



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

January 1, 2019

Joint Legislative Commission on Agriculture and Natural and Economic Resources
16 W. Jones Street
Raleigh, NC 27601

Re: Report on Costs and Times of Permitting

Dear Members,

The Department of Environmental Quality (DEQ) is required to submit a report regarding the costs and process times associated with issuing permits. G.S. 143B-279.17 requires DEQ track and report the time required to process permit applications in the One-Stop for Certain Environmental Permits Programs and the Express Permit and Certification Reviews. G.S. 143-215.3A requires DEQ to report on the costs of the State's environmental permitting programs, including fees and other revenues. These reports are required to be submitted jointly and are enclosed.

If you have any questions or need any additional information, please feel free to contact me at 919-609-0989, or via email at john.lucey@ncdenr.gov.

Sincerely,

John Lucey
Legislative Liaison

Enclosures

cc: Sheila Holman, Assistant Secretary for the Environment
Jamie Ragan, Division of Environmental Assistance and Customer Service
Mike Abraczinskas, Division of Air Quality



**Biennial Report to the
North Carolina General Assembly**

***Processing Times for North Carolina's
Environmental Permitting Programs***

(FY 2017-2018)

**DIVISION OF ENVIRONMENTAL ASSISTANCE AND
CUSTOMER SERVICE**



**NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

Express Permitting Summary
North Carolina Department of Environment Quality
State Fiscal Year 2017-2018

This report provides updated information and fulfills the requirements of 143B-279.17, with the expanded requirements of Session Law 2012-187, Sections 13 (a) and (b), to provide information on standard processing times and express review for a number of environmental permits issued by the Department of Environment Quality (DEQ). A breakdown of processing times for Fiscal Year 2017-18 is provided on graphs 1-2 and charts 1-6 for Air Quality permits, Coastal Area Management Act (CAMA) permits, Erosion and Sedimentation Control Plans, State Stormwater permits, Water Quality 401/ Wetland/ Stream Determinations, Public Water Supply Plan reviews and Central Coastal Plain Capacity Use (GW Capacity Use) permits. In cases where an express component is available to applicants, both standard and express permit processing times are provided.

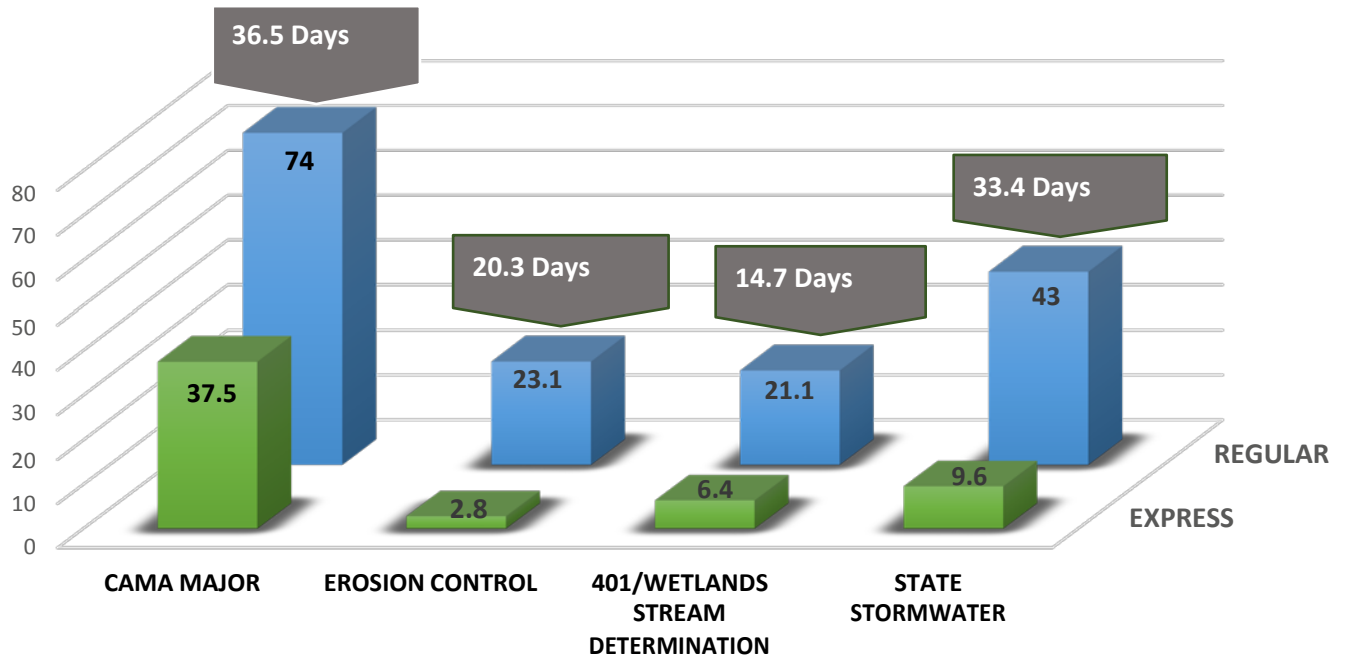
Information is provided for almost 9,950 permits issued by the department in Fiscal Years 2017-18. Of those, 326, or about 3 percent of those permits, took more than 90 days to review. In those cases, public review and comments from multiple agencies were significant factors and were reflected in longer time requirements. The total time included a combination of DEQ review time, as well as the time for applicants to provide all necessary information and documentation. The majority of permits that required at least 90 days for issuance were among the more complex permit types such as Title V Air Quality permits, Coastal Area Management Act (CAMA) Major permits and State Stormwater permits. Complex sites with greater potential for environmental impact have become more common, and frequently require greater processing times.

The Express Permitting Program was authorized in 2005 and offers a timelier review process for a number of environmental permits required for development. This optional program offers quicker permit decisions and certifications as well as consultation to identify necessary environmental requirements. Higher fees are charged for the express review and the additional monies are used to support the program. The following programs currently have an Express Review option: CAMA Major, Erosion and Sedimentation Control, State Stormwater and 401/ Wetlands/Stream Determinations. As intended, the process offers a valuable option for time-sensitive projects without sacrificing the quality of the review for new construction and economic development projects. In some years, economic impacts have led to a decline in the number of express permits issued, and thus a reduction in staff. The data collected confirms that the express permit option is much quicker than the standard option. Express permits for Erosion and Sedimentation Control, State Stormwater and 401/ Wetlands/Stream Determinations were all issued within an average of 10 days or less (see charts 4, 5 and 6). CAMA Major permits took an average of about 38 days (see chart 2). A comparison of processing times between the standard and express options, showed express review to provide a 49% reduction in processing time in CAMA Majors; 88% reduction in processing time for Erosion and Sediment Control; 78% reduction in processing time for State Stormwater Permits; and 70% reduction in processing time for Wetlands/401/Stream Determinations, as illustrated in graphs 1 and 2. It is important to note that the "goal" for each express permit issuance is a target established by each program. That target, in all cases, represents a value much lower than the statutory requirements of the standard review programs.

Session Law 2012-187, Section 13 (a) requires that the tracking of processing times include 1) the total processing time from initial receipt of an application by the department until issuance or denial and 2) the processing time from the time when a complete application is received to issuance or denial of the permit. The average days for each program's processing time is the date from complete application to a decision. Federal and state laws and regulations for air quality, coastal areas and a number of water quality programs define processing time from the date of a complete application. Historically, permit programs have tracked data from receipt of a complete application consistent with statutory requirements and because a decision cannot be made until all technical documents are submitted. However, all DEQ permit programs are now collecting data showing the complete review process including timeframes awaiting information, public comment periods, and other milestones. The agency has also completed a comprehensive inventory of permits, licenses and approvals issued by the department as directed by Session Law 2010-187, Section 13 (b). Information has also been collected to evaluate existing permit processing times and to identify additional permits and approvals that should be reported to the General Assembly. A list of all permits, licenses and approvals is provided in Appendix 1.

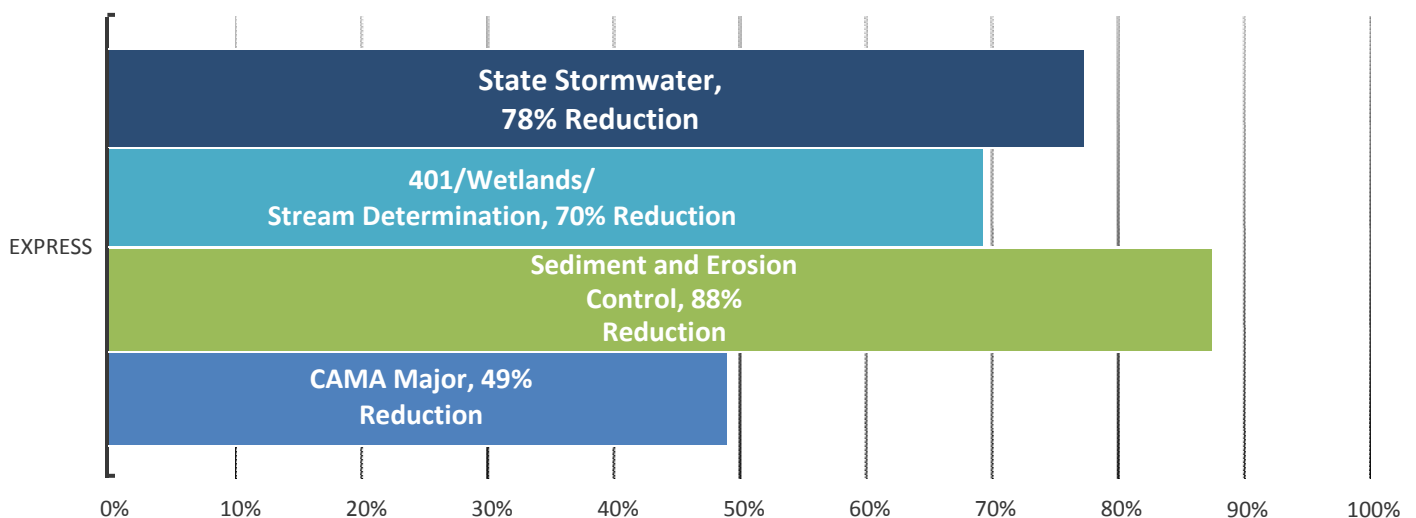
DEQ continues to make permit process improvements in both the standard and express programs. The express review program is successfully meeting the need for faster review of time-sensitive projects. Successfully expediting the process has been accomplished without sacrificing the quality of environmental reviews.

Processing Days for Permits with ExpressOption FY 2017-2018



Graph 1: Processing Days for Permits with Express Option

Reduction in Processing Time for Permits with Express Option FY 2017-18



Graph 2: Reduction in Processing Time for Permits with Express Option

Division of Air Quality Permit Processing

(FY 2017-18)

	Air Quality		
	Small	Synthetic Minor	Title V
Number of Permits	335	247	235
Average (days)	31	41	187
Goal (days)	90	90	*
Beat Goal By (days)	59	49	*
Number > 90 days	2	4	*
% > 90 days	0.6%	1.6%	*

Chart 1: Division of Air Quality Permit Processing

* General **Title V** Permitting Schedule Requirements

- Application Schedule: Regulatory Requirement
- Significant Modification and Renewals:
- 270 days within receipt of complete application to send to public notice, then within five (5) days after 45 day EPA review period
 - Public notice and hearing times (if any) and any other external delays are not included in the 270 days
 - Maximum time allowable in the above best case scenario 320 days
- Processed under 02Q .0300: 90 days within receipt of complete application
- PSD applications: One year within receipt of complete application
- Potential Causes of over 90 days:
- 90 days is measured against "process" days rather than "days in house"
 - Administrative errors in managing the "clock" for the above consideration
 - Applicants with multiple applications in house may reprioritize those applications putting newer applications in front of older ones
 - Applications may get priority treatment to address compliance issues or for other reasons as determined by management
 - Data analysis needs to take into consideration all of the above

Division of Coastal Management Permit Processing

(FY 2017-18)

	Coastal Management	
	CAMA Major	
	Regular	Express
Number of Permits	146	2
Average (days)	74	37.5
Goal (days)	75	30
Beat Goal By (days)	1	-7
Number > 90 days	40	0
% > 90 days	27%	0%

Chart 2: Division of Coastal Management Permit Processing

Average Days Saved Using Express	
36.5	days
49%	reduction

	Coastal Management	
	Minor	General
Number of Permits	713	1845
Average (days)	<25	Generally, 1 day
Goal (days)	25	Generally, 1 day
Beat Goal By (days)	>1	0
Number > 90 days	0	0
% > 90 days	0%	0%

Chart 3: Division of Coastal Management Permit Processing

Division of Energy, Mineral & Land Resources Permit Processing (FY 2017-18)

	Energy, Mineral, and Land Resources	
	Erosion and Sediment Control	
	Regular	Express
Number of Permits	1818	706
Average (days)	23.1	2.8
Goal (days)	30	5
Beat Goal By (days)	6.3	2.2
Number > 90 days	0	0
% > 90 days	0%	0%

Chart 4: Division of Energy, Mineral, & Land Resources Permit Processing

Average Days Saved Using Express	
20.3	days
88%	reduction

	Energy, Mineral, and Land Resources	
	State Stormwater	
	Regular	Express
Number of Permits	684	146
Average (days)	43	9.6
Goal (days)	60	0
Beat Goal By (days)	17.0	0.0
Number > 90 days	45	0
% > 90 days	4%	0%

Chart 5: Division of Energy, Mineral, & Land Resources Permit Processing

Average Days Saved Using Express	
33.4	days
78%	reduction

* For all applications with >90-day processing, delays based on lack of resources or applicant's informational delays

Division of Water Resources Permit Processing (FY 2017-18)

	Water Resources	
	Wetlands/401/Stream Determinations	
	Regular	Express
Number of Permits	1790	5
Average (days)	21.1	6.4
Goal (days)	60	30
Beat Goal By (days)	38.9	23.6
Number > 90 days	0	0
% > 90 days	0%	0%

Chart 5: Division of Water Resources Permit Processing

Average Days Saved Using Express	
14.7	days
70%	reduction

	Water Resources	
	PWS Plan Review	GW Capacity Use
Number of Permits	1204	73
Average (days)	23	30
Goal (days)	30	32
Beat Goal By (days)	7	2
Number > 90 days	0	0
% > 90 days	0%	0%

