.nc.gov>  
**Subject:** RE: June 2025 RRC Meeting (15A NCAC 01X)

Hi Travis,

Ok, we updated the last two rules with your requests from this afternoon. I re-attached all final rules regarding 15A NCAC 01X.

Thanks.

Jennifer Everett  
DEQ Rulemaking Coordinator  
N.C. Depart. Of Environmental Quality  
Office of General Counsel  
1601 Mail Service Center  
Raleigh, NC 27699-1601  
Tele: (919)-707-8595  
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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## Burgos, Alexander N

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**Subject:** FW: June 2025 RRC Meeting (15A NCAC 01X)

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Wednesday, June 18, 2025 4:08 PM

**To:** Everett, Jennifer <jennifer.everett@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ansel, Douglas R <douglas.ansel@deq.nc.gov>

**Subject:** RE: June 2025 RRC Meeting (15A NCAC 01X)

Thank you. Final requests below.

In .0201(4), replace the comma after “(37)” with a semicolon and add to the end, “may be accessed at {URL} at no charge” or words to that effect. In (8) and (9), replace the comma after “granted” with a semicolon and add to the end, “may be accessed at {URL} at no charge” or words to that effect. In (11), replace the comma after “(5)” with a semicolon and add to the end, “may be accessed at {URL} at no charge” or words to that effect.

In .0202(4), replace the comma after “requirements” with a semicolon and add to the end, “may be accessed at {URL} at no charge” or words to that effect.

Please reply at your earliest convenience.

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

pstate official.

1 15A NCAC 01X .0101 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **SUBCHAPTER 01X – EXPRESS PERMITTING**

4  
5 **SECTION .0100 – EXPRESS PERMITTING**

6  
7 **15A NCAC 01X .0101 PURPOSE**

8 The purpose of these Rules is to set forth the processes and procedures for implementation of the Department's  
9 express review program to provide expedited permit and certification reviews for certain new or modified permits,  
10 ~~plans~~ plans, or certifications.

11 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
12 *Eff. July 1, 2025.*

1 15A NCAC 01X .0102 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0102 DEFINITIONS**

4 For purposes of this Subchapter,

- 5 (1) “Acceptance Date” means the assigned date upon which the Department will begin the formal review of an  
6 Application after granting a Request for Express Review;
- 7 (2) “AccessDEQ” means the Department’s online portal for electronic permit applications, which can be found  
8 at <https://portal.deq.nc.gov>. In the event AccessDEQ is unavailable for a specific type of Application,  
9 alternative submissions may be made to the regional office with jurisdiction over the project location ~~in the~~  
10 ~~form of either~~ by submitting one electronic copy or two paper copies of the Application;
- 11 (3) “Application” means the materials to be reviewed by the applicable program once a Request for Express  
12 Review has been granted;
- 13 (4) “Department” means the North Carolina Department of Environmental Quality;
- 14 (5) “ESC Plan” means an Erosion and Sedimentation Control Plan submitted pursuant to G.S. 113A, Article 4.
- 15 (6) “Experienced Consultant” means an individual that has received from the Department 25 ESC Plan  
16 approvals or 5 issued PCSW Permits, specific to the type of Application for which a Request for Express  
17 Review is being made;
- 18 (7) “PCSW Permit” means Coastal Post-Construction Stormwater Permits submitted pursuant to G.S. 143,  
19 Article 21, Part 1;
- 20 (8) “Pre-Application Review Meeting” means the initial meeting between the Applicant or the Experienced  
21 ~~Consultant~~, Consultant and the Department to perform a preliminary review of all materials submitted as  
22 part of the Request for Express Review and Application to make a determination regarding whether the  
23 Request for Express Review should be granted or ~~denied~~ denied, as well as provide initial feedback of the  
24 Application Materials. The Department is under no obligation to perform any form of technical review of  
25 the materials submitted prior to the meeting; and
- 26 (9) “Request for Express Review” means the initial submission requesting consideration for express review,  
27 including all applicability, ~~eligibility~~ eligibility, and availability reviews;

28 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
29 *Eff. July 1, 2025.*

1 15A NCAC 01X .0103 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0103 APPLICABILITY**

4 The rules in this Subchapter apply to the submission and review of Requests for Express Review of Applications for  
5 the following permits, ~~plans~~ plans, or certifications:

6 (1) Coastal Post-Construction Stormwater Permits pursuant to G.S. 143, Article 21, Part 1; and\

7 (2) Erosion and Sedimentation Control Plans pursuant to G.S. 113A, Article 4.

8 *History Note:* Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;

9 *Eff. July 1, 2025.*



1 15A NCAC 01X .0104 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0104 REQUESTS FOR EXPRESS REVIEW**

4 In addition to the information required in Rules .0202 and .0302 of this Subchapter, a Request for Express Review  
5 shall be submitted on a form including:

- 6 (1) Applicant name and contact information;
- 7 (2) Experienced Consultant name and contact information;
- 8 (3) Project name, location, and receiving waters;
- 9 (4) Narrative description of the project, including its various features, ~~impacts~~ impacts, and proximity to  
10 surface waters identified in Item (5) of this Rule;
- 11 (5) Vicinity map identifying the project area, GPS coordinates, and any nearby surface ~~waters~~ waters. Nearby  
12 surface waters shall ~~include~~ including Class SA waters as identified in 15A NCAC 02B .0221, Outstanding  
13 Resource Waters as identified in 15A NCAC 02B .0225, High Quality Waters, as identified in 15A NCAC  
14 02B .0224, or Trout Waters, as defined in 15A NCAC 02B ~~.0202(58)~~, .0202(58); 15A NCAC 02B .0221,  
15 15A NCAC 02B .0225, 15A NCAC 02B .0224 and 15A NCAC 02B .0202 are incorporated by reference,  
16 including subsequent ~~amendments~~ amendments, and may be accessed at  
17 <http://reports.oah.state.nc.us/ncac.asp> at no charge;
- 18 (6) Site plan identifying the boundaries of all surface waters, wetlands, regulatory flood zones, protected  
19 vegetated setbacks, and protected riparian buffers;
- 20 (7) A list of all existing State or Federal permits, plans, ~~certifications~~ certifications, or approvals related to the  
21 project; and
- 22 (8) A list of all other State or Federal permits, plans, ~~certifications~~ certifications, or approvals necessary to  
23 conduct the project and their current status.

24 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 143-214.7; G.S. 113A-54.1; G.S.*  
25 *113A-57;*  
26 *Eff. July 1, 2025.*

1 15A NCAC 01X .0105 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0105 GRANTING REQUESTS FOR EXPRESS REVIEW**

4 The Department shall grant Requests for Express Review that are determined to be complete and eligible, in  
5 accordance with Rules .0104, .0201, .0202, .0301 and .0302 of this Subchapter. The Department shall not grant a  
6 Request for Express Review if it ~~determines~~ it is incomplete or if the review of the Application cannot be completed  
7 within the deadlines established in Rules .0203 and .0303 of this Subchapter due to:

8 (1) staffing vacancies or ~~absences~~; absences at the Department;

9 (2) existing ~~workloads~~; workloads at the Department;

10 (3) emergencies; or

11 (4) other factors that would conflict with the purposes or requirements of G.S. 143B-279.13 or would  
12 prevent an Application from being reviewed prior to the deadlines established in Rules .0203 and .0303  
13 of this Subchapter.

14  
15 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
16 *Eff. July 1, 2025.*

1 15A NCAC 01X .0106 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0106 PROCESSING OF REQUESTS FOR EXPRESS REVIEW**

4 The processing of Requests for Express Review shall be performed as follows:

- 5 (1) To be considered for express review under these Rules, an applicant shall submit a Request for  
6 Express Review and intake fee via AccessDEQ, including the information required pursuant to  
7 Rules .0104, .0202, and .0302 of this ~~Section~~ Subchapter. Current fees may be found at  
8 <https://www.deq.nc.gov/accessdeq/express-permitting> or in AccessDEQ. The Department shall  
9 provide the applicant with notice once the necessary fees have been received. Fees are  
10 nonrefundable.
- 11 (2) Upon receipt of a Request for Express Review and intake fee, the Department shall perform an  
12 administrative review to make an initial determination of applicability pursuant to Rule .0103 of  
13 this Section, eligibility pursuant to Rules .0201 and .0301 of this ~~Subchapter~~ Subchapter, and  
14 availability pursuant to Rule .0105 of this Section. The Department is under no obligation to  
15 perform any form of technical review of the materials submitted prior to the Pre-Application  
16 Review Meeting.
- 17 (3) Once an initial determination of applicability, ~~eligibility~~ eligibility, and availability is made by the  
18 Department, notice shall be provided to the applicant and a Pre-Application Review Meeting shall  
19 be scheduled with the applicant and their Experienced Consultant.
- 20 (4) During the Pre-Application Review Meeting, the Department, ~~applicant~~ applicant, or applicant's  
21 Experienced Consultant shall discuss the project, jointly review the submitted application  
22 ~~materials~~ materials, and advise regarding any initially identified deficiency issues. If the Request  
23 for Express Review involves a PCSW Permit, both the applicant and applicant's Experienced  
24 Consultant shall be required to attend the Pre-Application Review Meeting. If, during the Pre-  
25 Application Review Meeting, it is determined that the project is ineligible for express review or  
26 the Application is incomplete, the Request for Express Review may be denied. If required  
27 information is identified as missing during the Pre-Application Review Meeting, an extension may  
28 be granted for up to three business days to submit the required information, after which time a  
29 determination regarding the Request for Express Review shall be made. If these identified items  
30 are not submitted by the extension deadline, the Request for Express Review shall be considered  
31 incomplete and shall be denied.
- 32 (5) If the Request for Express Review is granted, the next available Acceptance Date shall be assigned  
33 to the Application and the application review shall proceed in accordance with Rule .0203 or  
34 .0303 of this Subchapter.
- 35 (6) Once an Acceptance Date is assigned to the Application, the applicant shall submit the necessary  
36 fees via AccessDEQ or by check submitted to the to the regional office with jurisdiction over the  
37 project location. Current fees may be found at <https://www.deq.nc.gov/accessdeq/express->

1            [permitting](#) or in AccessDEQ. The Department shall provide the applicant with notice once the  
2            necessary fees have been received. Fees are nonrefundable.

3            (7)        If the necessary fees have not been received by the Department via AccessDEQ or by check  
4            submitted to the to the regional office with jurisdiction over the project location one business day  
5            prior to the Acceptance Date, the Acceptance Date shall be cancelled.

6            (8)        If the Department determines, after granting the Request for Express Review, that the project is  
7            ineligible for express review, the Department shall conclude the Express Review in accordance  
8            with Rules .0203(4) or .0303(4) of this Subchapter.

9            (9)        Receipt of an Application as part of a Request for Express Review shall not constitute receipt or  
10          submission of an application for purposes of the timeframes set forth in G.S. 143-214.7(b6) or in  
11          G.S. 113A-54.1(a).

12  
13    *History Note:*    *Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
14                        *Eff. July 1, 2025.*

1 15A NCAC 01X .0201 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **SECTION .0200 – COASTAL POST-CONSTRUCTION STORMWATER PERMITS**

4  
5 **15A NCAC 01X .0201 PROJECT ELIGIBILITY**

6 The following PCSW Permit Applications shall be ineligible for express review:

- 7 (1) PCSW Permit Applications submitted by an individual who does not meet the requirements of being  
8 an Experienced ~~Consultant~~ Consultant, as defined in 15A NCAC 01X .0102(6), familiar with coastal  
9 soil performance and stormwater control design standards and specifications in North Carolina.
- 10 (2) Transfers.
- 11 (3) Renewals.
- 12 (4) Applications for high density projects that propose or modify four or more primary stormwater control  
13 measures, as defined in 15A NCAC 02H ~~.1002(37)~~, .1002(37); 15A NCAC 02H .1002 is incorporated  
14 by reference, including subsequent ~~amendments~~, amendments, and may be accessed at  
15 <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- 16 (5) Applications for projects that will impact another PCSW Permit, unless Applications for both projects  
17 are submitted jointly.
- 18 (6) Applications for projects that will overlap with another PCSW Permit, unless Applications for both  
19 projects are submitted jointly.
- 20 (7) Applications for projects whose construction or permitting would cause another PCSW Permit to  
21 become out of compliance, unless Applications for both projects are submitted jointly.
- 22 (8) Applications for projects that would require a variation pursuant to 15A NCAC 02H .1003(6) or would  
23 modify a project subject to a variation previously ~~granted~~, granted; 15A NCAC 02H .1003 is  
24 incorporated by reference, including subsequent ~~amendments~~, amendments, and may be accessed at  
25 <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- 26 (9) Applications for projects that would require a Director's Certification pursuant to 15A NCAC 02H  
27 .1040(7) or would modify a project subject to a Director's Certification previously ~~granted~~, granted;  
28 15A NCAC 02H .1040 is incorporated by reference, including subsequent ~~amendments~~, amendments,  
29 and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- 30 (10) Applications for projects that are out of compliance at the time of submission or review, unless  
31 approval of the Application would bring the project into compliance. This provision does not allow  
32 applicants to apply for renewal of expired PCSW Permits as part of a Request for Express Review.
- 33 (11) Applications that have been previously returned pursuant to Rule .0203(4) of this Section or 15A  
34 NCAC 02H ~~.1042(3)(a)(ii)~~, .1042(3)(a)(ii), or denied pursuant to 15A NCAC 02H ~~.1040(5)~~, .1040(5);  
35 15A NCAC 02H .1042 is incorporated by reference, including subsequent ~~amendments~~, amendments,  
36 and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.

1 (12) Applications for projects that the Department determines to be too complex, ~~unconventional~~  
2 unconventional, or irregular, or that utilize New Stormwater Technologies approved pursuant  
3 to 15A NCAC 02H .1050(15) that have been approved by the Department for less than five years, 15A  
4 NCAC 02H .1050 is incorporated by reference, including subsequent amendments.

5 (13) Applications for projects that do not provide all submission requirements from Rule .0202 of this  
6 Section.

7 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
8 *Eff. July 1, 2025.*

1 15A NCAC 01X .0202 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0202 APPLICATION SUBMISSION REQUIREMENTS**

4 Applications shall include:

- 5 (1) The type of permitting action and the type of PCSW Permit or approval being requested;
- 6 (2) A list of the number and type of stormwater control measures intended to be utilized in the project;
- 7 (3) A drainage area map depicting the location of all stormwater control measures within the project;
- 8 (4) The Supplement form found at [https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-](https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-design-manual)  
9 [resources/stormwater/stormwater-program/stormwater-design-manual](https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-design-manual) summarizing compliance  
10 with 15A NCAC 02H .1000 ~~requirements~~, requirements; 15A NCAC 02H .1000 is incorporated  
11 by reference, including subsequent ~~amendments~~, amendments, and may be accessed at  
12 <http://reports.oah.state.nc.us/ncac.asp> at no charge; and
- 13 (5) State stormwater management permit application materials listed in 15A NCAC 02H .1042(2)(a)  
14 through (m).

15 *History Note:* *Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 143-214.7;*  
16 *Eff. July 1, 2025.*

1 15A NCAC 01X .0203 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0203 REVIEW OF APPLICATIONS**

4 The review of a PCSW Permit Application shall proceed as follows:

- 5 (1) Upon granting a Request for Express Review pursuant to Rule .0106(5) of this Subchapter, the Department  
6 shall review the Application within ten business days of the Acceptance Date and shall make a  
7 determination to:
- 8 (A) Issue or deny the PCSW Permit pursuant to 15A NCAC 02H .1040;  
9 (B) Request additional information pursuant to 15A NCAC 02H .1042(3)(a)(i); or  
10 (C) Extend the review deadline upon agreement by both the Department and the applicant.
- 11 (2) When a request for additional information is made by the Department, the applicant shall respond with the  
12 requested information within five business days from receipt of the request, beginning the first business day  
13 after the request is received. A single, five business day extension may be granted by the Department upon  
14 receipt of a justification for the request for extension prior to the expiration of the initial five business day  
15 response period.
- 16 (3) Upon receipt of the information in Item (2) of this Rule, the Department shall review the Application and  
17 additional information within five business days, starting with the first business day after receipt and shall  
18 make a determination in accordance with Item (1) of this Rule.
- 19 (4) No more than two requests for additional information shall be made under this Rule. If additional  
20 information, ~~clarification~~ clarification, or revision is required after two requests, or if the Department  
21 determines, after granting the Request for Express Review, that the project is ineligible for express review,  
22 the Application shall be returned in accordance with the procedures set forth in 15A NCAC 02H  
23 .1042(3)(a)(ii) and the applicant shall be required to resubmit the Application to the standard permit review  
24 process with a new application fee.