Chart 6: Division of Water Resources Permit Processing

For all applications with >90-day processing, additional information was required from the applicant

Department of Environmental Quality
Permits, Licenses, & Approvals Inventory

Prepared to meet requirements of the Regulatory Reform Act of 2012 (S.L.2012-187, Section 13.b)

Appendix 1

AIR QUALITY

Name of permit	Issuer	Description	Type of Permit	Issuance Process	Reporting Requirement	Recommendation
	Division/Branch	Summary, activities requiring this permit	Approval, Permit, License, Other:	Is this a point-of-sale license/permit or is there an ongoing process?	Is the processing time already reported to the General Assembly?	Yes or No and reason for the recommendation.
Construction and Operation Permit (Greenfield)	DAQ	Construction or modification of a source or the operation of a source that emits pollutants into the air. Certain exemptionsapply.	Permit	Permit/Ongoing	Yes	Yes/Continue
New Source Review Air Permit/Prevention of Significant Deterioration (PSD)	DAQ	Pre-construction permitting process for major sources of air pollution (as defined in DAQ's 2D .0530 and .0531 regulations). Prevention of Significant (PSD) and Non-attainment New Source Review (NAA NSR) permits are administered by DAQ's Central Officer Permitting Section.	Permit	Permit/Ongoing	Yes	Yes/Continue
Small/Synthetic Minor Permit	DAQ	The potential to emit must be less than 100 ton/year for each criteria pollutant and less than 10 ton/year for each individual hazardous air pollutant and less than 25 ton/year for the sum of all hazardous air pollutants. Synthetic minor permits are administered by a facility's Regional Office.	Permit	Permit/Ongoing	Yes	Yes/Continue
Tax Certification for Air Pollution Control Equipment	DAQ	Tax certification of equipment related to air pollution. For use in receiving tax credit on air pollution abatement equipment.	Approval	Point-of-Sale (as requested)	No	No/Not Technically a Permit
Title V Permit Modification	DAQ	The potential to emit over 100 ton/year of a single criteria air pollutant, 10 ton/year of a sing hazardous air pollutant, or 25 ton/year combination of single hazardous air pollutant. Title V permits are administered by DAQ's Central Office Permitting Section.	Permit	Permit/Ongoing	Yes	Yes/Continue
General Air Permit	DAQ	Facilities in one of the following categories: emergency generators, concrete batch plants, cotton ginner, or yarn spinning plants that are not otherwise exempt under 2Q.0102 or 2Q.0900. Facilities eligible for general permits must meet certain conditions and emission must be below thresholds established by rule.	Permit	Permit/Ongoing	Yes	Yes/Continue

Transportation Facility Permit	DAQ	Applies to parking lots with 1,500 or more spaces, parking decks with 750 or more spaces, or a combination of parking lots and decks with 1,000 or more spaces. Other thresholds also apply. Owners or developers of airports must apply for and receive a Transportation Facility permit for any construction or modification of an airport facility that is designed to serve at least 100,000 annual aircraft operations or at least 45 peak hour operations, were one "operation" is defined as one takeoff or landing. This rule does not apply to military airfields.	Permit	Permit/Ongoing	Yes	Yes/Continue
Notice of Intent to Construct (NOI)	DAQ	Specifies activities that may be undertaken prior to securing an air quality permit required under G.S. 143-215.108.	Approval	Point-of-Sale (as requested)	Yes	Yes/Continue

COASTAL MANAGEMENT

Name of permit	Issuer	Description	Type of Permit	Issuance Process	Reporting Requirements	Recommendation
	Division/Branch	Summary, activities requiring this permit	Approval, Permit, License, Other:	Is this a point-of-sale license/permit or is there an ongoing process?	Does this have any process reporting requirements? Should it?	
Coastal Area Management Act (CAMA) General Permit	DCM	General permits are reserved for routine development activities that usually pose little or no threat to the environment. Example include, but are not limited to, docks, piers, bulkheads, etc.	Permit	General Permits are "tear-sheet" permits that are usually issued on site to the applicant provided that applicant provides appropriate information (i.e.. notification of adjacent properties, processing fee)	Information on the number and type of General Permits issued is included in numerous reports to the Department, the legislature and Federal funding agencies.	It is recommended that reporting of this information should continue. However, it is recommended that detailed information on processing times not be reported for this type of permit due to the fact that these are usually issued on-site within a few days of initial contact by the applicant.
CAMA Major Permit	DCM	Development activity that is located in (or affects) a designated Area of Environmental Concern in any of NC's 20 coastal counties, and requires another state or federal authorization.	Permit	<p>A CAMA Major Permit is required for development activities within Areas of Environmental Concern (AECs) as defined in the Coastal Area Management Act and the Rules of the Coastal Resources Commission (CRC), provided that the activity requires another state or federal permit(s), and does not qualify for a CAMA General permit. Applications for major permits are reviewed by up to 10 state and 4 federal agencies before a decision is made. A public notice period and notification of adjacent property owners is also required. Per the Coastal Area Management Act, a Major Permit is to be issued within 75 days once a complete application is in hand, though an extension of an additional 75 days is allowable in exceptional circumstances.</p>	<p>Information on the number of Major Permits issued is included in numerous reports to the Department, the Legislature and Federal funding agencies. These reports do contain detailed information on Major Permit processing times.</p>	It is recommended that current Major Permit reporting continue.

CAMA Minor Development Permit	DCM	Development activity that is located in (or affects) a designated Area of Environmental Concern in any of NC's 20 coastal counties and does not require any other state or federal authorization. One example of a Minor Permit-related activity is construction of a single family house in an AEC. These permits are typically issued by local governments, through officially delegated CAMA authorities to Local Permit Officers.	Permit	Minor Permits are required for projects, such as single-family houses, that don't require major permits or general permits. They are reviewed, issued and administered to CRC standards by local governments under contract with the Division of Coastal Management. Per the Coastal Area Management Act, a minor permit is to be issued within 25 days once a complete application is in hand, although an extension of an additional 25 days is allowable in exceptional circumstances.	Information on the number of Minor Permits issued is included in numerous reports to the Department, the legislature and Federal funding agencies.	It is recommended that reporting of this information should continue. However, it is recommended that detailed information on processing times not be reported for this type of permit because these permits are issued by 40+ local governments, and obtaining detailed processing information from each local government would be difficult at best, and may lead some governments to drop out of this voluntary minor permitting program, which in turn would be detrimental to applicants wishing to obtain a minor permit.
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DENR Permit, License, Approval Inventory: COASTAL MANAGEMENT

Name of permit	Issuer	Description	Type of Permit	Issuance Process	Reporting Requirements	Recommendation
	Division/Branch	Summary, activities requiring this permit	Approval, Permit, License, Other:	Is this a point-of-sale license/permit or is there an ongoing process?	Does this have any process reporting requirements? Should it?	
CAMA Federal Consistency Review	DCM	This certification is for federal activities or non-federal projects that require certain federal permits and/or licenses. This process is intended to ensure that federal activities are well coordinated with state coastal policies and procedures, and "inconsistent" determinations are rare.	Certification	Federal consistency authority exists under the Federal Coastal Zone Management Act (CZMA) and allows the State to object to any federal actions that may be inconsistent with state coastal policies. The consistency certification requirement applies to any federal agency activity (federal permit or license, offshore energy exploration, certain military activities) within the State's coastal zone that may reasonably affect coastal resources or uses.	Information on the number and type of federal consistency certifications is included in reports to Federal agencies.	It is recommended that reporting of this information continue. Reports currently provided to Federal funding agencies could also be provided to the legislature, where appropriate.

ENERGY, MINERAL AND LAND RESOURCES

Name of permit	Issuer	Description	Type of Permit	Issuance Process	Reporting Requirement	Recommendation
	Division/Branch	Summary, activities requiring this permit	Approval, Permit, License, Other:	Is this a point-of-sale license/permit or is there an ongoing process?	Is the processibg time already reported to the General Assembly?	Yes or No and reason for the recommendation.
Dam Construction / Modification / Repair / Removal	DEMLR	Any person proposing to construct, repair, modify, or breach a dam.	Certificate of Approval to construct, repair, alter or remove a dam.	Ongoing process. Applications are to be responded to within 60 days per the Dam Safet Act. No automatic approval.	No	Yes may need to modify current data reporting format
Dam Safety Approval	DEMLR	Approvals required for construction, alteration, repair, or removal (breaching) of dams under the jurisdiction of the Dam Safety Law of 1967.	Final Approval for as-builtcompliance with Certificate of Approval.	Ongoing process. Applications are to be responded to within 60 days perthe Dam Safety Act. No automatic approval.	No	Yes may need to modify current data reporting format
Erosion and Sediment Control Certificate of Approval	DEMLR	Any land disturbing activity that affects one or more acres on a tract of land.	Erosion and Sedimentation Control Plan Approval	Review Process of 15 days for revised and 30 days for new plans	yes	Yes
Exploration for Uranium Permit	DEMLR	Any exploration activity for the discovery of Uranium involving land disturbance and/or drilling.	Permit	Ongoing process; interested parties apply and additional information is requested until decision can be made	No	Not immediately as there are limited applications
Exploratory Drilling for Oil or Gas Permit	DEMLR	Any exploratory drilling for oil and/or gas at any location in the State.	Permit	Ongoing process; interested parties apply and additional information is requested until decision can be made	No	Not immediately, as very few applications are received for this permit
Geophysical Exploration Permit	DEMLR	Conducting geological, geophysical, or surveys and investigations, including seismic methods for the discovery of oil, gas, or other mineral prospects.	Permit	Ongoing process; interested parties apply and additional information is requested until decision can be made	No	Not immediately as very few applications are received for this permit
State Stormwater Permit (Individual and General Permits)	DEMLR	Applies to new developments and other construction activities that may result in stormwater drainage to certain sensitive waters.	State Stormwater Permits (both Individual and General Permits)	Some activities deemed to qualify for automatic coverage; other General and Individual Permits require formal application, technical review and approval by DWQ staff.	One -Stop Permitting and Express Permitting Legislative Report required annually by G.S. 143B-279.15. Also, pursuant to G.S. 143-214.7(e), the EnvironmentalManagementCommission shall submit to the Environmental Review Commission a report on the stormwater management program by October 1st of each year.	Continue reporting in accordance with G.S. 143B-279.15. and G.S. 143-214.7(e).
Mining Permit	DEMLR	Any breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or solid matter from its original location. Total disturbance, including the haul road, must equal or exceed one acre.	Mining Permit	Ongoing review process; applications are to be responded to within 60 days per the Mining Act.	No	Yes

MARINE FISHERIES

Name of permit	Issuer	Description	Type of Permit	Issuance Process	Reporting Requirement	Recommendation
	Division/Branch	Summary, activities requiring this permit	Approval, Permit, License, Other:	Is this a point-of-sale license/permit or is there an ongoing process?	Is the processibg time already reported to the General Assembly?	Yes or No and reason for the recommendation.
Albermarle Sound Management Area River Herring Dealer Permit	DMF	Allows licensed fish dealers to possess, sell, or offer for sale purchased River Herring caught in the Albemarle Sound Management Area from a licensed commercial fisherman.	Permit	Point-of-Sale	No	No
Aquaculture Collection Permit	DMF	The collecting of protected or out of season marine and estuarine species for aquaculture purposes.	Permit	Reviewable permit, reviewed by Fisheries Management and Marine Patrol	No	No
Aquaculture Operation Permit	DMF	Operation of an aquaculture facility. Allows an individual to transport or sell hatchery or aquaculture operation products that do not meet size or bag limits.	Permit	Reviewable permit that begins with site visit. Permit is reviewed by Fisheries Management and Marine Patrol	No	No
Black Sea Bass North of Cape Hatteras Dealer Permit	DMF	Authorizes licensed dealers to purchase black sea bass with respect to season and pound limitations.	Permit	Point-of-Sale	No	No
Blocks of Ten-Day Coastal Recreational Fishing Licenses	DMF	This license allows vessel oweners to issue ten-day Coastal Recreational Fishing Licenses to anglers aboard their vessel so that the angler does not have to purchase his/her own license. Each license is valid for ten consecutive days.	License	Point-of-Sale	No	No
Blue Crab Shedding Permit	DMF	Authorizes and identifies shedding operations possessing more than 50 crabs at any time.	Permit	Point-of-Sale	No	No
Closed Oyster Season Permit	DMF	Allows lease holders and franchise holders to harvest shellfish from leases during the closed oyster season.	Permit	Point-of-sale, List of permit holders furnished to Shellfish Sanitation and Marine Patrol.	No	No
Coastal Recreation Fishing License (CRFL)	DMF	Allows the individual to recreationally harvest finfish in the state's coastal waters.	License	Point-of-Sale	No	No
CRFL Exemption Permit	DMF	Allows individuals and organizations serving certain groups (eg individuals with physical/mental limitations, disadvantaged youth, etc) the ability to conduct recreational fishing events without each participant obtaining a CRFL.	Permit	Reviewable (<3 days)	No	No
Commercial Fishing Vessel Registration (CFVR)	DMF	The designation of a vessel that is engaged in commercial fishing operations.	License	Point-of-Sale	No	No
Depuration Permit	DMF	Allows licensed NC clam or oyster dealers to take clams or oysters from public or private prohibited (polluted) waters for depurating purposes.	Permit	None issued - requires an approved Depuration Facility	No	No
Discretionary Herring Fishing Permit	DMF	Allows an individual to harvest river herring from the joint fishing waters of the Chowan River during the four-day discretionary harvest season.	Permit	Point-of-Sale	No	No
Fish Dealer License	DMF	Authorizes a NC resident entity (individual or business) within NC to buy fish for resale from any person who holds a valid commercial fishing license.	License	Point-of-Sale	No	No

MARINE FISHERIES

Name of permit	Issuer	Description	Type of Permit	Issuance Process	Reporting Requirement	Recommendation
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	Division/Branch	Summary, activities requiring this permit	Approval, Permit, License, Other:	Is this a point-of-sale license/permit or is there an ongoing process?	Is the processibg time already reported to the General Assembly?	Yes or No and reason for the recommendation.
Flounder Dealer Permit (Atlantic Ocean)	DMF	Allows a license fish dealer to purchase flounder caught in excess of 100 pounds per day per commercial fishing operation, harvested in the Atlantic Ocean, from a licensed commercial fisherman.	Permit	Point-of-Sale	No	No
For Hire Blanket CRFL	DMF	Authorizes a person to operate a for hire boat in coastal waters and provides anglers with CRFL coverage.	License	Point-of-Sale	No	No
For Hire Fishing Permit	DMF	Authorizes an owner of a vessel, originating from or returning to an NC port, to take persons to participate in any fishing activity for recreational purposes for a fee in NC coastal waters. This permit does not provide CRFL coverage to the anglers.	Permit	Point-of-Sale	No	No
Harvest of Rangia Clams from Prohibited Areas (Permit to)	DMF	The mechanical harvest of Rangia (freshwater clams) from the upper reaches of designated estuaries.	Permit	Permit- issue of one or two a year, information provided to Marine Patrol.	No	No
Horseshoe Crab Biomedical Use Permit	DMF	Allows the use of horseshoe crabs taken from NC joint or coastal waters for biomedical purposes.	Permit	Point-of-Sale	No	No
Introduce or Transfer Marine and Estuarine Organisms Into the Coastal Waters of the State of NC (Permit to)	DMF	Allows for the introduction of non-native, live aquatic plants or animals into the coastal waters of North Carolina and allows the transfer of native species into coastal waters but which originated outside North Carolina Boundaries.	Permit	Permit requires testing or certification source facility is disease free. Permit is issued for 30 days due to potential; disease transmission.	No	No
Land Flounder from the Atlantic Ocean (License to)	DMF	Authorizes holder to land and sell more than 100 pounds per trip of flounder taken from the Atlantic Ocean.	License	Limited Entry-applicant must qualify based on historical landings. Some research time required.	No	No
Land or Sell License	DMF	Authorizes non-resident vessel owners or vessel masters who want to land and sell fish harvested beyond North Carolina territorial waters (greater than 3 miles in the ocean).	License	Point-of-Sale	No	No
Mechanical Gear for Harvesting Oysters & Clams on Private Shellfish Leases and Franchises (Permit to Use)	DMF	The use of mechanical gear for harvesting oysters and/or clams from private gardens.	Permit	Point-of-Sale	No	No
Menhaden License for Non-residents with Standard Commercial Fishing License (SCFL)	DMF	Authorizes non-residents ineligible for a SCFL/RSCFL who wish to engage only in menhaden purse seine fishing operations.	License	Point-of-Sale	No	No
Monkfish Large Mesh Gill Net Permit	DMF	Allows traditional large mesh gill net fisheries for monkfish to be conducted in state waters while reducing the threat of interactions between this gear and bottlenose dolphins, other marine mammals, and sea turtles.	Permit	Point-of-Sale	No	No

MARINE FISHERIES

Name of permit	Issuer	Description	Type of Permit	Issuance Process	Reporting Requirement	Recommendation
	Division/Branch	Summary, activities requiring this permit	Approval, Permit, License, Other:	Is this a point-of-sale license/permit or is there an ongoing process?	Is the processibg time already reported to the General Assembly?	Yes or No and reason for the recommendation.
Ocean Fishing Pier License	DMF	Authorizes the manager of an ocean fishing pier to charge the public a fee to fish from a pier within coastal fishing waters	License	Point-of-Sale	No	No

Pamilco Sound Gill Net Restricted Area Permit	DMF	Allows the use of gill nets in commercial fishing operations in the Pamlico Sound during the months of September through December.	Permit	Point-of-Sale	No	No
Planting Shellfish from Prohibited (iePolluted) Areas (Permit for)	DMF	Allows lease holders and franchise holders to harvest shellfish from designated polluted areas and transport them to their private gardens for depuration.	Permit	Permits issued in batch process once a year for a limited time period. Shellfish Sanitation and Marine Patrol are notified of each permit application and each permit issued.	No	No
Pound Net Set Permit	DMF	The use of a pound net or any part of one in Joint or Coastal Fishing Waters of North Carolina.	Permit	20 day public notice required. Approval or Rejection within 7 days of public notice.	No	No
Recreational Commercial Gear License (RCGL)	DMF	Allows an individual to use limited amounts of specified commercial gear to catch seafood for personal consumption or recreational purposes.	License	Point-of-Sale	No	No
Recreational Fishing Tournament License to Sell Fish	DMF	Allows the tournament holder of the license to sell the tournament's catch to a licensed fish dealer. Proceeds from the sale of fish must be used for charitable religious, educational, civic, or conservation purposes.	License	Point-of-Sale	No	No
Retired Standard Commercial Fishing License (RSCFL)	DMF	Allows individuals 65 years and older to harvest and sell fish, shrimp, crabs, or any marine species, except Menhaden and shellfish.	License	Limited entry license, cap on number of licensesavailable. Point-of-Sale if individual already has a Standard Commercial Fishing License and reaches 65 yrs of age. Otherwise, applicant must go through SCFL Eligibility Board which convenes twice a year. Annual renewals arePoint-of Sale.	No	No
Scientific and Educational Collecting Permit	DMF	The collection of regulated fisheries resources for scientific and educational use by universities, aquaria, and environmental consultant organizations.	Permit	Reviewable (<5 days)	No	No
Shellfish License for NC Residents Without a Standard Commercial Fishing License (SCFL)	DMF	Allows NC residents without a SCFL to commercially harvest and sell shellfish. Shellfish includes scallops, clams, conchs, whelks, oysters, and mussels.	License	Point-of-Sale	No	No

MARINE FISHERIES

Name of permit	Issuer	Description	Type of Permit	Issuance Process	Reporting Requirement	Recommendation
	Division/Branch	Summary, activities requiring this permit	Approval, Permit, License, Other:	Is this a point-of-sale license/permit or is there an ongoing process?	Is the processibg time already reported to the General Assembly?	Yes or No and reason for the recommendation.
Shellfish Sanitation- Crustacea Dealer Permit and Certificate of Compliance (Crabs,Shrimp, Lobster, and Crayfish)	DMF	Compliance with sanitation requirements for wholesale marketing, processing and handling of crustacea meat.	Certification	Facility inspection required for certification in compliance with state rule.	No	No

Shellfish Sanitation- Shellfish Dealer Permit and Certificate of Compliance (Oysters, Clams, and Mussels)	DMF	Compliance with sanitation requirements for wholesale marketing, processing, and handling of shellfish.	Certification	Facility inspection required indicating compliance with state rules and NSSP requirements for certification.	No	No
Spiny Dogfish Dealer Permit	DMF	Licensed dealers purchasing greater than 100 pounds of spiny dogfish per day per commerical fishing operation harvested from the ocean.	Permit	Point-of-Sale	No	No
Spotter Plane License	DMF	Authorizes the use of aircraft to identify the location of fish (other than food fish) in coastal waters for a commerical fishing operation.	License	Point-of-Sale	No	No
Standard Commerical Fishing License (SCFL)	DMF	Allows the individual to harvest and sell fish, shrimp, crabs or any other marine species.	License	Limited entry license, cap on number of licenses available. New applicants must go through SCFL Eligibility Board which convenes twice a year. Annual renewals arePoint-of Sale.	No	No
Striped Bass Commerical Gear Permit (Atlantic Ocean)	DMF	Allows an individual to harvest striped bass from the Atlantic Ocean by gill net, trawl or beach seine.	Permit	Point-of-Sale	No	No
Striped Bass Dealer Permit	DMF	Allows a licensed dealer to possess, sell, or offer to sale purchased striped bass from licensed commerical fisherman during the striped bass season.	Permit	Point-of-Sale	No	No
Transplant Oysters from Seed Oyster Management Areas (Permit to)	DMF	The transport of oysters from the state's seed oyster management areas to private gardens.	Permit	Point-of-Sale	No	No
Turtle Excluder Devices in the Atlantic Ocean (Permit to Waive the Requirment to Use)	DMF	The use of shrimp trawls without turtle excluder devices (TEDs) in the Atlantic Ocean between Browns and Rich's Inlets from April through November. Tow times are substituted for TEDs due to heavy algae growth.	Permit	Point-of-Sale	No	No
Under Dock Oyster Culture Permit	DMF	Allows private dock or pier owners to attach oyster cultivation containers.	Permit	Permit requires proof of pier ownership, dock being in approved shellfish harvest waters, and knowledge of private shellfish culture though passing an examination.	No	No

PARKS AND RECREATION

Name of permit	Issuer	Description	Type of Permit	Issuance Process	Reporting Requirement	Recommendation
	Division/Branch	Summary, activities requiring this permit	Approval, Permit, License, Other:	Is this a point-of-sale license/permit or is there an ongoing process?	Is the processibg time already reported to the General Assembly?	Yes or No and reason for the recommendation.
Application and Initial Permit- State Lakes Construction	DPR	The construction of any structure such as a pier, buoy, boat ramp, or seawall in and/or upon a state lake.		limited applications	no	no-little interest to public
Application for Amentment, Modification, or Enlargement Permit- State Lakes Construction	DPR	The modification or enlargement of any structure in and/or upon a state lake.		limited	no	no-little interest to public
Application for Transfer of a Permit- State Lakes Construction	DPR	The transfer of a permit for a structure on a state lake.		generally one time	no	no-little interest to public
Filming/Photography/Vide o Production Permit	DPR	Any activity such as an authorized Feature film, Commercial/Infomerical, TV/Cable Series/episode, TV/Cable Movie, Still Shoot, Music Video, Industrial/Educational, or a Documentary/News activity conducted in a NC State Park.		genrally one time	no	no-little interest to public

Reasearch and Collecting Permit	DPR	Required for any project involving the collection, removal, or disturance of any natural or cultural resource of any state park unit and for projects that require placing monitoring equipment in any state park unit.		limited/one time	no	no-little interest to public
Special Activity Permit	DPR	Any short-term special recreation activity conducted in a state park.		limited/one time	no	no-little interest to public

WASTE MANAGEMENT

Name of permit	Issuer	Description	Type of Permit	Issuance Process	Reporting Requirement	Recommendation
	Division/Branch	Summary, activities requiring this permit	Approval, Permit, License, Other:	Is this a point-of-sale license/permit or is there an ongoing process?	Is the processibg time already reported to the General Assembly?	Yes or No and reason for the recommendation.
Brownfields Agreements	DWM	Brownfield Agreements are entered with Potential Developers to define land use and restrictions necessary to make the site safe for the intended use.	Approval	Ongoing Process	No	These are agreements that could be included, however tracking will consume additional resources.
Construction and Demolition Landfill (C&DLF) Facilities (.0500)	DWM	The construction and operation of a landfill facility for the acceptance of construction and demolition waste or debris as defined in the NC General Statute 130A or NC Administrative Code Title 15A Subchapter 13B.	Permit	Ongoing Process	No	These are permits that could be included, however tracking will consume additional resources.
EPA Identification Number Requirements for Generators of Hazardous Waste (EPA Form 8700-12)	DWM	Hazardous waste generators are required to obtain an EPA Identification Number from the state. This number is site specific.	ID Number	One time site-specific ID number	No	No, due to high volume (approx. 50 per week) and rapid processing time (typiclly w/in 5 days).
Hazardous Waste Management Permit	DWM	Requires facilities to manage hazardous waste in accordance with the NC Hazardous Waste Management Rules.	Permit	On going process	No	These are permits that could be included, however tracking will consume additional resources.
Hazardous Waste Post-Closure Permit	DWM	Requires an operation to monitor or remediate contamination resulting from past hazardous waste disposal practices in accordance with NC Hazardous Waste Management Rules.	Permit	On going process	No	These are permits that could be included, however tracking will consume additional resources.
Hazardous Waste Research Development and Demonstration Permit	DWM	Allows for the research, development, and demonstration of new hazardous waste management techniques in accordance with the NC Hazardous Waste Management Rules.	Permit	On going process	No	These are permits that could be included, however tracking will consume additional resources.
Incinerator Facilities (.0500)	DWM	The construction and operation of an incinerator facility for the acceptance and incineration of solid waste, as defined in the NC General Statute 130A or NC Administrative Code Title 15A Subchapter 13B.	Permit	Ongoing Process	No	These are permits that could be included, however tracking will consume additional resources.
Industrial Landfill Permit	DWM	The construction and operation of a landfill facility for the acceptance of industrial solid waste.	Permit	Ongoing Process	No	These are permits that could be included, however tracking will consume additional resources.
Land Application Site Approval	DWM	Solid Waste beneficially reused in a land application system as a soil amendment due to the nutrient content or liming equivalency of the material.	Approval	Ongoing Process	No	No- Currently only 10 sites
Land Clearing/Inert Debris (LCID) Landfills (.0500)	DWM	The construction and operation of a landfill facility for the acceptance of land clearing and inert debris as defined in NC General Statute 130A or NC Administrative Code Title 15A Subchapter 13B. Under two (2) acres.	Notification	Ongoing Process	No	These are permits that could be included, however tracking will consume additional resources.