25 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 143-214.7;*  
26 *Eff. July 1, 2025.*



1 15A NCAC 01X .0301 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **SECTION .0300 – EROSION AND SEDIMENTATION CONTROL PLANS**

4  
5 **15A NCAC 01X .0301 PROJECT ELIGIBILITY**

6 The following Erosion and Sedimentation Control Plan Applications shall be ineligible for express review:

- 7 (1) ESC Plans submitted by an individual who does not meet the requirements of being an Experienced  
8 ~~Consultant~~ Consultant, as defined in 15A NCAC 01X .0102(6), who is familiar with soil performance and  
9 erosion control design standards and specifications in North Carolina.
- 10 (2) ESC Plans submitted where the financially responsible party, pursuant to 15A NCAC 04B .0118(c), is  
11 currently subject to a Notice of Violation issued pursuant to the authority of G.S. 113A, Article 4, 4; 15A  
12 NCAC 04B .0118 is incorporated by reference, including subsequent ~~amendment~~ amendments, and may be  
13 accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge.
- 14 (3) ESC Plans submitted for a site that is currently subject to a Notice of Violation issued pursuant to the  
15 authority of G.S. 113A, Article 4.
- 16 (4) ESC Plans impacting buffer zones adjacent to Trout Waters, as defined in 15A NCAC 02B .0202(58),  
17 unless a Trout Buffer Waiver has been obtained in advance in accordance with 15A NCAC 04B .0125(c)  
18 and G.S. ~~113A-57(1)~~, 113A-57(1); 15A NCAC 04B .0125 is incorporated by reference, including  
19 subsequent ~~amendments~~ amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no  
20 charge;
- 21 (5) ESC Plans with a limit of disturbance greater than 20 acres, except where the Department provides prior  
22 approval.
- 23 (6) ESC Plans that propose a site or grading plan that does not comply with G.S. 143-214.7, the rules of  
24 Section .1000 of Subchapter .02H, 15A NCAC 02H .1000, G.S. 113A, Article 7, Part 4, the rules of title  
25 15A of Chapter 15A NCAC-07, or G.S. 74-49(7)(f).
- 26 (7) ESC Plans that do not include all submission requirements from Rule .0302 of this Section.

27 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
28 *Eff. July 1, 2025.*

1 15A NCAC 01X .0302 is adopted as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0302 APPLICATION SUBMISSION REQUIREMENTS**

4 Applications for ESC Plan reviews shall include:

- 5 (1) All items listed in the Erosion and Sedimentation Control Plan Preliminary Review Checklist found at  
6 <https://www.deq.nc.gov/ESCforms> summarizing compliance with G.S. 113A, Article 4 and 15A NCAC 04,  
7 04; 15A NCAC 04 is incorporated by reference, including subsequent ~~amendments~~; ~~amendments~~, and may  
8 be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no charge;  
9 (2) The authorized statement of financial responsibility and documentation of property ownership, pursuant to  
10 15A NCAC 04B .0118(c);  
11 (3) A detailed construction sequence for all erosion and sedimentation controls on all permits, plans or  
12 certifications necessary for the project;  
13 (4) Applicable landowner-builder agreements as described in 15A NCAC 04B .0118 and G.S. 113A-54.1(a);  
14 and  
15 (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).

17 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 113A-54.1; G.S. 113A-57;*  
18 *Eff. July 1, 2025.*

1 15A NCAC 01X .0303 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0303 REVIEW OF APPLICATIONS**

4 The review of an ESC Plan Application shall proceed as follows:

- 5 (1) Upon granting a Request for Express Review pursuant to Rule .0106(5) of this Subchapter, the Department  
6 shall review the ESC Plan within five business days of the Acceptance Date and shall make a determination  
7 to:  
8 (A) Request additional information, clarification or revision;  
9 (B) Approve the ESC Plan;  
10 (C) Approve the ESC Plan with modification;  
11 (D) Disapprove the ESC Plan;  
12 (E) Transfer the ESC Plan to the standard ESC Plan review process; or  
13 (2) When a request for additional information, ~~clarification~~ clarification, or revision is made by the  
14 Department, the applicant shall respond with the requested information, ~~clarifications~~ clarifications, or  
15 revisions within five business days from receipt of the request, beginning the first business day after the  
16 request is received.  
17 (3) Upon receipt of the information in Item (2) of this Rule, the Department shall review the ESC Plan and  
18 additional information within five business days, starting with the first business day after receipt and shall  
19 make a determination in accordance with Item (1) of this Rule.  
20 (4) No more than one request for additional information, ~~clarification~~ clarification, or revision shall be made  
21 under Sub-Item (1)(A) of this Rule. If additional information, ~~clarification~~ clarification, or revision is  
22 required after one request, or if the Department determines, after granting the Request for Express Review,  
23 that the project is ineligible for express review, the ESC Plan shall either be disapproved or transferred to  
24 the standard ESC Plan review process. If transferred, the date of receipt of the Application for purposes of  
25 G.S. 113A-54.1 or G.S. 113A-57 shall be the date upon which the transfer occurs.

26 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 113A-54.1; G.S. 113A-57;*  
27 *Eff. July 1, 2025.*

## Burgos, Alexander N

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**Subject:** FW: June 2025 RRC Meeting (15A NCAC 01X)  
**Attachments:** 15A NCAC 01X .0104.docx; 15A NCAC 01X .0105.docx; 15A NCAC 01X .0301.docx; 15A NCAC 01X .0302.docx

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**From:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Sent:** Tuesday, June 17, 2025 2:39 PM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ansel, Douglas R <douglas.ansel@deq.nc.gov>  
**Subject:** FW: June 2025 RRC Meeting (15A NCAC 01X)

Hi Travis,

Agency responses are in green below and rewritten rules regarding 15A NCAC 01X.

Thanks!

Jennifer Everett  
DEQ Rulemaking Coordinator  
N.C. Depart. Of Environmental Quality  
Office of General Counsel  
1601 Mail Service Center  
Raleigh, NC 27699-1601  
Tele: (919)-707-8595  
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Thursday, June 12, 2025 5:05 PM  
**To:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Ansel, Douglas R <[douglas.ansel@deq.nc.gov](mailto:douglas.ansel@deq.nc.gov)>  
**Subject:** RE: June 2025 RRC Meeting (15A NCAC 01X)

Thank you for the changes and responses. Please see my further requests in blue below.

### 15A NCAC 01X .0104

*In (5), line 11, "Vicinity map identifying the project area, GPS coordinates, and any nearby surface waters" can't be incorporated by reference under 150B-21.6. The specific surface waters identified in the cited rules may be incorporated by reference but please insert where the rules can be found and at what cost.*

*Agency Response: The rule incorporation is intended to incorporate the Class SA waters, Outstanding Resource Waters, High Quality Waters and Trout Waters identified in 15A NCAC 02B .0202, .0221, .0224, and .0225 not a map. The sentence has been slightly reworded for additional clarity. 15A*

*NCAC 02B .0225 was accidentally omitted from the incorporation and has been added. I'm satisfied with your rewording. Please "specify in the rule both where copies of the material can be obtained and the cost on the date the rule is adopted of a copy of the material". If the material can be accessed for free online, then provide a URL in the text of the rule, and state "may be accessed at [URL] at no charge."*

*Agency Response: Completed as Requested.*

#### 15A NCAC 01X.0105

*In (4), line 11, what are some examples of "other factors that would conflict with the purposes or requirements of G.S. 143B-279.13 or would prevent an Application from being reviewed prior to the deadlines..."? Please make this clear for the regulated public.*

*Agency Response: This item is intended to cover unknown or unanticipated factors, such as force majeure, that would prevent the Agency from performing an expedited review within the required deadlines. Please incorporate your response into the Rule, e.g., "other factors that would conflict with the purpose or requirements of G.S. 143B-279.13, or unforeseen and uncontrollable circumstances that would prevent an Application from being reviewed prior to the deadlines established in Rules .0203 and .0303 of this Subchapter".*