WASTE MANAGEMENT

Name of permit	Issuer	Description	Type of Permit	Issuance Process	Reporting Requirement	Recommendation
	Division/Branch	Summary, activities requiring this permit	Approval, Permit, License, Other:	Is this a point-of-sale license/permit or is there an ongoing process?	Is the processibg time already reported to the General Assembly?	Yes or No and reason for the recommendation.
Land Clearing/Inert Debris (LCID) Landfills (.0500)	DWM	The construction and operation of a landfill facility for the acceptance of land clearing and inert debris as defined in NC General Statute 130A or NC Administrative Code Title 15A Subchapter 13B. Over two (2) acres.	Permit	Ongoing Process	No	These are permits that could be included, however tracking will consume additional resources.
Land Clearing Debris Treatment and Processing Notification (T&PN)	DWM	The operation of a small treatment and processing facility. These facilities must be less than 2 acres in size and shall not process or store more than 6,000 cubic yards of material per quarter, or have on hand at any one time a combination of waste material and finished product that exceeds 6,000 cubic yards.	Notification	Ongoing Process	No	These are permits that could be included, however tracking will consume additional resources.
Medical Waste (Treatment and Processing) (.1200)	DWM	The construction and operation of a medical waste treatment facility for the acceptance and treatment of regulated medical waste, as defined in the NC General Statute 130A or NC Administrative Code Title 15A Subchapter 13B.	Permit	Ongoing Process	No	These are permits that could be included, however tracking will consume additional resources.
Municipal Solid Waste Landfill (MSWLFS) Facilities (.1600)	DWM	The siting, design, construction, operation, closure and post-closure of a landfill facility for the acceptance of municipal solid waste as defined in NC General Statute 130A or NC Administrative Code Title 15A Subchapter 13B.	Permit	Ongoing Process	No	These are permits that could be included, however tracking will consume additional resources.
Petroleum Contaminated Soil Remediation Permit (Non-Discharge)	DWM	Construction and operation of a contaminated soil treatment system.	Permit	One time site-specific ID	No	These are permits that could be included, however tracking will consume additional resources.
Resource Conservation and Recovery Act (RCRA) Emergency Permit	DWM	The collection and management of hazardous waste under urgent or emergency situations to facilitate the protection of public health and the environment.	Permit	One time site-specific	No	No. Typically have <5 per year and issued the same day.
Registered Environmenal Consultants/Registered Site Managers	DWM	Environmental consulting firms may apply for approval as Registered Environmental Consultants under DWM's Inactive Hazardous Sites Program. Firms meeting eligiblity requirements are allowed to oversee and certify work conducted in relation to voluntary cleanups is in compliance with the program rules.	Approval	Ongoing Process	No	No - these are approvals rather than permits.
Scrap Tire Hauler Registration (.1100)	DWM	Anyone engaged in the hauling of scrap tires in NC must have this registration. However, a tire retailer (licensed under GS 105-164.29) who only hauls scrap tires generated at their business when replacement tires were sold is not required to register.	Registration	Point-of-sale	No	No.
Septage Detention & Treatment Facilities (SDTF) (.0800)	DWM	The operation of a facility for the acceptance of septage for storage or treatment as defined in GS 130A or NC Administrative Code Title 15A Subchapter 13B.	Permit	Ongoing Process	No	These are permits that could be included, however tracking will consume additional resources.

WASTE MANAGEMENT

Name of permit	Issuer	Description	Type of Permit	Issuance Process	Reporting Requirement	Recommendation
	Division/Branch	Summary, activities requiring this permit	Approval, Permit, License, Other:	Is this a point-of-sale license/permit or is there an ongoing process?	Is the processibg time already reported to the General Assembly?	Yes or No and reason for the recommendation.
Septage Land Application Site (SLAS) (.0800)	DWM	The operation of a facility for the acceptance of septage for final disposal as defined in GS 130A or NC Administrative Code Title 15A Subchapter 13B.	Permit	Ongoing Process	No	These are permits that could be included, however tracking will consume additional resources.

Septage Management Firm (Permit to Operate)	DWM	Any person(s) engaging in the activity of pumping, transporting, storing, treating, or disposing of septage must have a septage management firm permit prior to commencing operation.	permit	annually must be renewed	No	No limited new permits
Solid Waste Composting Facility (.1400)	DWM	The construction and operation of a solid waste composting facility, as defined in the NC General Statute 130A or NC Administrative Code Title 15A Subchapter 13B.	Permit	Ongoing Process	No	These are permits that could be included, however tracking will consume additional resources.
Solid Waste Treatment and Processing Permit (T&P)	DWM	The construction and operation of a solid waste treatment and processing facility.	permit	ongoing process	No	yes, it may take additonal resources
Structural Fill Facilities (.1700)	DWM	The siting, design, construction, operation, closure and recordation of projects which utilize coal combustion by-products as structural fill material, as defined in NC General Statute 130A or NC Administrative Code Title 15A Subchapter 13B.	Notification	Ongoing Process	No	No- self implementing process with 30 days notice
Tax Certification of Recycling and Resource Recovery Equipment and Facilities. (.1500)	DWM	Special tax treatment for recycling and resource recovery equipment and facilities.	Approval	Ongoing Process	No	No.
Tire Monofill Permit	DWM	The construction and operation of a landfill facility for the acceptance of tire monofill tire waste.	permit	Ongoing Process	no	no - there are a very limited number
Transfer Station Permit	DWM	The construction and operation of a landfill facility for the acceptance, handling, and transferring of municipal waste as defined in NC General Statute 130A or NC Administrative Code Title 15A Subchapter 13B.	Permit	Ongoing Process	No	These are permits that could be included, however tracking will consume additional resources.
Temporary Disaster Debris Staging Site	DWM	The operation of a pre-approved disaster debris staging site for vegetative / land clearing debris or construction and demolition waste.	Approval	Ongoing process	No	No- These are short duration approvals after a storm event (6 months) but remain in an internal database for reuse until they are disqualified for various reasons.
Underground Storage Tank Operating Permit	DWM	This permit is issued to a UST facility that is in compliance with NCGS 143-215.94U(a). The permit displayed at the facility alerts the pretroleum fuel transporter that a UST facility is eligible and permitted to receive deliveries of petroleum fuels.	Approval/Permit	On-going process	No	These are permits that could be included, however trakcing will consume additional resources. Approx. 30-40 approvals to construct are issued per year, typically in 30 days of receipt. Final permits are issued w/in 10 days of receipt of as-built drawings.
Underground Storage Tank Operating Permit	DWM	This permit is issued to a UST facility that is in compliance with NCGS 143-215.94U(a). The permit displayed at the facility alerts the petroleum fuel transporter that a UST facility is eligible and permitted to receive deliveries of petroleum fuels.	License - renewed each year	On-going process	No - process already outlined in NCGS 143-215.94C and .94U.	No, due to high volume (8,200 per year) and rapid processing time (w/in 30 days). Statute requires DENR to collect fee and review renewal application within 60 days prior to permit expiration.
Yard Waste Notification	DWM	The operation of a small yard waste composting facility (facility must process or store less than 6,000 cubic yards of material/quarter and be less than 2 acres in size).	Notification	Ongoing process	No	No- Typical quick turnaround

WATER RESOURCES

Name of permit	Issuer	Description	Type of Permit	Issuance Process	Reporting Requirement	Recommendation
	Division/Branch	Summary, activities requiring this permit	Approval, Permit, License, Other:	Is this a point-of-sale license/permit or is there an ongoing process?	Is the processibg time already reported to the General Assembly?	Yes or No and reason for the recommendation.
401 Water Quality Certification	DWR	Any activity that will fill, dredge, or drain wetlands or surface waters in the state. Coordinated with the Army Corps of Engineers requirements.	State Certification issued by DWQ staff; Certification needed forFederal 404 Permit	Some activities deemed issued without formal application provided applicant meets standard General Certification conditions; others require formal application, technical review, and may involve Individual Certification or project-specific conditions in addition to General Certification conditions.	One -Stop Permitting and Express Permitting Legislative Reportrequired annually by GS 143B-279.15. Non-Express 401's are already provided for comparison to Express 401's under the "Wetlands" category.	Yes, we should continue reporting 401's G.S. 143B-279.15. These are an important indicator of public and private development within the state, and associated potential impacts to Waters of the State, and are linked to the Federal 404 Permit process.
Animal Waste NPDES Permits	DWR	Any animal feeding operation that plans to discharge from the production area or land application area must have coverage under an Animal Waste NPDES Permit. Most other facilities with certain threshold animal numbers will require coverage under an Animal Waste State Permit.	Permit	On-going, application review is necessary	No	Yes, G.S. 143-215.1(d) established a 90 day review time for this permit type.
Animal Waste STATE Permits	DWR	Treatment and disposal of liquid animal waste to the land surface with no discharge to the groundwater or surface waters.	Permit	On-going, application review is necessary	No	Yes, G.S. 143-215.1(d) established a 90 day review time for this permit type.
Aquifer Storage and Recovery and Other Injection Well Types	DWR	The construction and operation of an injection well for Aquifer Storage and Recovery Well.	Permit	On-going, application review is necessary	No	Yes , however there is no statutory requirement for permit processing times.
Authorization to Construct (ATC)	DWR	Any construction of a wastewater treatment facility where a National Pollutant Discharge EliminationSystem Permit (NPDES) ahs been issued by the Division of Water Quality.	Permit	Application and review process	No?	Yes
Authorization to Construction(ATC)/Fast Track Dechlorination	DWR	Allows construction for facilities where the state's Surface Water Standard (Fresh Water) has driven effluent limits such that the standard cannot be met by using best management practices, therefor dechlorination using sulfur dioxide or a sulfate derivitive may by necessary.	Permit	Issuance upon application receipt without technical review	No?	No, these permits are being phased out since they were originally created to streamline the permitting in response to the additon of chlorine limits to NPDES facilities. All of these facilities should all be currently permitted.
Biological Laboratory Certification	DWR	Any Biological Laboratory making biological reports to a state agency is required to be certified for the specific parameter being reported.	This is not a permit but a certification under G.S. 143-215.3(a)(1); 143-215.3(a)(10); 143-215.66	After gaining certification there is an annual applicationto renew certification and may include an annualinseption	No reporting requirement	No. Should not be reported in report to General Assembly

WATER RESOURCES

Name of permit	Issuer	Description	Type of Permit	Issuance Process	Reporting Requirement	Recommendation
	Division/Branch	Summary, activities requiring this permit	Approval, Permit, License, Other:	Is this a point-of-sale license/permit or is there an ongoing process?	Is the processibg time already reported to the General Assembly?	Yes or No and reason for the recommendation.

Buffer Authorizations	DWR	Triggered by disturbance to vegetated 50-foot buffers within the Catawba, Neuse, and Tar-Pamlico River Basins or the Randleman Watershed. Buffer Authorization or Minor Variance issued by DWQ staff; Major Variances approved by Water Quality Committee of Environmental Management Commission. Many routine Authorizations and Minor Variances are bundled with 401 Certification review and approval process.	Other: Authorization	Formal application, technical review, and written Authorization or Variance involving project-specific conditions. Major Variances require formal review and approval by Water Quality Committee of Environmental Management Commission.	One -Stop Permitting and Express Permitting Legislative Report required annually by GS 143B-279.15. Non-Express Buffer Authorizations and Variances are already provided for comparison to Express Buffer Authorizations under the "Wetlands" category.	Yes, we should continue reporting Buffer Authorizations and Variances G.S. 143B-279.15. These are an important indicator of public and private development within the state, and associated potential impacts to Waters of the State.
Central Coastal Plain Capacity Use Area Permit/Registration	DWR	Any person who withdraws, obtains, or utilizes surface and/or groundwater in excess of 10,000-100,000 gallons per day in an area designated as a "capacity use area".				
Closed Loop Recycle Systems (Wastewater Treatment)	DWR	A wastewater treatment facility that utilizes water in a recycled fashion and does not discharge wastewater to the ground or surface waters of the State.	Permit	On-going, application review is necessary	Yes	Yes, G.S. 143-215.1(d) established a 90 day review time for this permit type.
Geothermal Heating and Cooling	DWR	Any construction of Open-Loop Geothermal Wells and Closed-Loop Geothermal Wells as a part of a heating, ventilation and air conditioning system that utilizes underground injection of water or some other fluid to provide heat exchange between the fluid and the subsurface.	Notification	On-going, application review is necessary	No	Yes , however there is no statutory requirement for permit processing times.
Groundwater Remediation: Non-Discharge Groundwater Remediation Systems (other than those that use injection wells)	DWR	Non-discharge groundwater remediation systems are groundwater treatment systems that extract and treat contaminated groundwater. These include closed-loop groundwater remediation systems and typically use infiltration galleries.	Permit	On-going, application review is necessary	No	Yes, G.S. 143-215.1(d) established a 90 day review time for this permit type.
High Rate Infiltration Systems (Wastewater Treatment)	DWR	A wastewater treatment systems that land applys wastewater to permeable soils.	Permit	On-going, application review is necessary	Yes	Yes, G.S. 143-215.1(d) established a 90 day review time for this permit type.
Industrial User Pretreatment Permit	DWR	Requires Specific industrial users to pretreat their industrial wastewater prior to allowing it into the sewer lines.	Permit	Ongoing process - requires formal application, technical review.	No	Yes. Though these are extremely rare, they are important to economic development.
In-situ Groundwater Remediation	DWR	Any activity involving the construction and operation of injection wells used for the purpose of facilitating the clean-up of substances from releases to spills.	Permit or Notification(as determined by Rule)	On-going, application review is necessary	No	Yes , however there is no statutory requirement for permit processing times.

WATER RESOURCES

Name of permit	Issuer	Description	Type of Permit	Issuance Process	Reporting Requirement	Recommendation
	Division/Branch	Summary, activities requiring this permit	Approval, Permit, License, Other:	Is this a point-of-sale license/permit or is there an ongoing process?	Is the processibg time already reported to the General Assembly?	Yes or No and reason for the recommendation.

Isolated Wetlands/Non404 Jurisdititional Permits	DWR	Any activites such as filling in waters of the state which are not (Section 10/404) required by the US Army Corps of Engineers. Isolated Wetlands (also called Non-404 Jurisdictional Wetlands) Permit issued by DWQ staff for projects not subject to Corps Jurisdiction	Permit	Some activities deemed issued without formal application provided applicant meets standard General Permit conditions; others require formal application, technical review, and may involve Individual Permit (and Public Notice) or project-specific conditions in addition to General Permit conditions.	One -Stop Permitting and Express Permitting Legislative Report required annually by GS 143B-279.15. As with 401 Certifications, Non-Express Isolated Wetlands (Non-404 Jurisdictional Wetlands) Permits are already provided alongside Express Isolated Wetlands Permits under the "Wetlands" category.	Yes, we should continue reporting Isolated Wetlands Permits G.S. 143B-279.15. Although representing a small proportion of wetland fill projects, together with 401 Certifications, these are an important indicator of public and private development within the state.
Monitoring Wells and Recovery Wells	DWR	Construction of most monitoring wells and recovery wells.	Permit or Notification(as determined by Rule)	Point of Sale, application review is necessary	No	Yes, G.S. 87-88 established a 15 day review time for this permit type.
NPDES (National Pollutant Discharge Elimination System) Stormwater Permits	DWR	Prohibits the discharge of any pollutant into US waters from a point source discharge of stormwater runoff, unless authorized by a permit.	Permit	Ongoing process - requires formal application, mayrequire technical review and special conditions unique to facility if individual permit required.	No	Yes. These are an important indicator of public and private development within the state, and associated potential impacts to Waters of the State.
NPDES Wastewater Treatment/ Disposal	DWR	Any wastewater treatment system which has a direct discharge point to the surface waters of the state.	Permit	Ongoing process - requires formal application, mayrequire technical review and special conditions unique to facility if individual permit required.	No	Yes. These are an important indicator of public and private development within the state, and associated potential impacts to Waters of the State.
Pump and Haul Systems Permit (Wastewater)	DWR	Disposal of domestic wastewater and domestic/industrial mixtures only in cases of environmental emergencies, nuisance conditions, health problems, or for unavoidable delays in construction of systems previously permitted under the Aquifer Protection or Surface Water Sections.	Permit	Ongoing process - requires minimal technical review.	Yes	Yes, G.S. 143-215.1(d) established a 90 day review time for this permit type.
Reclaimed Water Systems (Wastewater Treatment)	DWR	Wastewater treatment systems for highly treated wastewater to be recycled for the same use or resued for other purposes (cooling water, boiler blowdown, fire fighting, etc.) but not for human consumption or irrigation of direct food chain crops.	Permit	On-going, application review is necessary	Yes	Yes, G.S. 143-215.1(d) established a 90 day review time for this permit type.
Residuals Management (Wastewater Treatment)	DWR	The disposal of wastewater treatment facility residual solids to specifically permitted land application sites, or for beneficial use bythe public if more stringent treatment limits are met.	Permit	On-going, application review is necessary	Yes	Yes, G.S. 143-215.1(d) established a 90 day review time for this permit type.

WATER RESOURCES

Name of permit	Issuer	Description	Type of Permit	Issuance Process	Reporting Requirement	Recommendation
	Division/Branch	Summary, activities requiring this permit	Approval, Permit, License, Other:	Is this a point-of-sale license/permit or is there an ongoing process?	Is the processibg time already reported to the General Assembly?	Yes or No and reason for the recommendation.

Sewer Extensions	DWR	Allows for the construction and operation of new sewer systems by the designated owner. Sewer systems may consist of gravity mains, force mains, and pump stations used for the purpose of conveying wastewater to a designated wastewater treatment facility.	Permit	Application and review process	Yes	Yes
Sewer Extentions- Fast Track	DWR	Ownership and operation of sewer lines, force mains, and pump stations used for the purpose of conveying wastewater to a designated wastewater treatment facility. Sewer extensions that do not require and environmental assessment, are not of <i>alternative</i> design, and are not funded by CG&L application may apply for permits.	Permit	Ongoing process - requires minimal initial technical review. Opportunity for audits after issuance.	No	Yes. These are an important indicator of public and private development within the state, and associated potential impacts to Waters of the State.
Single Family Residence (SFR) Systems (Wastewater Treatment) NPDES discharge	DWR	SFR wastewater treatment and surface irrigations systems are for residenceion lots serving no more than one residence. NPDES	Permit	Ongoing process - requires formal application, some technical review.	No	Yes. These are an important indicator of private development within the state, and associated potential impacts to Waters of the State.
Single Family Residence (SFR) Systems (Wastewater Treatment) Non-Discharge	DWR	SFR wastewater treatment and surface irrigations systems are for residenceion lots serving no more than one residence. Non-discharge	Permit	On-going, application review is necessary	Yes	Yes, G.S. 143-215.1(d) established a 90 day review time for this permit type.
System-Wide Wastewater Collection System Permit	DWR	Any wastewater colleciton and conveyance by sewer. Sewer collection systems include gravity sewers, force main with pumping (lift) stations, pressure sewers, septic tank effluent pump (step) sewers, vacuum sewers, and siphons.	Permit	Ongoing process - requires formal application, technical review.	No	Yes. These are an important indicator of public and private development within the state, and associated potential impacts to Waters of the State.

WATER RESOURCES

Name of permit	Issuer	Description	Type of Permit	Issuance Process	Reporting Requirement	Recommendation
	Division/Branch	Summary, activities requiring this permit	Approval, Permit, License, Other:	Is this a point-of-sale license/permit or is there an ongoing process?	Is the processibg time already reported to the General Assembly?	Yes or No and reason for the recommendation.
Tax Certification for Waste Treatment Systems and Equipment	DWR	Tax certification of pollution abatement equipment for use in receiving tax credit on wastewater pollution abatement systems and/or equipment.	Department of Revenue Certification	Site verification	No	No, this is not an approval
Wastewater Irrigation Systems (Wastewater Treatment)	DWR	Disposal of treated wastewater to the land surface. Wastewater land application systems can include spray irrigation, drip irrigation, or other appropriate technology.	Permit	On-going, application review is necessary	Yes	Yes, G.S. 143-215.1(d) established a 90 day review time for this permit type.
Wastewater Treatment Systems Operator Certification	DWR	Any operator at a classified wastewater treatment facility is required to be certified to properly operate these facilities and maintain the treatment system in compliance with all permitrequirements.	Certification	Ongoing process of testing and tracking	No	No. Certification is granted based on operator taking and successfully completing an exam.

Wastewater/Groundwater Laboratory Certification	DWR	Any laboratory making analytical reports to a state agency is required to be certified for the specific parameter being reported.	Certification	Ongoing process with annual renewals	No	No. Renewals are reissued upon payment of fees.
Well Construction Permit	DWR	Construction and operation of certain water supply wells.	Permit	Point of Sale, application review is necessary	No	Yes, G.S. 87-88 established a 15 day review time for this permit type.
Central Coastal Plain Capacity Use Area Permit/Registration	DWR	Any person who withdraws, obtains, or utilizes surface and/or groundwater in excess of 10,000-100,000 gallons per day in an area designated as a "capacity use area".	registration	annual updates	yes	part of overall report on water use
Interbasin Transfer Certification	DWR	The transfer of more than 2,000,000 gallons per day of surface water from one NC river basin to another.	Certificate	Issued by the EMC. Issuance process is highly variable and can take from 3 to 5 years.	Yearly reporting required once Certificate has been issued.	No, due to the high level of variability and the fact that the process takes years to complete.
Location and Protection of Public Water Supply Sources	DWR	Source/well site approval for a public water supply.	Approval	ongoing process	No	No. The development of a well site is a very case-specific and interactive process that is largely dependent on how quickly the site developer performs their actions. Once they have all of the required elements, the actual construction approval is already captured in the Water Supply System Plans and Specifications Approval.
Public Water System Operating Permit	DWR	Operation of a public water supply system.	Permit	ongoing process	No	No. This permit is in effect a receipt that is issued after a regulated public water system pays its annual fee. Systems are not waiting on state staff to take any action. No actionby the system is contingent upon the timing of the permit issuance.
Water Supply System Plans and Specifications Approval	DWR	Construction of a public water system.	Approval	ongoing process	Yes	Yes. Timing of construction approvals is of great interest to the legislature and the regulated community.

WATER RESOURCES

Name of permit	Issuer	Description	Type of Permit	Issuance Process	Reporting Requirement	Recommendation
Water Treatment Facility Operators Certification	DWR	Examination and certification as a water treatment facility operator.	License	ongoing process	Report annually to Governor through the Water System Facilities Operators Certification Board	No. Licenses are issued each year prior to the time that the new license isneeded.
Water Withdrawals and Transfer Registration	DWR	Any non-agricultural water user who withdraws or transfers 100,000 gallons per day or more of water for any purpose. Or any agricultural water user who withdraws or transfers 1,000,000 gallons or more per day.	Other: Registration	Registration required within 60 days of initial withdrawal that exceeds threshold.	Annual reporting required for registrants.	No. This is imply an annual registration requirement for water withdrawers.

STATE OF NORTH CAROLINA

AIR QUALITY PERMIT PROGRAM

ACCOUNTABILITY REPORT

**A Report to the
Environmental Review Commission, the Joint Legislative Oversight Committee
on Agriculture and Natural and Economic Resources and the
Fiscal Research Division**

**Submitted by the
North Carolina Department of Environmental Quality
Division of Air Quality
Michael A. Abraczinskas, Director**



JANUARY 2019

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**Submitted by the North Carolina Department of Environmental Quality
Division of Air Quality**

**This report is submitted pursuant to the requirement of NC G.S. 143-215.3A(c) and
15A NCAC 2Q .0206(e)**

JANUARY 2019

Questions about this Report or requests for copies should be directed to:

Financial issues

Ms. Lucia Woodlief
Interim Business Officer
Division of Air Quality
1641 Mail Service Center
Raleigh, NC 27699-1641
Telephone: (919) 707-8498
Email: lucia.woodlief@ncdenr.gov

Technical issues

Mark Cuilla
Permits, Title V Branch Supervisor
Division of Air Quality
1641 Mail Service Center
Raleigh, NC 27699-1641
Telephone: (919) 707-8738
Email: mark.cuilla@ncdenr.gov

EXECUTIVE SUMMARY

The enclosed annual report discusses the costs and other aspects of the North Carolina Division of Air Quality (NC DAQ) permit program, required under North Carolina General Statute (G.S.) 143-215.3A (Appendix A) and 15A NCAC 2Q .0206(e).

The DAQ permits three primary classes of industrial facilities based on air emissions levels: major facilities, synthetic minor facilities and minor facilities. Major facilities have the highest emissions profiles. Synthetic minor facilities have the potential to be major emitters, but have requested operational or emission control limitations to remain below major source thresholds. Minor facilities do not have the potential to emit above major thresholds. The NC DAQ permits minor and synthetic minor facilities under state regulations. Major facilities are permitted under Title V of the federal Clean Air Act Amendments of 1990. The Title V operating permit program consolidates all federal and state air quality regulations for a facility into a single air permit. The NC DAQ received approval from the EPA to implement the Title V program in North Carolina. The federal Clean Air Act requires the Title V program to be funded entirely by fees collected from permitted facilities.

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INTRODUCTION

North Carolina state law requires that the Department of Environmental Quality (DEQ):

“... shall report to the Environmental Review Commission, the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal Research Division on the cost of the State’s environmental permitting programs contained within the Department on or before January 1 of each odd-numbered year. The report shall include, but is not limited to, fees set and established under this Article, fees collected under this Article, revenues received from other sources for environmental permitting and compliance programs, changes made in the fee schedule since the last report, anticipated revenues from all other sources, interest earned and any other information requested by the General Assembly.” (G.S. 143-215.3A, attached as Appendix A)

This report describes the Permit Program in North Carolina as carried out by the Division of Air Quality (NCDAQ). The report focuses on funding and staffing issues. It does not cover permit programs under the jurisdiction of local air pollution control programs in Buncombe, Forsyth and Mecklenburg counties. The report summarizes all facility permitting classes: minor and synthetic minor facilities permitted under state requirements, and major facilities permitted under Title V of the Clean Air Act.

Congress established the Title V Permit Program under the 1990 amendments to the federal Clean Air Act primarily as a way to consolidate all air regulations affecting major emitters of certain air pollutants (as defined in Section 501 of the Clean Air Act) into a single document. Under the Clean Air Act, Title V permits are required for certain industry groups designated by the U.S. Environmental Protection Agency (EPA) and for any facility with the potential to emit at least:

- 100 tons per year of any regulated criteria pollutant, or
- 10 tons per year of any hazardous air pollutant (HAP), or
- 25 tons per year of any combination of HAPs.

This DAQ Permitting Program Report contains:

- A discussion of program accomplishments and goals,
- A discussion of current issues affecting the program,
- A detailed list of revenues and expenditures for state fiscal year 2018, and
- Appendices.

CURRENT STATUS AND RECENT ACCOMPLISHMENTS

The DAQ permit program encompasses the full range of activities associated with implementing the program, including:

- Reviewing applications for issuance, modification and renewal of permits,
- Advising the regulated community on applicability issues,
- Routinely inspecting permitted facilities,

- Soliciting and responding to citizens' concerns and suggestions,
- Gathering emissions inventory data and submitting the data to the EPA,
- Issuing invoices and collecting fees to operate the permitting program,
- Operating a network of air monitors,
- Performing public outreach, including issuing air quality advisories to citizens,
- Long-range planning (including computer modeling) to achieve and maintain healthy air quality for future generations,
- Working with legislators and appointed officials to ensure adequate statutory and regulatory authority to carry out the NCDAQ's mission, and
- Taking enforcement actions against violators, including assessing penalties, revoking permits and taking legal action when necessary.

Staffing Levels

The NCDAQ has a current staff of 208 managers, engineers, scientists, technicians and administrators. Although most positions in the division have some Title V responsibility, the full-time equivalent (FTE) staff dedicated to the Title V program in 2018 was 74. The remaining FTEs are responsible for non-Title V air quality permits (minor and synthetic minor facilities); area sources of air pollution (such as open burning); motor vehicle emissions control (through programs to ensure proper functioning of vehicle emissions control equipment and reduce emissions from diesel engines); enforcement, and regulation of toxic air pollutants, and administration of the DAQ.

The NCDAQ staff size has decreased by almost 100 positions from its highest level of 303. The NCDAQ has attained this staffing level to manage and balance ever-changing business needs and fluctuations in revenues. As discussed later, fees received from permitted facilities are declining and this trend is expected to continue as major sources are required by regulations to reduce emissions and change to lower emitting fuels to achieve compliance with state and federal requirements.

In addition to the core functions listed above, the Title V program, as required by the Clean Air Act, also funds DEQ's Small Business Assistance Program and a Small Business Ombudsman.

Permitting and Compliance Actions

For the 2018 state fiscal year, the NCDAQ performed the following permitted facility activities:

- Reviewed and processed 246 permit applications for Title V facilities, 217 permit applications for synthetic minor facilities and 331 permit applications for minor facilities.
- Performed at least 364 site visits and completed 283 full compliance evaluations of permitted Title V facilities, 638 inspections of synthetic minor facilities, 734 inspections of minor facilities, and 451 compliance assurance visits at registered and permit exempt facilities
- Issued 111 compliance / enforcement letters to Title V facilities, including 79 Notices of Violations (NOV) to 39 different Title V facilities, issued 138 compliance letters and 68 NOVs to minor facilities and 101 compliance letters and 65 NOVs to synthetic minor facilities.

- Completed 13 enforcement actions involving 11 Title V facilities, resulting in penalties of \$99,389; six enforcement cases at synthetic minor facilities resulting in penalties of \$14,628; and two enforcement cases at minor facilities resulting in penalties of \$1,580. (per General Statute, penalties collected are transferred to local schools).