*Agency Response: Completed as Requested.*

#### 15A NCAC 01X.0201

*In (8), (9), (11), and (12), why is it necessary to incorporate by reference each of the cited rules?*

*Agency Response: As per Chapter 11 of the OAH Style Guide, the Agency was incorporating rules under the authority of another Commission the first time that said rules were cited in Chapter 01X. If this is not necessary, the Agency can remove the incorporation from the rule. I read the Style Guide to require incorporating rules under the authority of another agency (not DEQ) but doesn't require incorporation for another Commission within the same agency. Please remove the incorporation language in (4), (8), (9), (11), and (12).*

*Agency Response: As per GS 150B-21.6(2), the 02H rules proposed for incorporation by reference were adopted by the Environmental Management Commission (EMC). Pursuant to GS 143B-14, 143B-282(a) and 150B-2(1b), the EMC is a separate agency with separate rulemaking authority from DEQ, not a Commission within DEQ. In SL 2023-134, the General Assembly specified that these new rules are to be adopted by the Department, not the EMC.*

#### 15A NCAC 01X.0301

*In (2) and (4), why is it necessary to incorporate by reference each of the cited rules?*

*Agency Response: As per Chapter 11 of the OAH Style Guide, the Agency was incorporating rules under the authority of another Commission the first time that said rules were cited in Chapter 01X. If this is not necessary, the Agency can remove the incorporation from the rule. I read the Style Guide to require incorporating rules under the authority of another agency (not DEQ) but doesn't require incorporation for another Commission within the same agency. Please remove the incorporation language in (2) and (4).*

*Agency Response: As per GS 150B-21.6(2), the 04B rules proposed for incorporation by reference were adopted by the Sedimentation Control Commission (SCC). Pursuant to GS 143B-14, 143B-298 and 150B-2(1b), the SCC is a separate agency with separate rulemaking authority from DEQ, not a Commission within DEQ. In SL 2023-134, the General Assembly specified that these new rules are to be adopted by the Department, not the SCC.*

*On line 22, "15A NCAC 07" does not appear to exist in the NCAC. Please clarify.*

*Agency Response: Chapter 07 of Title 15A contains the Coastal Management rules and can be viewed at [OAH - NCAC > Title 15A - Environmental Quality > Chapter 07 - Coastal Management - Browsing](#).*

In (6), replace the second “.1000” with “02H.” Also, replace “15A NCAC 07” with “the rules of Title 15A of Chapter 07” if that’s what you intend to cite.

*Agency Response: Completed as Requested.*

15A NCAC 01X .0302 is not attached to this email. Please send it.

*Agency Response: No changes were proposed to .0302 in the original agency response - the prior version has now been attached.*

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

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**Subject:** FW: June 2025 RRC Meeting (15A NCAC 01X)

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Sent:** Wednesday, June 18, 2025 12:59 PM  
**To:** Everett, Jennifer <jennifer.everett@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ansel, Douglas R <douglas.ansel@deq.nc.gov>  
**Subject:** RE: June 2025 RRC Meeting (15A NCAC 01X)

Jennifer,

Thank you for the responses and changes. Please see below.

In .0104, (5), line 13, consider replacing the comma after “(58)” with a semicolon to make clear what rules are being incorporated by reference.

In .0301, (2), make “amendment” plural and replace the comma after “Article 4” with a semicolon. Also, add to the end of (2), “may be accessed at {URL} at no charge” or words to that effect. In (4), replace the comma after “(1)” with a semicolon and add to the end, “may be accessed at {URL} at no charge” or words to that effect.

In .0302, (1), replace the comma after “04” with a semicolon and add to the end, “may be accessed at {URL} at no charge” or words to that effect.

After these changes are made, please send me the revised versions of all the rules for a final review.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

1 15A NCAC 01X .0104 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0104 REQUESTS FOR EXPRESS REVIEW**

4 In addition to the information required in Rules .0202 and .0302 of this Subchapter, a Request for Express Review  
5 shall be submitted on a form including:

- 6 (1) Applicant name and contact information;
- 7 (2) Experienced Consultant name and contact information;
- 8 (3) Project name, location, and receiving waters;
- 9 (4) Narrative description of the project, including its various features, ~~impacts~~ impacts, and proximity to  
10 surface waters identified in Item (5) of this Rule;
- 11 (5) Vicinity map identifying the project area, GPS coordinates, and any nearby surface ~~waters~~ waters. Nearby  
12 surface waters shall ~~include~~ including Class SA waters as identified in 15A NCAC 02B .0221, Outstanding  
13 Resource Waters as identified in 15A NCAC 02B .0225, High Quality Waters, as identified in 15A NCAC  
14 02B .0224, or Trout Waters, as defined in 15A NCAC 02B .0202(58), 15A NCAC 02B .0221, 15A NCAC  
15 02B .0225, 15A NCAC 02B .0224 and 15A NCAC 02B .0202 are incorporated by reference, including  
16 subsequent ~~amendments~~ amendments, and may be accessed at <http://reports.oah.state.nc.us/ncac.asp> at no  
17 charge;
- 18 (6) Site plan identifying the boundaries of all surface waters, wetlands, regulatory flood zones, protected  
19 vegetated setbacks, and protected riparian buffers;
- 20 (7) A list of all existing State or Federal permits, plans, ~~certifications~~ certifications, or approvals related to the  
21 project; and
- 22 (8) A list of all other State or Federal permits, plans, ~~certifications~~ certifications, or approvals necessary to  
23 conduct the project and their current status.

24 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 143-214.7; G.S. 113A-54.1; G.S.*  
25 *113A-57;*  
26 *Eff. July 1, 2025.*



1 15A NCAC 01X .0105 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0105 GRANTING REQUESTS FOR EXPRESS REVIEW**

4 The Department shall grant Requests for Express Review that are determined to be complete and eligible, in  
5 accordance with Rules .0104, .0201, .0202, .0301 and .0302 of this Subchapter. The Department shall not grant a  
6 Request for Express Review if it ~~determines~~ it is incomplete or if the review of the Application cannot be completed  
7 within the deadlines established in Rules .0203 and .0303 of this Subchapter due to:

8 (1) staffing vacancies or ~~absences~~; absences at the Department;

9 (2) existing ~~workloads~~; workloads at the Department;

10 (3) emergencies; or

11 (4) other factors that would conflict with the purposes or requirements of G.S. ~~143B-279.13~~ 143B-279.13,  
12 or unforeseen and uncontrollable circumstances that ~~or~~ would prevent an Application from being  
13 reviewed prior to the deadlines established in Rules .0203 and .0303 of this Subchapter.

14  
15 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
16 *Eff. July 1, 2025.*

1 15A NCAC 01X .0301 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **SECTION .0300 – EROSION AND SEDIMENTATION CONTROL PLANS**

4  
5 **15A NCAC 01X .0301 PROJECT ELIGIBILITY**

6 The following Erosion and Sedimentation Control Plan Applications shall be ineligible for express review:

- 7 (1) ESC Plans submitted by an individual who does not meet the requirements of being an Experienced  
8 ~~Consultant~~ Consultant, as defined in 15A NCAC 01X .0102(6), who is familiar with soil performance and  
9 erosion control design standards and specifications in North Carolina.
- 10 (2) ESC Plans submitted where the financially responsible party, pursuant to 15A NCAC 04B .0118(c), is  
11 currently subject to a Notice of Violation issued pursuant to the authority of G.S. 113A, Article 4, 15A  
12 NCAC 04B .0118 is incorporated by reference, including subsequent amendment.
- 13 (3) ESC Plans submitted for a site that is currently subject to a Notice of Violation issued pursuant to the  
14 authority of G.S. 113A, Article 4.
- 15 (4) ESC Plans impacting buffer zones adjacent to Trout Waters, as defined in 15A NCAC 02B .0202(58),  
16 unless a Trout Buffer Waiver has been obtained in advance in accordance with 15A NCAC 04B .0125(c)  
17 and G.S. 113A-57(1), 15A NCAC 04B .0125 is incorporated by reference, including subsequent  
18 amendments.
- 19 (5) ESC Plans with a limit of disturbance greater than 20 acres, except where the Department provides prior  
20 approval.
- 21 (6) ESC Plans that propose a site or grading plan that does not comply with G.S. 143-214.7, the rules of  
22 Section .1000 of Subchapter .02H, 15A NCAC 02H .1000, G.S. 113A, Article 7, Part 4, the rules of title  
23 15A of Chapter 15A NCAC 07, or G.S. 74-49(7)(f).
- 24 (7) ESC Plans that do not include all submission requirements from Rule .0302 of this Section.