PROGRAM CHALLENGES

Title V Facilities

In order to maintain a federally approved Title V operating permit program, North Carolina's permit program must be adequately funded by the regulated sources. See Clean Air Act (CAA) §502; 40 CFR §70.10. Specifically, CAA §502(b)(3)(A) requires a state program to collect revenue "sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the permit program requirements." Title V is triggered by certain emission levels and tonnage fees are applied to just title V facilities. Therefore, due to a downward trend in emissions of air pollutants and an increase in new federal regulations, Title V program revenues have decreased, while the resources necessary to implement the program have increased.

Increased Federal Regulatory Programs

Since 2005 there has been an increase in the promulgation of federal air regulations. Every time a new regulation is promulgated, each facility must be evaluated to determine potential applicability of the new regulation and, if applicable, revise the facility's permit to incorporate the necessary emission limits, monitoring provisions, recordkeeping and reporting requirements. In general, these new federal regulations fall into the following areas:

MACT/GACT Standards

The federal EPA is required by the Clean Air Act to promulgate nationally applicable emission standards referred to as Maximum Achievable Control Technologies (MACTs) that apply to defined categories of major sources of hazardous air pollutants and Generally Available Control Technologies (GACTs) that apply to smaller non-major sources of hazardous air pollutants. Established MACTs and GACTs apply to a wide range of emission sources from large coal-fired utility boilers down to 25-horsepower emergency generators. Specifically, promulgated GACT regulations have expanded the universe of regulated sources at both Title V and non-Title V facilities. For example, the NCDAQ estimated that there are over 5,000 individual emergency generators located at facilities that currently hold an air quality permit. These engines are subject to the EPA's MACT/GACT standards for Reciprocating Internal Combustion Engines (RICE) units. Each individual engine must be evaluated for applicability, a determination made as to which specific requirements apply, and in many cases the existing air quality permit must be revised to include those federal requirements. Each MACT/GACT standard is complex and requires considerable resources to implement effectively.

New/Revised National Ambient Air Quality Standards (NAAQS)

In the past ten years, the EPA has revised several National Ambient Air Quality Standards (NAAQS) – the concentration of a pollutant in the ambient air considered to be safe. Most notably the EPA established new standards for sulfur dioxide (1-hour averaging time) and nitrogen dioxide (1-hour averaging time). The revision of a NAAQS requires the states to design and maintain an ambient monitoring network and develop a regulatory State Implementation Plan (SIP) to ensure compliance with the new standard. The NCDAQ has implemented these new standards and has expended considerable resources to ensure their compliance. The EPA is obligated to reassess each NAAQS every five years which will require significant additional NC DAQ work when there are revisions.

New federal regulatory programs create an issue for the permit program because new requirements pose continual challenges for air quality engineers, who need to maintain expertise on emerging technologies and regulatory compliance. In addition, communicating the regulatory requirements and drafting the complex permit conditions to implement those requirements can be very challenging and take a significant amount of time and resources.

Decline in Title V Revenue

In 1992, the Clean Air Act Advisory Council established by the North Carolina General Assembly recommended that half of the total Title V fees should come from a base permit fee (an annual flat fee for each permit). The council recognized that some fixed amount of work is required to permit and provide compliance oversight for every Title V permitted facility without regard to the individual facility's emissions. The other half of the revenue comes from annual per-ton charges imposed on top of the base permit fee. The tonnage fee is calculated from the per-ton rate and the "billable tons" a facility emits (up to a maximum defined emission level). As a direct result of this fee structure, Title V revenues decrease when emissions decrease. Billable tons in North Carolina have decreased over time. The table below provides the most recent five-year period showing billable tons, number of Title V facilities in North Carolina, and the number of full-time equivalent positions funded under the program.

Fiscal Year	Billable Tons	Number of Title V Facilities	Actual FTE Funded Title V Positions
2014	165,437	321	94
2015	154,778	320	88
2016	146,394	314	83
2017	131,372	312	75
2018	129,124	289	74

There is a myriad of reasons for the reduction in statewide emissions and facilities subject to Title V, ranging from economic factors to the implementation of state and federal air pollution reduction programs such as North Carolina's landmark Clean Smokestacks Act (CSA) (Senate Bill 2002-1078). The CSA continues to require reductions in sulfur dioxide (SO₂) and nitrogen oxide (NO_x)

emissions from the state’s coal-fired utilities. These reductions have been achieved by installing state-of-the-art pollution control systems on the large coal-fired units and by shutting down certain coal-fired units and replacing them with new natural gas units. Consequently, these reductions in emissions decreased the NCDAQ annual Title V revenue collected from utilities (based on tons of pollutants emitted) by about 58 percent between 2009 and 2018 and 54% overall reduction in revenues.

In 2019, the NCDAQ will evaluate all available options to sustain the Title V program as required by CAA §502 and 40 CFR §70.10. The NCDAQ will examine staffing levels needed to support current and future regulatory activities, review all fee-based revenue streams, evaluate the impact of capital and operating cost-cutting measures, and examine relief offered from future changes to the fee structure.

DAQ PERMIT PROGRAM REVENUES AND EXPENDITURES

The federal Clean Air Act (CAA) requires that the entire cost of the Title V Permit Program, including both direct and other related expenses, be funded by facilities’ permit fees and that Title V permit fees be used only for the purpose of operating the program.

As a benchmark to allow the federal EPA to readily determine whether a state Title V program is collecting enough revenue to cover the cost of the Title V program, the CAA set a presumptive minimum fee of \$25 per ton of air pollutant emissions (1990 dollars). This presumptive minimum fee is adjusted for inflation every year. If a state collects less than the presumptive minimum fee, the EPA may require the state to demonstrate that they are sufficiently funding an effective Title V permit program.

In September 2018, the EPA adjusted the presumptive minimum for inflation to \$51.06 per ton for the 12-month period of September 1, 2018 through August 31, 2019. North Carolina’s fee has consistently been below the EPA presumptive minimum and has provided, at EPA’s request, adequate demonstrations that the program fees collected are sufficient to fund the Title V program. However, as revenues decrease, and regulatory programs increase, the required demonstration will be more difficult to make without an increase in fees beyond the statutorily mandated annual CPI adjustment.

Synthetic minor and minor facilities do not pay a fee per ton of pollution that they emit. However, they do pay an annual fee as well as fees for certain permitting actions.

TABLE 1. DAQ PERMIT PROGRAM COST FOR STATE FISCAL YEAR 2018

	Non-Title V	Title V	I&M	Fuel Tax	Total
Revenue	\$1,076,844.75	\$6,191,037.74	\$3,209,493.49	\$7,996,702.69	\$18,474,078.67
Salary/Fringe/ overhead	\$854,857.56	\$6,341,366.66	\$923,768.44	\$5,126,398.26	\$13,246,390.92
Equipment	\$18,810.70	\$65,987.32	\$63,291.49	\$13,006.56	\$161,096.07
Operations	\$138,755.03	\$279,333.41	\$1,395,030.39	\$2,137,714.57	\$3,950,833.40
Total Expense	\$1,012,423.29	\$6,686,687.39	\$2,382,090.32	\$7,277,119.39	\$17,358,320.39

**APPENDIX A: NC GENERAL STATUTES ON THE PERMIT PROGRAM
(G.S. 143-215.3 and G.S. 143-215.3A)**

§ 143-215.3A. Water and Air Quality Account; use of application and permit fees; Title V Account; I & M Air Pollution Control Account; reports.

(a) The Water and Air Quality Account is established as an account within the Department. Revenue in the Account shall be applied to the costs of administering the programs for which the fees were collected. Revenue credited to the Account pursuant to G.S. 105-449.43, G.S. 105-449.125, and G.S. 105-449.136 shall be used to administer the air quality program. Any funds credited to the Account from fees collected for laboratory facility certifications under G.S. 143-215.3(a)(10) that are not expended at the end of each fiscal year for the purposes for which these fees may be used under G.S. 143-215.3(a)(10) shall revert. Any other funds credited to the Account that are not expended at the end of each fiscal year shall not revert. Except for the following fees, all application fees and permit administration fees collected by the State for permits issued under Articles 21, 21A, 21B, and 38 of this Chapter shall be credited to the Account:

- (1) Fees collected under Part 2 of Article 21A and credited to the Oil or Other Hazardous Substances Pollution Protection Fund.
- (2) Fees credited to the Title V Account.
- (3) Repealed by Session Laws 2005-454, s. 7, effective January 1, 2006.
- (4) Fees collected under G.S. 143-215.28A.
- (5) Fees collected under G.S. 143-215.94C shall be credited to the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund.
- (6) Fees collected under G.S. 143-215.3D for the following permits and certificates shall be credited to the General Fund for use by the Department to administer the program for which the fees were collected:
 - a. Stormwater permits and certificates of general permit coverage authorized under G.S. 143-214.7.
 - b. Permits to apply petroleum contaminated soil to land authorized under G.S. 143-215.1.

(a1) The total monies collected per year from fees for permits under G.S. 143-215.3(a)(1a), after deducting those monies collected under G.S. 143-215.3(a)(1d), shall not exceed thirty percent (30%) of the total budgets from all sources of environmental permitting and compliance programs within the Department. This subsection shall not be construed to relieve any person of the obligation to pay a fee established under this Article or Articles 21A, 21B, or 38 of this Chapter.

(b) The Title V Account is established as a nonreverting account within the Department. Revenue in the Account shall be used for developing and implementing a permit program that meets the requirements of Title V. The Title V Account shall consist of fees collected pursuant to G.S. 143-215.3(a)(1d) and G.S. 143-215.106A. Fees collected under G.S. 143-215.3(a)(1d) shall be used only to cover the direct and indirect costs required to develop and administer the Title V permit program, and fees collected under G.S. 143-215.106A shall be used only for the eligible expenses of the Title V program. Expenses of the ombudsman for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, support staff, equipment, legal services provided by the Attorney General, and contracts with consultants and program expenses listed in section 502(b)(3)(A) of Title V shall be included among Title V program expenses.

(b1) The I & M Air Pollution Control Account is established as a nonreverting account within the Department. Fees transferred to the Division of Air Quality of the Department pursuant to

G.S. 20-183.7(c) shall be credited to the I & M Air Pollution Control Account and shall be applied to administering the air quality program.

(c) The Department shall report to the Environmental Review Commission, the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal Research Division on the cost of the State's environmental permitting programs contained within the Department on or before January 1 of each odd-numbered year. The report shall include, but is not limited to, fees set and established under this Article, fees collected under this Article, revenues received from other sources for environmental permitting and compliance programs, changes made in the fee schedule since the last report, anticipated revenues from all other sources, interest earned, and any other information requested by the General Assembly. The Department shall submit this report with the report required by G.S. 143B-279.17 as a single report. (1987, c. 767, s. 2; 1989, c. 500, s. 121; c. 727, s. 218(104); 1989 (Reg. Sess., 1990), c. 976, s. 2; 1991, c. 552, s. 3; 1991 (Reg. Sess., 1992), c. 1039, s. 12; 1993, c. 400, s. 14; 1995, c. 390, s. 28; 1995 (Reg. Sess., 1996), c. 743, s. 13; 1998-212, s. 29A.11(c); 2001-452, s. 2.4; 2001-474, s. 27; 2005-386, s. 8.1; 2005-454, s. 7; 2008-198, s. 11.2; 2011-145, s. 13.7; 2011-266, ss. 1.35(b), 3.3(b); 2014-120, s. 38(a); 2015-241, s. 14.16(d); 2017-10, s. 4.12(a); 2017-57, ss. 13.1, 14.1(i).)

§ 143-215.3. General powers of Commission and Department; auxiliary powers.

(a) Additional Powers. – In addition to the specific powers prescribed elsewhere in this Article, and for the purpose of carrying out its duties, the Commission shall have the power:

(1) To make rules implementing Articles 21, 21A, 21B, or 38 of this Chapter.

(1a) To adopt fee schedules and collect fees for the following:

- a. Processing of applications for permits or registrations issued under Article 21, other than Parts 1 and 1A, Articles 21A, 21B, and 38 of this Chapter;
- b. Administering permits or registrations issued under Article 21, other than Parts 1 and 1A, Articles 21A, 21B, and 38 of this Chapter including monitoring compliance with the terms of those permits; and
- c. Reviewing, processing, and publicizing applications for construction grant awards under the Federal Water Pollution Control Act.

No fee may be charged under this provision, however, to a farmer who submits an application that pertains to his farming operations.

(1b) The fee to be charged pursuant to G.S. 143-215.3(a)(1a) for processing an application for a permit under G.S. 143-215.108 and G.S. 143-215.109 of Article 21B of this Chapter may not exceed five hundred dollars (\$500.00). The fee to be charged pursuant to G.S. 143-215.3(a)(1a) for processing a registration under Part 2A of this Article or Article 38 of this Chapter may not exceed fifty dollars (\$50.00) for any single registration. An additional fee of twenty percent (20%) of the registration processing fee may be assessed for a late registration under Article 38 of this Chapter. The fee for administering and compliance monitoring under Article 21, other than Parts 1 and 1A, and G.S. 143-215.108 and G.S. 143-215.109 of Article 21B shall be charged on an annual basis for each year of the permit term and may not exceed one thousand five hundred dollars (\$1,500) per year. Fees for processing all permits under Article 21A and all other sections of Article 21B shall not exceed one hundred dollars (\$100.00) for any single permit. The total payment for fees that are set by the Commission under this subsection for all permits for any single facility shall not exceed seven thousand five hundred dollars (\$7,500) per year, which amount shall include all

application fees and fees for administration and compliance monitoring. A single facility is defined to be any contiguous area under one ownership and in which permitted activities occur. For all permits issued under these Articles where a fee schedule is not specified in the statutes, the Commission, or other commission specified by statute shall adopt a fee schedule in a rule following the procedures established by the Administrative Procedure Act. Fee schedules shall be established to reflect the size of the emission or discharge, the potential impact on the environment, the staff costs involved, relative costs of the issuance of new permits and the reissuance of existing permits, and shall include adequate safeguards to prevent unusual fee assessments which would result in serious economic burden on an individual applicant. A system shall be considered to allow consolidated annual payments for persons with multiple permits. In its rulemaking to establish fee schedules, the Commission is also directed to consider a method of rewarding facilities which achieve full compliance with administrative and self-monitoring reporting requirements, and to consider, in those cases where the cost of renewal or amendment of a permit is less than for the original permit, a lower fee for the renewal or amendment.

- (1c) Moneys collected pursuant to G.S. 143-215.3(a)(1a) shall be used to:
 - a. Eliminate, insofar as possible, backlogs of permit applications awaiting agency action;
 - b. Improve the quality of permits issued;
 - c. Improve the rate of compliance of permitted activities with environmental standards; and
 - d. Decrease the length of the processing period for permit applications.
- (1d) The Commission may adopt and implement a graduated fee schedule sufficient to cover all direct and indirect costs required for the State to develop and administer a permit program which meets the requirements of Title V. The provisions of subdivision (1b) of this subsection do not apply to the adoption of a fee schedule under this subdivision. In adopting and implementing a fee schedule, the Commission shall require that the owner or operator of all air contaminant sources subject to the requirement to obtain a permit under Title V to pay an annual fee, or the equivalent over some other period, sufficient to cover costs as provided in section 502(b)(3)(A) of Title V. The fee schedule shall be adopted according to the procedures set out in Chapter 150B of the General Statutes.
 - a. The total amount of fees collected under the fee schedule adopted pursuant to this subdivision shall conform to the requirements of section 502(b)(3)(B) of Title V. No fee shall be collected for more than 4,000 tons per year of any individual regulated pollutant, as defined in section 502(b)(3)(B)(ii) of Title V, emitted by any source. Fees collected pursuant to this subdivision shall be credited to the Title V Account.
 - b. The Commission may reduce any permit fee required under this section to take into account the financial resources of small business stationary sources as defined under Title V and regulations promulgated by the United States Environmental Protection Agency.
 - c. When funds in the Title V Account exceed the total amount necessary to cover the cost of the Title V program for the next fiscal year, the Secretary shall

reduce the amount billed for the next fiscal year so that the excess funds are used to supplement the cost of administering the Title V permit program in that fiscal year.

- (1e) The Commission shall collect the application, annual, and project fees for processing and administering permits, certificates of coverage under general permits, and certifications issued under Parts 1 and 1A of this Article and for compliance monitoring under Parts 1 and 1A of this Article as provided in G.S. 143-215.3D and G.S. 143-215.10G.
- (2) To direct that such investigation be conducted as it may reasonably deem necessary to carry out its duties as prescribed by this Article or Article 21A or Article 21B of this Chapter, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating the condition of any waters and the discharge therein of any sewage, industrial waste, or other waste or for the purpose of investigating the condition of the air, air pollution, air contaminant sources, emissions, or the installation and operation of any air-cleaning devices, and to require written statements or the filing of reports under oath, with respect to pertinent questions relating to the operation of any air-cleaning device, sewer system, disposal system, or treatment works. In the case of effluent or emission data, any records, reports, or information obtained under this Article or Article 21A or Article 21B of this Chapter shall be related to any applicable effluent or emission limitations or toxic, pretreatment, or new source performance standards. No person shall refuse entry or access to any authorized representative of the Commission or Department who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- (3) To conduct public hearings and to delegate the power to conduct public hearings in accordance with the procedures prescribed by this Article or by Article 21B of this Chapter.
- (4) To delegate such of the powers of the Commission as the Commission deems necessary to one or more of its members, to the Secretary or any other qualified employee of the Department. The Commission shall not delegate to persons other than its own members and the designated employees of the Department the power to conduct hearings with respect to the classification of waters, the assignment of classifications, air quality standards, air contaminant source classifications, emission control standards, or the issuance of any special order except in the case of an emergency under subdivision (12) of this subsection for the abatement of existing water or air pollution. Any employee of the Department to whom a delegation of power is made to conduct a hearing shall report the hearing with its evidence and record to the Commission.
- (5) To institute such actions in the superior court of any county in which a violation of this Article, Article 21B of this Chapter, or the rules of the Commission has occurred, or, in the discretion of the Commission, in the superior court of the county in which any defendant resides, or has his or its principal place of business, as the Commission may deem necessary for the enforcement of any of the provisions of this Article, Article 21B of this Chapter, or of any official action

of the Commission, including proceedings to enforce subpoenas or for the punishment of contempt of the Commission.

- (6) To agree upon or enter into any settlements or compromises of any actions and to prosecute any appeals or other proceedings.
- (7) To direct the investigation of any killing of fish and wildlife which, in the opinion of the Commission, is of sufficient magnitude to justify investigation and is known or believed to have resulted from the pollution of the waters or air as defined in this Article, and whenever any person, whether or not he shall have been issued a certificate of approval, permit or other document of approval authorized by this or any other State law, has negligently, or carelessly or unlawfully, or willfully and unlawfully, caused pollution of the waters or air as defined in this Article, in such quantity, concentration or manner that fish or wildlife are killed as the result thereof, the Commission, may recover, in the name of the State, damages from such person. The measure of damages shall be the amount determined by the Department and the North Carolina Wildlife Resources Commission, whichever has jurisdiction over the fish and wildlife destroyed to be the replacement cost thereof plus the cost of all reasonable and necessary investigations made or caused to be made by the State in connection therewith. Upon receipt of the estimate of damages caused, the Department shall notify the persons responsible for the destruction of the fish or wildlife in question and may effect such settlement as the Commission may deem proper and reasonable, and if no settlement is reached within a reasonable time, the Commission shall bring a civil action to recover such damages in the superior court in the county in which the discharge took place. Upon such action being brought the superior court shall have jurisdiction to hear and determine all issues or questions of law or fact, arising on the pleadings, including issues of liability and the amount of damages. On such hearing, the estimate of the replacement costs of the fish or wildlife destroyed shall be prima facie evidence of the actual replacement costs of such fish or wildlife. In arriving at such estimate, any reasonably accurate method may be used and it shall not be necessary for any agent of the Wildlife Resources Commission or the Department to collect, handle or weigh numerous specimens of dead fish or wildlife.

The State of North Carolina shall be deemed the owner of the fish or wildlife killed and all actions for recovery shall be brought by the Commission on behalf of the State as the owner of the fish or wildlife. The fact that the person or persons alleged to be responsible for the pollution which killed the fish or wildlife holds or has held a certificate of approval, permit or other document of approval authorized by this Article or any other law of the State shall not bar any such action. The proceeds of any recovery, less the cost of investigation, shall be used to replace, insofar as and as promptly as possible, the fish and wildlife killed, or in cases where replacement is not practicable, the proceeds shall be used in whatever manner the responsible agency deems proper for improving the fish and wildlife habitat in question. Any such funds received are hereby appropriated for these designated purposes. Nothing in this paragraph shall be construed in any way to limit or prevent any other action which is now authorized by this Article.

- (8) After issuance of an appropriate order, to withhold the granting of any permit or permits pursuant to G.S. 143-215.1 or G.S. 143-215.108 for the construction or

operation of any new or additional disposal system or systems or air-cleaning device or devices in any area of the State. Such order may be issued only upon determination by the Commission, after public hearing, that the permitting of any new or additional source or sources of water or air pollution will result in a generalized condition of water or air pollution within the area contrary to the public interest, detrimental to the public health, safety, and welfare, and contrary to the policy and intent declared in this Article or Article 21B of this Chapter. The Commission may make reasonable distinctions among the various sources of water and air pollution and may direct that its order shall apply only to those sources which it determines will result in a generalized condition of water or air pollution.

The determination of the Commission shall be supported by detailed findings of fact and conclusions set forth in the order and based upon competent evidence of record. The order shall describe the geographical area of the State affected thereby with particularity and shall prohibit the issuance of permits pending a determination by the Commission that the generalized condition of water or air pollution has ceased.

Notice of hearing shall be given in accordance with the provisions of G.S. 150B-21.2.

A person aggrieved by an order of the Commission under this subdivision may seek judicial review of the order under Article 4 of Chapter 150B of the General Statutes without first commencing a contested case. An order may not be stayed while it is being reviewed.

- (9) If an investigation conducted pursuant to this Article or Article 21B of this Chapter reveals a violation of any rules, standards, or limitations adopted by the Commission pursuant to this Article or Article 21B of this Chapter, or a violation of any terms or conditions of any permit issued pursuant to G.S. 143-215.1 or 143-215.108, or special order or other document issued pursuant to G.S. 143-215.2 or G.S. 143-215.110, the Commission may assess the reasonable costs of any investigation, inspection or monitoring survey which revealed the violation against the person responsible therefor. If the violation resulted in an unauthorized discharge to the waters or atmosphere of the State, the Commission may also assess the person responsible for the violation for any actual and necessary costs incurred by the State in removing, correcting or abating any adverse effects upon the water or air resulting from the unauthorized discharge. If the person responsible for the violation refuses or fails within a reasonable time to pay any sums assessed, the Commission may institute a civil action in the superior court of the county in which the violation occurred or, in the Commission's discretion, in the superior court of the county in which such person resides or has his or its principal place of business, to recover such sums.
- (10) To require a laboratory facility that performs any tests, analyses, measurements, or monitoring required under this Article or Article 21B of this Chapter to be certified annually by the Department, to establish standards that a laboratory facility and its employees must meet and maintain in order for the laboratory facility to be certified, and to charge a laboratory facility a fee for certification. Fees collected under this subdivision shall be credited to the Water and Air

Account and used to administer this subdivision. These fees shall be applied to the cost of certifying commercial, industrial, and municipal laboratory facilities.

(11) Repealed by Session Laws 1983, c. 296, s. 6.

(12) To declare an emergency when it finds that a generalized condition of water or air pollution which is causing imminent danger to the health or safety of the public. Regardless of any other provisions of law, if the Department finds that such a condition of water or air pollution exists and that it creates an emergency requiring immediate action to protect the public health and safety or to protect fish and wildlife, the Secretary of the Department with the concurrence of the Governor, shall order persons causing or contributing to the water or air pollution in question to reduce or discontinue immediately the emission of air contaminants or the discharge of wastes. Immediately after the issuance of such order, the chairman of the Commission shall fix a place and time for a hearing before the Commission to be held within 24 hours after issuance of such order, and within 24 hours after the commencement of such hearing, and without adjournment thereof, the Commission shall either affirm, modify or set aside the order.

In the absence of a generalized condition of air or water pollution of the type referred to above, if the Secretary finds that the emissions from one or more air contaminant sources or the discharge of wastes from one or more sources of water pollution is causing imminent danger to human health and safety or to fish and wildlife, he may with the concurrence of the Governor order the person or persons responsible for the operation or operations in question to immediately reduce or discontinue the emissions of air contaminants or the discharge of wastes or to take such other measures as are, in his judgment, necessary, without regard to any other provisions of this Article or Article 21B of this Chapter. In such event, the requirements for hearing and affirmance, modification or setting aside of such orders set forth in the preceding paragraph of this subdivision shall apply.

(13) Repealed by Session Laws 1983, c. 296, s. 6.

(14) To certify and approve, by appropriate delegations and conditions in permits required by G.S. 143-215.1, requests by publicly owned treatment works to implement, administer and enforce a pretreatment program for the control of pollutants which pass through or interfere with treatment processes in such treatment works; and to require such programs to be developed where necessary to comply with the Federal Water Pollution Control Act and the Resource Conservation and Recovery Act, including the addition of conditions and compliance schedules in permits required by G.S. 143-215.1. Pretreatment programs submitted by publicly owned treatment works shall include, at a minimum, the adoption of pretreatment standards, a permit or equally effective system for the control of pollutants contributed to the treatment works, and the ability to effectively enforce compliance with the program.

(15) To adopt rules for the prevention of pollution from underground tanks containing petroleum, petroleum products, or hazardous substances. Rules adopted under this section may incorporate standards and restrictions which exceed and are more comprehensive than comparable federal regulations.

- (16) To adopt rules limiting the manufacture, storage, sale, distribution or use of cleaning agents containing phosphorus pursuant to G.S. 143-214.4(e), and to adopt rules limiting the manufacture, storage, sale, distribution or use of cleaning agents containing nitrilotriacetic acid.

(17) To adopt rules to implement Part 2A of Article 21A of Chapter 143.

(b) Research Functions. – The Department shall have the power to conduct scientific experiments, research, and investigations to discover economical and practical corrective methods for air pollution and waste disposal problems. To this end, the Department may cooperate with any public or private agency or agencies in the conduct of such experiments, research, and investigations, and may, when funds permit, establish research studies in any North Carolina educational institution, with the consent of such institution. In addition, the Department shall have the power to cooperate and enter into contracts with technical divisions of State agencies, institutions and with municipalities, industries, and other persons in the execution of such surveys, studies, and research as it may deem necessary in fulfilling its functions under this Article or Article 21B of this Chapter. All State departments shall advise with and cooperate with the Department on matters of mutual interest.

(c) Relation with the Federal Government. – The Commission as official water and air pollution control agency for the State is delegated to act in local administration of all matters covered by any existing federal statutes and future legislation by Congress relating to water and air quality control. In order for the State of North Carolina to effectively participate in programs administered by federal agencies for the regulation and abatement of water and air pollution, the Department is authorized to accept and administer funds provided by federal agencies for water and air pollution programs and to enter into contracts with federal agencies regarding the use of such funds.

(d) Relations with Other States. – The Commission or the Department may, with the approval of the Governor, consult with qualified representatives of adjoining states relative to the establishment of regulations for the protection of waters and air of mutual interest, but the approval of the General Assembly shall be required to make any regulations binding.

(e) Variances. – Any person subject to the provisions of G.S. 143-215.1 or 143-215.108 may apply to the Commission for a variance from rules, standards, or limitations established pursuant to G.S. 143-214.1, 143-215, or 143-215.107. The Commission may grant such variance, for fixed or indefinite periods after public hearing on due notice, or where it is found that circumstances so require, for a period not to exceed 90 days without prior hearing and notice. Prior to granting a variance hereunder, the Commission shall find that:

- (1) The discharge of waste or the emission of air contaminants occurring or proposed to occur do not endanger human health or safety; and
- (2) Compliance with the rules, standards, or limitations from which variance is sought cannot be achieved by application of best available technology found to be economically reasonable at the time of application for such variances, and would produce serious hardship without equal or greater benefits to the public, provided that such variances shall be consistent with the provisions of the Federal Water Pollution Control Act as amended or the Clean Air Act as amended; and provided further, that any person who would otherwise be entitled to a variance or modification under the Federal Water Pollution Control Act as amended or the Clean Air Act as amended shall also be entitled to the same variance from or modification in rules, standards, or limitations established pursuant to G.S. 143-214.1, 143-215, and 143-215.107, respectively.