25 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
26 *Eff. July 1, 2025.*

1 15A NCAC 01X .0302 is adopted as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0302 APPLICATION SUBMISSION REQUIREMENTS**

4 Applications for ESC Plan reviews shall include:

- 5 (1) All items listed in the Erosion and Sedimentation Control Plan Preliminary Review Checklist found at  
6 <https://www.deq.nc.gov/ESCforms> summarizing compliance with G.S. 113A, Article 4 and 15A NCAC 04,  
7 15A NCAC 04 is incorporated by reference, including subsequent amendments;
- 8 (2) The authorized statement of financial responsibility and documentation of property ownership, pursuant to  
9 15A NCAC 04B .0118(c);
- 10 (3) A detailed construction sequence for all erosion and sedimentation controls on all permits, plans or  
11 certifications necessary for the project;
- 12 (4) Applicable landowner-builder agreements as described in 15A NCAC 04B .0118 and G.S. 113A-54.1(a);  
13 and
- 14 (5) If the project is for a single-source borrow pit, all items necessary to meet the requirements of G.S. 74-  
15 49(7)(f).

16 *History Note:* Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 113A-54.1; G.S. 113A-57;  
17 Eff. July 1, 2025.

## Burgos, Alexander N

---

**Subject:** FW: June 2025 RRC Meeting (15A NCAC 01X)

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**From:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Sent:** Tuesday, June 17, 2025 10:35 AM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ansel, Douglas R <douglas.ansel@deq.nc.gov>  
**Subject:** RE: June 2025 RRC Meeting (15A NCAC 01X)

Hi Travis,

Yes, received. We should be able to follow up this afternoon.

Thanks.

Jennifer Everett  
DEQ Rulemaking Coordinator  
N.C. Depart. Of Environmental Quality  
Office of General Counsel  
1601 Mail Service Center  
Raleigh, NC 27699-1601  
Tele: (919)-707-8595  
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Tuesday, June 17, 2025 9:14 AM  
**To:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Ansel, Douglas R <[douglas.ansel@deq.nc.gov](mailto:douglas.ansel@deq.nc.gov)>  
**Subject:** RE: June 2025 RRC Meeting (15A NCAC 01X)

Ms. Everett,

Good morning. Are you able to provide an update on the status of the requests below?

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

state official.

## Burgos, Alexander N

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**Subject:** FW: June 2025 RRC Meeting (15A NCAC 01X)  
**Attachments:** 6\_2025-Dept of Environmental Quality-Request for Technical Changes (Agency Response).docx; 15A NCAC 01X .0101.docx; 15A NCAC 01X .0102.docx; 15A NCAC 01X .0103.docx; 15A NCAC 01X .0104.docx; 15A NCAC 01X .0105.docx; 15A NCAC 01X .0106.docx; 15A NCAC 01X .0201.docx; 15A NCAC 01X .0203.docx; 15A NCAC 01X .0301.docx; 15A NCAC 01X .0303.docx

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**From:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Sent:** Thursday, June 12, 2025 2:13 PM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ansel, Douglas R <douglas.ansel@deq.nc.gov>  
**Subject:** RE: June 2025 RRC Meeting (15A NCAC 01X)

Hi Travis,

Attached are agency responses to your technical change requests and the rewritten rules for 15A NCAC 01X.

Thank you.

Jennifer Everett  
DEQ Rulemaking Coordinator  
N.C. Depart. Of Environmental Quality  
Office of General Counsel  
1601 Mail Service Center  
Raleigh, NC 27699-1601  
Tele: (919)-707-8595  
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

## **Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

### **Note the following general instructions:**

1. You must submit the revised rule via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
  - Wrong: “~~a~~Association”
  - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
  - Wrong: “day~~;~~ and”
  - Right: “~~day~~, ~~day~~; and”
7. Formatting instructions and examples may be found at:  
[www.ncoah.com/rules/examples.html](http://www.ncoah.com/rules/examples.html)

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Department of Environmental Quality

RULE CITATION: 15A NCAC 01X .0101

**DEADLINE FOR RECEIPT: June 12, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 10, please insert an Oxford comma after "plans."*

*Agency Response: Completed as requested.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs  
Commission Counsel  
Submitted to the agency: May 28, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Department of Environmental Quality

RULE CITATION: 15A NCAC 01X .0102

**DEADLINE FOR RECEIPT: June 12, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (2), line 9, is “may” or “shall” intended?*

*Agency Response: “may” is intended, as this is optional for the applicant rather than mandatory.*

*On lines 9-10, consider replacing “in the form of either” with “by submitting.”*

*Agency Response: Completed as requested.*

*In (5), line 14, add “(ESC)” after “Control.”*

*Agency Response: “ESC Plan” is defined in 15A NCAC 01X .0102(5)*

*In (6), line 16, spell out “PCSW” the first time it’s used in this Rule and others.*

*Agency Response: “PCSW Permit” is defined in 15A NCAC 01X .0102(7)*

*In (8), line 21, considering deleting the comma after “Consultant” and add “of” before “all.”*

*Agency Response: Completed as requested.*

*On line 23, add a comma after “denied.”*

*Agency Response: Completed as requested.*

*On line 27, add a comma after “eligibility.”*

*Agency Response: Completed as requested.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs  
Commission Counsel  
Submitted to the agency: May 28, 2025



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Department of Environmental Quality

RULE CITATION: 15A NCAC 01X .0103

**DEADLINE FOR RECEIPT: June 12, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 5, please insert an Oxford comma after "plans."*

*Agency Response: Completed as requested.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs  
Commission Counsel  
Submitted to the agency: May 28, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Department of Environmental Quality

RULE CITATION: 15A NCAC 01X .0104

**DEADLINE FOR RECEIPT: June 12, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 9, please insert an Oxford comma after “impacts.” Also, add the same after “certifications” on lines 18-19.*

*Agency Response: Completed as requested.*

*In (5), line 11, “Vicinity map identifying the project area, GPS coordinates, and any nearby surface waters” can’t be incorporated by reference under 150B-21.6. The specific surface waters identified in the cited rules may be incorporated by reference but please insert where the rules can be found and at what cost.*

*Agency Response: The rule incorporation is intended to incorporate the Class SA waters, Outstanding Resource Waters, High Quality Waters and Trout Waters identified in 15A NCAC 02B .0202, .0221, .0224, and .0225 not a map. The sentence has been slightly reworded for additional clarity. 15A NCAC 02B .0225 was accidentally omitted from the incorporation and has been added.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs  
Commission Counsel  
Submitted to the agency: May 28, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Department of Environmental Quality

RULE CITATION: 15A NCAC 01X .0105

**DEADLINE FOR RECEIPT: June 12, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 6, is it necessary to include "it determines?" It appears that the Request for Express Review is either complete, in accordance with the cited Rules, or it's incomplete.*  
*Agency Response: Removed.*

*In (1)-(2), lines 8-9, consider adding "at the Department" at end of each.*  
*Agency Response: Completed as requested.*

*In (4), line 11, what are some examples of "other factors that would conflict with the purposes or requirements of G.S. 143B-279.13 or would prevent an Application from being reviewed prior to the deadlines...?" Please make this clear for the regulated public.*  
*Agency Response: This item is intended to cover unknown or unanticipated factors, such as force majeure, that would prevent the Agency from performing an expedited review within the required deadlines.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs  
Commission Counsel  
Submitted to the agency: May 28, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Department of Environmental Quality

RULE CITATION: 15A NCAC 01X .0106

**DEADLINE FOR RECEIPT: June 12, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (1), line 6, is "AccessDEQ" an application to download? Please specify how the Request and intake fee shall be submitted.*

*Agency Response: AccessDEQ is defined in 15A NCAC 01X .0102(2) and is an online application system developed in conjunction with the Permit Transformation Project and Enterprise Data Modernization Initiative authorized by the General Assembly in Committee Reports for S.L. 2021-180 and S.L. 2023-134. Applications via AccessDEQ are completed online via the electronic portal, not a separate downloadable application.*

*On line 7, replace "Section" with "Subchapter."*

*Agency Response: Completed as requested.*

*On line 8, the Department shall provide "notice" of what to the applicant?*

*Agency Response: Notice that the necessary fees have been received.*

*On line 12, add a comma after "Subchapter."*

*Agency Response: Completed as requested.*

*On line 15, add a comma after "eligibility."*

*Agency Response: Completed as requested.*

*On line 18, add a comma after "applicant" and, on line 19, add a comma after "materials."*

*Agency Response: Completed as requested.*

*On line 20, spell out "PCSW" the first time it's used in a rule.*

*Agency Response: "PCSW Permit" is defined in 15A NCAC 01X .0102(7)*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs  
Commission Counsel  
Submitted to the agency: May 28, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Department of Environmental Quality

RULE CITATION: 15A NCAC 01X .0201

**DEADLINE FOR RECEIPT: June 12, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 6, spell out "PCSW" the first time it's used in a rule.*

*Agency Response: "PCSW Permit" is defined in 15A NCAC 01X .0102(7)*

*On line 8, add "as defined in 15A NCAC 01X .0102(6)," after "Experienced Consultant."*

*Agency Response: Completed as requested.*

*In (8), (9), (11), and (12), why is it necessary to incorporate by reference each of the cited rules?*

*Agency Response: As per Chapter 11 of the OAH Style Guide, the Agency was incorporating rules under the authority of another Commission the first time that said rules were cited in Chapter 01X. If this is not necessary, the Agency can remove the incorporation from the rule.*

*In (11), line 31, add a comma after "(ii)."*

*Agency Response: Completed as requested.*

*In (12), lines 33-34, add a comma after "unconventional", delete "or", and add a comma after "irregular."*

*Agency Response: Completed as requested.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs  
Commission Counsel  
Submitted to the agency: May 28, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Department of Environmental Quality

RULE CITATION: 15A NCAC 01X .0202

**DEADLINE FOR RECEIPT: June 12, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 5, spell out "PCSW" the first time it's used in a rule.*

*Agency Response: "PCSW Permit" is defined in 15A NCAC 01X .0102(7)*

*On lines 10-11, why is it necessary to incorporate by reference the cited Rule?*

*Agency Response: As per Chapter 11 of the OAH Style Guide, the Agency was incorporating rules under the authority of another Commission the first time that said rules were cited in Chapter 01X. If this is not necessary, the Agency can remove the incorporation from the rule.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs  
Commission Counsel  
Submitted to the agency: May 28, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Department of Environmental Quality

RULE CITATION: 15A NCAC 01X .0203

**DEADLINE FOR RECEIPT: June 12, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 4, spell out "PCSW" the first time it's used in a rule.*

*Agency Response: "PCSW Permit" is defined in 15A NCAC 01X .0102(7)*

*On line 20, add a comma after "clarification."*

*Agency Response: Completed as requested.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs  
Commission Counsel  
Submitted to the agency: May 28, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Department of Environmental Quality

RULE CITATION: 15A NCAC 01X .0301

**DEADLINE FOR RECEIPT: June 12, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 6, add "(ESC)" after "Control."*

*Agency Response: "ESC Plan" is defined in 15A NCAC 01X .0102(5)*

*On line 8, add ",as defined in 15A NCAC 01X .0102(6)," after "Experienced Consultant." Also, consider adding "who is" before "familiar."*

*Agency Response: Completed as requested.*

*In (2) and (4), why is it necessary to incorporate by reference each of the cited rules?*

*Agency Response: As per Chapter 11 of the OAH Style Guide, the Agency was incorporating rules under the authority of another Commission the first time that said rules were cited in Chapter 01X. If this is not necessary, the Agency can remove the incorporation from the rule.*

*In (5), line 19, is "limit of disturbance" defined in the NCAC or elsewhere? Or is it generally understood in the industry?*

*Agency Response: "limit of disturbance" is a term of art commonly used in the industry denoting a clearly designated area in which land disturbing activities may occur.*

*In (5), in what circumstances would the Department provide "prior approval"? What factors are used to determine if prior approval is granted?*

*Agency Response: Prior approval would only be provided where there was sufficient staff time, or if the project was deemed to be uncomplicated enough, that an expedited review could be completed within the deadlines set in the Subchapter.*

*In (6), lines 21-22, replace "15A NCAC 02H .1000" with "the rules of Section .1000 of Subchapter 02H."*

*Agency Response: Completed as requested.*

*On line 22, "15A NCAC 07" does not appear to exist in the NCAC. Please clarify.*

Travis Wiggs  
Commission Counsel  
Submitted to the agency: May 28, 2025



*Agency Response: Chapter 07 of Title 15A contains the Coastal Management rules and can be viewed at [OAH - NCAC > Title 15A - Environmental Quality > Chapter 07 - Coastal Management - Browsing](#).*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs  
Commission Counsel  
Submitted to the agency: May 28, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Department of Environmental Quality

RULE CITATION: 15A NCAC 01X .0302

**DEADLINE FOR RECEIPT: June 12, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 7, why is it necessary to incorporate by reference the cited Rule?*

*Agency Response: As per Chapter 11 of the OAH Style Guide, the Agency was incorporating rules under the authority of another Commission the first time that said rules were cited in Chapter 01X. If this is not necessary, the Agency can remove the incorporation from the rule.*

*In (5), line 14, is "single-source borrow pit" generally understood in the industry?*

*Agency Response: A single-source borrow pit is a term of art commonly used in the industry to refer to excavation sites for a single off-site construction project, as described in G.S. 74-49(7)(f).*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs  
Commission Counsel  
Submitted to the agency: May 28, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Department of Environmental Quality

RULE CITATION: 15A NCAC 01X .0303

**DEADLINE FOR RECEIPT: June 12, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 4, spell out "ESC" the first time it's used in a rule and add "(ESC)."*

*Agency Response: "ESC Plan" is defined in 15A NCAC 01X .0102(5)*

*On lines 13, 14, 19, and 20, add a comma after "clarification(s)."*

*Agency Response: Completed as requested.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs  
Commission Counsel  
Submitted to the agency: May 28, 2025

1 15A NCAC 01X .0101 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **SUBCHAPTER 01X – EXPRESS PERMITTING**

4  
5 **SECTION .0100 – EXPRESS PERMITTING**

6  
7 **15A NCAC 01X .0101 PURPOSE**

8 The purpose of these Rules is to set forth the processes and procedures for implementation of the Department's  
9 express review program to provide expedited permit and certification reviews for certain new or modified permits,  
10 ~~plans~~ plans, or certifications.

11 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
12 *Eff. July 1, 2025.*

1 15A NCAC 01X .0102 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0102 DEFINITIONS**

4 For purposes of this Subchapter,

- 5 (1) “Acceptance Date” means the assigned date upon which the Department will begin the formal review of an  
6 Application after granting a Request for Express Review;
- 7 (2) “AccessDEQ” means the Department’s online portal for electronic permit applications, which can be found  
8 at <https://portal.deq.nc.gov>. In the event AccessDEQ is unavailable for a specific type of Application,  
9 alternative submissions may be made to the regional office with jurisdiction over the project location ~~in the~~  
10 ~~form of either~~ by submitting one electronic copy or two paper copies of the Application;
- 11 (3) “Application” means the materials to be reviewed by the applicable program once a Request for Express  
12 Review has been granted;
- 13 (4) “Department” means the North Carolina Department of Environmental Quality;
- 14 (5) “ESC Plan” means an Erosion and Sedimentation Control Plan submitted pursuant to G.S. 113A, Article 4.
- 15 (6) “Experienced Consultant” means an individual that has received from the Department 25 ESC Plan  
16 approvals or 5 issued PCSW Permits, specific to the type of Application for which a Request for Express  
17 Review is being made;
- 18 (7) “PCSW Permit” means Coastal Post-Construction Stormwater Permits submitted pursuant to G.S. 143,  
19 Article 21, Part 1;
- 20 (8) “Pre-Application Review Meeting” means the initial meeting between the Applicant or the Experienced  
21 ~~Consultant~~, Consultant and the Department to perform a preliminary review of all materials submitted as  
22 part of the Request for Express Review and Application to make a determination regarding whether the  
23 Request for Express Review should be granted or ~~denied~~ denied, as well as provide initial feedback of the  
24 Application Materials. The Department is under no obligation to perform any form of technical review of  
25 the materials submitted prior to the meeting; and
- 26 (9) “Request for Express Review” means the initial submission requesting consideration for express review,  
27 including all applicability, ~~eligibility~~ eligibility, and availability reviews;

28 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
29 *Eff. July 1, 2025.*

1 15A NCAC 01X .0103 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0103 APPLICABILITY**

4 The rules in this Subchapter apply to the submission and review of Requests for Express Review of Applications for  
5 the following permits, ~~plans~~ plans, or certifications:

6 (1) Coastal Post-Construction Stormwater Permits pursuant to G.S. 143, Article 21, Part 1; and\

7 (2) Erosion and Sedimentation Control Plans pursuant to G.S. 113A, Article 4.