(f) Notification of Completed Remedial Action. – The definitions set out in G.S. 130A-310.31(b) apply to this subsection. Any person may submit a written request to the Department for a

determination that groundwater has been remediated to meet the standards and classifications established under this Part. A request for a determination that groundwater has been remediated to meet the standards and classifications established under this Part shall be accompanied by the fee required by G.S. 130A-310.39(a)(2). If the Department determines that groundwater has been remediated to established standards and classifications, the Department shall issue a written notification that no further remediation of the groundwater will be required. The notification shall state that no further remediation of the groundwater will be required unless the Department later determines, based on new information or information not previously provided to the Department, that the groundwater has not been remediated to established standards and classifications or that the Department was provided with false or incomplete information. Under any of those circumstances, the Department may withdraw the notification and require responsible parties to remediate the groundwater to established standards and classifications. (1951, c. 606; 1957, c. 1267, s. 3; 1959, c. 779, s. 8; 1963, c. 1086; 1967, c. 892, s. 1; 1969, c. 538; 1971, c. 1167, ss. 7, 8; 1973, c. 698, ss. 1-7, 9, 17; c. 712, s. 1; c. 1262, ss. 23, 86; c. 1331, s. 3; 1975, c. 583, ss. 5, 6; c. 655, s. 3; 1977, c. 771, s. 4; 1979, c. 633, ss. 6-8; 1979, 2nd Sess., c. 1158, ss. 1, 3, 4; 1983, c. 296, ss. 5-8; 1985, c. 551, s. 2; 1987, c. 111, s. 2; c. 767, s. 1; c. 827, ss. 1, 154, 161, 266; 1987 (Reg. Sess., 1988), c. 1035, s. 2; 1989, c. 500, s. 122; c. 652, s. 1; 1991, c. 552, ss. 2, 11; c. 712, s. 2; 1991 (Reg. Sess., 1992), c. 890, s. 16; c. 1039, ss. 14, 20.1; 1993, c. 344, s. 2; c. 400, ss. 1(c), 2, 3, 15; c. 496, s. 4; 1993 (Reg. Sess., 1994), c. 694, s. 1; 1995, c. 484, s. 5; 1997-357, s. 6; 1997-496, s. 4; 1998-212, s. 29A.11(b).)

APPENDIX B:

15A NCAC 02Q .0206 PAYMENT OF FEES

- (a) Payment of fees required pursuant to 15A NCAC 02Q .0200 may be by check or money order made payable to the N.C. Department of Environmental Quality. Annual permit fee payments shall refer to the permit number.
- (b) If, within 30 days after being billed, the permit holder fails to pay an annual fee required pursuant to 15A NCAC 02Q .0200, the Director may initiate action to terminate the permit pursuant to 15A NCAC 02Q .0309 or .0519 as applicable.
- (c) A holder of multiple permits may arrange to consolidate the payment of annual fees into one annual payment.
- (d) The payment of the permit application fee required by 15A NCAC 02Q .0200 shall accompany the application and is non-refundable.
- (e) The Division shall annually prepare and make publicly available an accounting showing aggregate fee payments collected pursuant to 15A NCAC 02Q .0200 from facilities that have obtained or will obtain permits pursuant to 15A NCAC 02Q .0500 except synthetic minor facilities, and showing a summary of reasonable direct and indirect expenditures required to develop and administer the Title V permit program.

History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d);

Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Eff. July 1, 1994;

Amended Eff. September 1, 2015;

Readopted Eff. April 1, 2018.

Appendix C:



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

MICHAEL A. ABRACZINSKAS
Director

December 18, 2017

MEMORANDUM

TO: Air Quality Section Chiefs
Regional Air Quality Supervisors

FROM: Mike Abraczinskas, Director 

SUBJECT: Permit Annual and Application Fees for Calendar Year 2018

Attached are the official tables for the new Division of Air Quality permit annual and application fees for Calendar year 2018. Please copy this memorandum to anyone likely to need it. In 2017, pursuant to 15A NCAC 02Q .0204, the Department of Environmental Quality increased the Title V fees by the Consumer Price Index (1.98566 %). This inflation adjustment will go into effect starting January 1, 2018 for the Title V permit application fees. The new Title V annual fees will first affect those facilities invoiced in February 2018 which have January anniversary dates.

Checks should be made payable to Department of Environmental Quality.

Attachment

cc: Michael Pjetraj
Marsha Overby
Celeste Garvey
Holly Groce
William Willets

CALENDAR YEAR 2018 AIR QUALITY FEES

ANNUAL PERMIT FEES (FOR CALENDAR YEAR 2018)

Facility Category	Tonnage Factor	Basic Permit Fee	Non-attainment Area Added Fee
	Billing Amount	Billing Amount	Billing Amount
Title V	\$32.82*	\$7,113*	\$3,831*
Synthetic Minor		\$1,500	
Small		\$250	
General	50 % of the otherwise applicable fee		

PERMIT APPLICATION FEES (FOR CALENDAR YEAR 2018)

Facility Category	New or Modification	New **	2Q .0300, Minor or Significant Modification	Ownership Change
Title V		\$9,751*	\$947*	\$60
Title V (PSD or NSR/NAA)	\$14,762*			\$60
Title V (PSD and NSR/NAA)	\$28,712*			\$60
Synthetic Minor	\$400			\$50
Small	\$50			\$25
General	50 % of the otherwise applicable fee			

The tables above as well as other useful information can be found on the Internet at <https://deq.nc.gov/about/divisions/air-quality/air-quality-permitting>

Make checks payable to: Department of Environmental Quality

****Go to <https://deq.nc.gov/epayments> for new online payment options by credit/debit card or eCheck for Annual Fees, Permit Fees coming soon.****

* Pursuant to 15A NCAC 02Q .0200 rules, these fees reflect the Consumer Price Index (CPI) increase this year effective January 1, 2018.

**** Please contact the Raleigh Central Office, Air Permits Section for fee amount. New is defined as a previously unpermitted (Air Permit) facility.**

Permit Application Fees Guide (2018)

Permit Application	Application Fee
Title V	
All Renewals (including TV)	\$0
Changes initiated by Director, name change with no ownership change, changes under 2Q .0523, construction date changes, test date change, a reporting procedure change, or similar changes. Small/synthetic to TV (only removing limit(s) w/o any modifications.)	\$0
Initial TV	\$0
New TV (covers both the .0300 permit with condition to file TV 12 months after operation and the TV permit). New is defined as a previously unpermitted facility.	\$9,751 only once at the 1 st application, not again for the TV
TV - 112(g)-TV	\$9,751
TV - 501(c)(2)	\$947
TV- Ownership Change (note no fee for name change only)	\$60
TV – Administrative Amendment	\$0
TV – Reopen for Cause (fee dependent on whether the impetus was that of the permittee or the Director)	\$0 changes initiated by the Director \$947 changes initiated by the permittee
TV- Significant	\$947
TV- Minor, TV State only	\$947
Expedited TV - Significant	\$947
Expedited TV - Minor	\$947
Synthetic minor, small or exclusionary to TV (TV application submitted only, can wait for TV permit to remove synthetic limit) (1 st time TV)	\$947
Synthetic minor or small to TV (.0300 application submitted first, permit issued with condition to file TV 12 months after operation) and TV later (1 st time TV)	\$947 for 501(c)(2) and \$947 for TV (when submitted)
TV - PSD or NSR/NAA (PSD application submitted, permit condition to file TV 12 months after permit issuance)	\$14,762 only once at the 1 st application, not again for the TV
TV - PSD and NSR/NAA (same as TV-PSD or NSR/NAA)	\$28,712 only once at the 1 st application, not again for the TV
Small, Synthetic Minor, Exclusionary, General, Construction Notice	
TV to synthetic minor	\$400
TV to small or exclusionary	\$50
Expedited synthetic	\$400
Expedited small	\$50
Synthetic minor (New or Modification)	\$400
Synthetic minor Ownership Change	\$50
Small or exclusionary small (New or Modification)	\$50
Small or synthetic minor administrative amendment (includes name change)	\$0
Small Ownership Change	\$25
General	50% of otherwise applicable fee
General Ownership Change	\$25
Construction Notice – Processing fee	\$200

APPENDIX D: EPA'S 2015 REVIEW OF NC TITLE V PROGRAM

The EPA typically conducts a review of NCDAQ's Clean Air Act Title V program every five years. The EPA Region IV conducted a review of the NCDAQ's Title V program in April 2014, in Raleigh. This evaluation consisted of a review of the title V budgeting and accounting process, permit file review, public participation, and follow-up from previous evaluations. The results of the review are kept on file at the EPA Region IV office in Atlanta, Ga. The following findings and recommendations are contained in EPA's July 8, 2015, Program Evaluation Report:

Programmatic Knowledge/Implementation

The EPA and NCDAQ held discussions on a variety of Title V topics including adequacy of Title V resources (staffing and capital), public participation, Title V workload, and renewal of Title V permits. It was apparent during the discussions that the staff had a thorough understanding of the regulations and requirements of 40 CFR Part 70. In addition, NCDAQ discussed its organization plan and how they ensure the retention of institutional knowledge as they experience organizational turnover.

Resources

NCDAQ's Title V program is organized so that Title V applications are processed in the central office and enforcement and inspections are handled by the regional offices. The NCDAQ has 14 permit engineers dedicated to working on Title V applications and one on rotation to Department level duties. Three of these permit engineers focus primarily on Title V renewal applications in an effort to reduce the backlog. Since a facility is allowed to continue to operate pending renewal issuance, the DAQ prioritizes permit modification application requests. NCDAQ staff is responsible for taking care of all permitting issues for those assigned facilities including reviewing permit applications, drafting permits, calculating emissions, reviewing all submitted reports, answering questions, responding to citizens' information requests, and providing necessary compliance assistance. The permit writers also focus on other work associated with Title V facility permits such as prevention of significant deterioration, state-only permitting, quarterly stakeholders meetings, and multiple workgroups.

DAQ utilizes a monthly updated spreadsheet to monitor the application processing schedule and progress. This allows management to ensure that an application does not stagnate during the permitting process. The permit application tracking information is accessible to both staff and management. In addition, DAQ takes advantage of numerous informal discussions to keep abreast of permitting activity and other Title V issues. When situations warrant, more frequent meetings are scheduled.

At the time of the April 29, 2014, program evaluation, DAQ had two unfilled permit engineer positions and two vacant management positions. The DAQ was in

the process of filling all the vacancies in the Permits Section. Since the program evaluation, the DAQ has filled the two permit engineer positions and is now fully staffed within their permitting section.

DAQ's title V sources are billed for actual emissions at a current rate of \$31.29 and an annual title V fee of \$6,781.00. Newly permitted title V sources are billed a first time fee of \$9,295.00. One issue that has concerned DAQ management is the steady decline in billable tons of emissions for the title V program. This decline in billable tons has been a slow decrease over the years, and the program has been able to compensate for this with increases in the title V billable tonnage rate.

From 2009 - 2012 the DAQ collected the following title V revenue:

FY 09-10 - \$8,754,998.00

FY 10-11 - \$8,187,756.00

FY 11-12 - \$8,000,817.00

FY 12-13 - \$7,902,853.00

Title V revenue projected for 2013 – 2016 is:

FY 13-14 - \$7,512,314.00

FY 14-15 - \$6,938,474.00

FY 15-16 - \$6,737,942.00

Projected expenses for DAQ's title V program for FY 14-15 are expected to be around \$7,000,000.00. Monies rolled over from previous years along with strategic program decisions should be able to compensate for the potential shortage of revenue in FY 14-15.

From FY 09-10 to FY 14-15, the DAQ's title V revenue collected has decreased by more than 20 percent, due to a reduction in billable tons of emissions. As a result of this overall decrease, the DAQ adjusted their title V Fee for FY 15 in conjunction with the annual consumer price index (CPI). In December 2014, the DAQ raised their title V fees 1.58048 percent.

Public Participation

The DAQ works with its citizens to protect and improve outdoor air, or ambient, air quality in North Carolina for the health, benefit and economic wellbeing of all. Permits include conditions to ensure a facility is complying with federal and state rules and laws that are developed to protect human health. At the time of the program evaluation, the DAQ was reviewing its Environmental Equity guidance. The EPA discussed with DAQ some of the experiences that have occurred under the Environmental Justice (EJ) arena within Region 4 and the benefits of working with communities and individuals proactively. EPA is ready to work with DAQ, as they evaluate the environmental equity guidance, to provide feedback from our experience.

Renewal Permits

At the time of the program evaluation, the DAQ had 80 renewal applications and 34 significant modifications in house to be processed. Included in that number are 40 applications that were submitted since April 28, 2013. Of those renewal applications, all were deemed timely and complete. At the time of the program evaluation, the DAQ had a minimal backlog of 19 title V renewals and 17 significant modifications. At one time, DAQ had assigned specific engineers as “renewal only engineers” (discussed in the May 19-20, 2010, program evaluation). Title V permit issuance will have to remain a priority for the DAQ. In the 12 months prior to the program evaluation, the DAQ had issued 46 title V permits, but over the next four years, the DAQ should receive on average slightly less than 60 renewal applications per year. Failure to keep up with the application receipt rate will eventually cause the backlog to grow into a significant number. In order to ensure the continued reduction of the backlog remains a point of emphasis, once fully staffed, the DAQ is planning to restore the “renewal only engineer” concept.

Since the program evaluation, DAQ has implemented several activities to reduce the backlog. These activities include some short-term prioritization in addition to filling the vacancies within the permitting section. In addition, DAQ is in the process of adding two more staff in this work area to further address the backlog issue.

Conclusion

At the conclusion of the onsite portion of the title V program review, Region 4 personnel met with DAQ officials to conduct an exit interview. Overall, the EPA believes that DAQ is meeting the requirements set forth for operation of a title V program. The EPA takes special note of the work DAQ had done in strategic planning, as they continue to fully operate the title V program while steadily addressing the reality of diminishing resources and simultaneously reducing the title V backlog. The EPA looks forward to continuing the working relationship with the DAQ.