8 *History Note:* Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;

9 *Eff. July 1, 2025.*

1 15A NCAC 01X .0104 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0104 REQUESTS FOR EXPRESS REVIEW**

4 In addition to the information required in Rules .0202 and .0302 of this Subchapter, a Request for Express Review  
5 shall be submitted on a form including:

- 6 (1) Applicant name and contact information;
- 7 (2) Experienced Consultant name and contact information;
- 8 (3) Project name, location, and receiving waters;
- 9 (4) Narrative description of the project, including its various features, ~~impacts~~ impacts, and proximity to  
10 surface waters identified in Item (5) of this Rule;
- 11 (5) Vicinity map identifying the project area, GPS coordinates, and any nearby surface ~~waters~~ waters. Nearby  
12 surface waters shall ~~include~~ including Class SA waters as identified in 15A NCAC 02B .0221, Outstanding  
13 Resource Waters as identified in 15A NCAC 02B .0225, High Quality Waters, as identified in 15A NCAC  
14 02B .0224, or Trout Waters, as defined in 15A NCAC 02B .0202(58), 15A NCAC 02B .0221, 15A NCAC  
15 02B .0225, 15A NCAC 02B .0224 and 15A NCAC 02B .0202 are incorporated by reference, including  
16 subsequent amendments;
- 17 (6) Site plan identifying the boundaries of all surface waters, wetlands, regulatory flood zones, protected  
18 vegetated setbacks, and protected riparian buffers;
- 19 (7) A list of all existing State or Federal permits, plans, ~~certifications~~ certifications, or approvals related to the  
20 project; and
- 21 (8) A list of all other State or Federal permits, plans, ~~certifications~~ certifications, or approvals necessary to  
22 conduct the project and their current status.

23 *History Note:* Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 143-214.7; G.S. 113A-54.1; G.S.  
24 113A-57;  
25 *Eff. July 1, 2025.*

1 15A NCAC 01X .0105 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0105 GRANTING REQUESTS FOR EXPRESS REVIEW**

4 The Department shall grant Requests for Express Review that are determined to be complete and eligible, in  
5 accordance with Rules .0104, .0201, .0202, .0301 and .0302 of this Subchapter. The Department shall not grant a  
6 Request for Express Review if it ~~determines~~ it is incomplete or if the review of the Application cannot be completed  
7 within the deadlines established in Rules .0203 and .0303 of this Subchapter due to:

8 (1) staffing vacancies or ~~absences~~; absences at the Department;

9 (2) existing ~~workloads~~; workloads at the Department;

10 (3) emergencies; or

11 (4) other factors that would conflict with the purposes or requirements of G.S. 143B-279.13 or would  
12 prevent an Application from being reviewed prior to the deadlines established in Rules .0203 and .0303  
13 of this Subchapter.

14  
15 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
16 *Eff. July 1, 2025.*



1 15A NCAC 01X .0106 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0106 PROCESSING OF REQUESTS FOR EXPRESS REVIEW**

4 The processing of Requests for Express Review shall be performed as follows:

- 5 (1) To be considered for express review under these Rules, an applicant shall submit a Request for  
6 Express Review and intake fee via AccessDEQ, including the information required pursuant to  
7 Rules .0104, .0202, and .0302 of this ~~Section~~ Subchapter. Current fees may be found at  
8 <https://www.deq.nc.gov/accessdeq/express-permitting> or in AccessDEQ. The Department shall  
9 provide the applicant with notice once the necessary fees have been received. Fees are  
10 nonrefundable.
- 11 (2) Upon receipt of a Request for Express Review and intake fee, the Department shall perform an  
12 administrative review to make an initial determination of applicability pursuant to Rule .0103 of  
13 this Section, eligibility pursuant to Rules .0201 and .0301 of this ~~Subchapter~~ Subchapter, and  
14 availability pursuant to Rule .0105 of this Section. The Department is under no obligation to  
15 perform any form of technical review of the materials submitted prior to the Pre-Application  
16 Review Meeting.
- 17 (3) Once an initial determination of applicability, ~~eligibility~~ eligibility, and availability is made by the  
18 Department, notice shall be provided to the applicant and a Pre-Application Review Meeting shall  
19 be scheduled with the applicant and their Experienced Consultant.
- 20 (4) During the Pre-Application Review Meeting, the Department, ~~applicant~~ applicant, or applicant's  
21 Experienced Consultant shall discuss the project, jointly review the submitted application  
22 ~~materials~~ materials, and advise regarding any initially identified deficiency issues. If the Request  
23 for Express Review involves a PCSW Permit, both the applicant and applicant's Experienced  
24 Consultant shall be required to attend the Pre-Application Review Meeting. If, during the Pre-  
25 Application Review Meeting, it is determined that the project is ineligible for express review or  
26 the Application is incomplete, the Request for Express Review may be denied. If required  
27 information is identified as missing during the Pre-Application Review Meeting, an extension may  
28 be granted for up to three business days to submit the required information, after which time a  
29 determination regarding the Request for Express Review shall be made. If these identified items  
30 are not submitted by the extension deadline, the Request for Express Review shall be considered  
31 incomplete and shall be denied.
- 32 (5) If the Request for Express Review is granted, the next available Acceptance Date shall be assigned  
33 to the Application and the application review shall proceed in accordance with Rule .0203 or  
34 .0303 of this Subchapter.
- 35 (6) Once an Acceptance Date is assigned to the Application, the applicant shall submit the necessary  
36 fees via AccessDEQ or by check submitted to the to the regional office with jurisdiction over the  
37 project location. Current fees may be found at <https://www.deq.nc.gov/accessdeq/express->

1            [permitting](#) or in AccessDEQ. The Department shall provide the applicant with notice once the  
2            necessary fees have been received. Fees are nonrefundable.

3            (7)        If the necessary fees have not been received by the Department via AccessDEQ or by check  
4            submitted to the to the regional office with jurisdiction over the project location one business day  
5            prior to the Acceptance Date, the Acceptance Date shall be cancelled.

6            (8)        If the Department determines, after granting the Request for Express Review, that the project is  
7            ineligible for express review, the Department shall conclude the Express Review in accordance  
8            with Rules .0203(4) or .0303(4) of this Subchapter.

9            (9)        Receipt of an Application as part of a Request for Express Review shall not constitute receipt or  
10           submission of an application for purposes of the timeframes set forth in G.S. 143-214.7(b6) or in  
11           G.S. 113A-54.1(a).

12  
13        *History Note:*        *Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
14                                *Eff. July 1, 2025.*

1 15A NCAC 01X .0201 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **SECTION .0200 – COASTAL POST-CONSTRUCTION STORMWATER PERMITS**

4  
5 **15A NCAC 01X .0201 PROJECT ELIGIBILITY**

6 The following PCSW Permit Applications shall be ineligible for express review:

- 7 (1) PCSW Permit Applications submitted by an individual who does not meet the requirements of being  
8 an Experienced ~~Consultant~~ Consultant, as defined in 15A NCAC 01X .0102(6), familiar with coastal  
9 soil performance and stormwater control design standards and specifications in North Carolina.
- 10 (2) Transfers.
- 11 (3) Renewals.
- 12 (4) Applications for high density projects that propose or modify four or more primary stormwater control  
13 measures, as defined in 15A NCAC 02H .1002(37), 15A NCAC 02H .1002 is incorporated by  
14 reference, including subsequent amendments.
- 15 (5) Applications for projects that will impact another PCSW Permit, unless Applications for both projects  
16 are submitted jointly.
- 17 (6) Applications for projects that will overlap with another PCSW Permit, unless Applications for both  
18 projects are submitted jointly.
- 19 (7) Applications for projects whose construction or permitting would cause another PCSW Permit to  
20 become out of compliance, unless Applications for both projects are submitted jointly.
- 21 (8) Applications for projects that would require a variation pursuant to 15A NCAC 02H .1003(6) or would  
22 modify a project subject to a variation previously granted, 15A NCAC 02H .1003 is incorporated by  
23 reference, including subsequent amendments.
- 24 (9) Applications for projects that would require a Director's Certification pursuant to 15A NCAC 02H  
25 .1040(7) or would modify a project subject to a Director's Certification previously granted, 15A  
26 NCAC 02H .1040 is incorporated by reference, including subsequent amendments.
- 27 (10) Applications for projects that are out of compliance at the time of submission or review, unless  
28 approval of the Application would bring the project into compliance. This provision does not allow  
29 applicants to apply for renewal of expired PCSW Permits as part of a Request for Express Review.
- 30 (11) Applications that have been previously returned pursuant to Rule .0203(4) of this Section or 15A  
31 NCAC 02H ~~.1042(3)(a)(ii)~~ .1042(3)(a)(ii), or denied pursuant to 15A NCAC 02H .1040(5), 15A  
32 NCAC 02H .1042 is incorporated by reference, including subsequent amendments.
- 33 (12) Applications for projects that the Department determines to be too complex, ~~unconventional~~  
34 unconventional, ~~or irregular~~ irregular, or that utilize New Stormwater Technologies approved pursuant  
35 to 15A NCAC 02H .1050(15) that have been approved by the Department for less than five years, 15A  
36 NCAC 02H .1050 is incorporated by reference, including subsequent amendments.

1           (13) Applications for projects that do not provide all submission requirements from Rule .0202 of this  
2           Section.

3   *History Note:*     *Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
4                 *Eff. July 1, 2025.*

1 15A NCAC 01X .0203 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0203 REVIEW OF APPLICATIONS**

4 The review of a PCSW Permit Application shall proceed as follows:

5 (1) Upon granting a Request for Express Review pursuant to Rule .0106(5) of this Subchapter, the Department  
6 shall review the Application within ten business days of the Acceptance Date and shall make a  
7 determination to:

8 (A) Issue or deny the PCSW Permit pursuant to 15A NCAC 02H .1040;

9 (B) Request additional information pursuant to 15A NCAC 02H .1042(3)(a)(i); or

10 (C) Extend the review deadline upon agreement by both the Department and the applicant.

11 (2) When a request for additional information is made by the Department, the applicant shall respond with the  
12 requested information within five business days from receipt of the request, beginning the first business day  
13 after the request is received. A single, five business day extension may be granted by the Department upon  
14 receipt of a justification for the request for extension prior to the expiration of the initial five business day  
15 response period.

16 (3) Upon receipt of the information in Item (2) of this Rule, the Department shall review the Application and  
17 additional information within five business days, starting with the first business day after receipt and shall  
18 make a determination in accordance with Item (1) of this Rule.

19 (4) No more than two requests for additional information shall be made under this Rule. If additional  
20 information, ~~clarification~~ clarification, or revision is required after two requests, or if the Department  
21 determines, after granting the Request for Express Review, that the project is ineligible for express review,  
22 the Application shall be returned in accordance with the procedures set forth in 15A NCAC 02H  
23 .1042(3)(a)(ii) and the applicant shall be required to resubmit the Application to the standard permit review  
24 process with a new application fee.

25 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 143-214.7;*  
26 *Eff. July 1, 2025.*

1 15A NCAC 01X .0301 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **SECTION .0300 – EROSION AND SEDIMENTATION CONTROL PLANS**

4  
5 **15A NCAC 01X .0301 PROJECT ELIGIBILITY**

6 The following Erosion and Sedimentation Control Plan Applications shall be ineligible for express review:

- 7 (1) ESC Plans submitted by an individual who does not meet the requirements of being an Experienced  
8 ~~Consultant~~ Consultant, as defined in 15A NCAC 01X .0102(6), who is familiar with soil performance and  
9 erosion control design standards and specifications in North Carolina.
- 10 (2) ESC Plans submitted where the financially responsible party, pursuant to 15A NCAC 04B .0118(c), is  
11 currently subject to a Notice of Violation issued pursuant to the authority of G.S. 113A, Article 4, 15A  
12 NCAC 04B .0118 is incorporated by reference, including subsequent amendment.
- 13 (3) ESC Plans submitted for a site that is currently subject to a Notice of Violation issued pursuant to the  
14 authority of G.S. 113A, Article 4.
- 15 (4) ESC Plans impacting buffer zones adjacent to Trout Waters, as defined in 15A NCAC 02B .0202(58),  
16 unless a Trout Buffer Waiver has been obtained in advance in accordance with 15A NCAC 04B .0125(c)  
17 and G.S. 113A-57(1), 15A NCAC 04B .0125 is incorporated by reference, including subsequent  
18 amendments.
- 19 (5) ESC Plans with a limit of disturbance greater than 20 acres, except where the Department provides prior  
20 approval.
- 21 (6) ESC Plans that propose a site or grading plan that does not comply with G.S. 143-214.7, the rules of  
22 Section .1000 of Subchapter 15A NCAC 02H .1000, G.S. 113A, Article 7, Part 4, 15A NCAC 07, or G.S.  
23 74-49(7)(f).
- 24 (7) ESC Plans that do not include all submission requirements from Rule .0302 of this Section.

25 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13;*  
26 *Eff. July 1, 2025.*

1 15A NCAC 01X .0303 is adopted with changes as published in 39:17 NCR 1109-1114 as follows:

2  
3 **15A NCAC 01X .0303 REVIEW OF APPLICATIONS**

4 The review of an ESC Plan Application shall proceed as follows:

- 5 (1) Upon granting a Request for Express Review pursuant to Rule .0106(5) of this Subchapter, the Department  
6 shall review the ESC Plan within five business days of the Acceptance Date and shall make a determination  
7 to:  
8 (A) Request additional information, clarification or revision;  
9 (B) Approve the ESC Plan;  
10 (C) Approve the ESC Plan with modification;  
11 (D) Disapprove the ESC Plan;  
12 (E) Transfer the ESC Plan to the standard ESC Plan review process; or  
13 (2) When a request for additional information, ~~clarification~~ clarification, or revision is made by the  
14 Department, the applicant shall respond with the requested information, ~~clarifications~~ clarifications, or  
15 revisions within five business days from receipt of the request, beginning the first business day after the  
16 request is received.  
17 (3) Upon receipt of the information in Item (2) of this Rule, the Department shall review the ESC Plan and  
18 additional information within five business days, starting with the first business day after receipt and shall  
19 make a determination in accordance with Item (1) of this Rule.  
20 (4) No more than one request for additional information, ~~clarification~~ clarification, or revision shall be made  
21 under Sub-Item (1)(A) of this Rule. If additional information, ~~clarification~~ clarification, or revision is  
22 required after one request, or if the Department determines, after granting the Request for Express Review,  
23 that the project is ineligible for express review, the ESC Plan shall either be disapproved or transferred to  
24 the standard ESC Plan review process. If transferred, the date of receipt of the Application for purposes of  
25 G.S. 113A-54.1 or G.S. 113A-57 shall be the date upon which the transfer occurs.

26 *History Note: Authority S.L. 2023-134, s. 12.13.(b); G.S. 143B-279.13; G.S. 113A-54.1; G.S. 113A-57;*  
27 *Eff. July 1, 2025.*

## Burgos, Alexander N

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**From:** Wiggs, Travis C  
**Sent:** Wednesday, May 28, 2025 6:35 PM  
**To:** Everett, Jennifer  
**Cc:** Burgos, Alexander N  
**Subject:** June 2025 RRC Meeting  
**Attachments:** 6\_2025-Dept of Environmental Quality-Request for Technical Changes.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good evening,

I'm the attorney who reviewed the rules submitted by the Department of Environmental Quality for the June 2025 RRC meeting. The RRC will formally review these rules at its meeting on Thursday, June 26, 2025, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get invites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised rules to me via email, no later than 5 p.m. on June 12, 2025. Let me know if you have any questions.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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