

North Carolina Department of Environment and Natural Resources

Express Permit Review and One-Stop Permit Assistance and Coordination

March 2010 *

This report fulfills the requirements of § 143B-279.12 (e) and § 143B-279.13 (c) to provide information on standard environmental permit processing times and an update of the Express Permit Review Program within the Department of the Environment and Natural Resources (DENR). A breakdown of both standard and express permit processing times for FY 2008-09 is provided on the attached chart.

Information is provided on nearly 10,600 permits issued by the department for FY 2008-09. Comparison of permit processing times is similar to data reported in legislative reports during the last four years. Due to the weakness in the economy, there has been a continuing decline in the number of permits issued, particularly permits tied to construction activities. There was a 21 percent decline from the previous fiscal year in the number of permits issued under standard review and an even greater decline in the number of express permits, which are more tied to development projects.

Ninety-five percent of the permits issued under the standard review and 99 percent of those issued under express review were issued in less than 90 days. Ninety-two percent of the 848 express permits issued in FY 2008-09 were issued in less than 30 days. The average processing time for express permits dropped to 12.1 days in FY 2008-09 from 17.5 days in the prior fiscal year. However, the decline in the number of permits issued makes it difficult to develop absolute comparable statistics.

This report also provides information on the findings of an express program review and the decline in express receipts that support the program. DENR conducted a review to evaluate the effectiveness of the express process and to identify potential improvements based on operational experience. Since the inception of the program, more than 6000 permits have been issued under the express review process. Data collected and provided in prior legislative reports has consistently shown the express review process has reduced processing times by at least a third over the standard review process.

The express program was designed to offer an expedited review process for a number of development-related environmental permits. Permits and certifications initially identified for express review included: Erosion and Sedimentation Control Plans; Coastal Area Management Act major permits; and Water Quality coastal storm water and wetland certifications/stream determinations. The department also extended the express review to several wastewater treatment permits and authorizations. Higher fees were charged for this optional service, and these receipts were used to hire additional environmental permitting staff for the express program.

The program evaluation included a review of permit records and other data to compare the types of projects accepted to those reviewed under the standard permitting process. Data reviewed for each express permit program included applications accepted, rejected and withdrawn, and permits issued and appealed to identify differences in the outcome of the express and standard review process. Records of inspections and notices of violation were used as measures of compliance. The divisions of Water Quality, Coastal Management and Land Quality, which offer express service, followed up with site visits and more in-depth review of a representative sample of permits issued under express review. Experienced staff not involved in the original permit decisions conducted site visits and examined similar permits for application of rules and an assessment of the review process, including adherence to standard application review procedures.

Findings:

There was no significant difference in numbers of notices of violations and other enforcement actions in projects permitted through express and the standard process program. Data did not indicate there was increased environmental damage for projects that went through the expedited process. In fact, in some cases express review was used to get into compliance more quickly when permits were needed for corrective action.

As permit staff gained experience with the express review process, restrictions on types of projects eligible for express review were developed to ensure that adequate time would be available to thoroughly review each application. These restrictions excluded projects deemed too large or complex for the expedited review. For example, the Division of Coastal Management denied 39 percent of the total applicants requesting the express option because they did not fit the criteria of the CAMA express review program.

All programs found the express review process to be very similar to the standard review process in terms of permit conditions and environmental protection. The findings support the fact that the standard and express process was comparable except that total processing time was reduced under express review.

During a review of individual express permit applications and permits, Land Quality and Coastal Management staff found several deficiencies in documentation for a small number of plans or applications. These flaws in review or design of the projects examined did not result in environmental damage.

An on-line survey of licensed professionals who had participated in both the express and standard review program for non-discharge wastewater projects in the Division of Water Quality generally rated overall customer satisfaction higher in express. The structured meeting schedule, focus and professionalism of the staff were noted, in addition to the reduced processing time.

The continued monitoring and tracking of express permit fees document that the prolonged economic downturn has lead to a significant decline in receipts to support the express program over the last two years. The new construction and development-based permits included in the express option have declined. The number of express permits issued has declined in all areas except Land Quality erosion and sedimentation control. Economic recovery funds were a factor in generating some Land Quality express funds. In FY 2008-09, the express program averaged a 31 percent decline from the previous years. State Stormwater and Water Quality 401 certifications/stream determinations showed the largest decline. This decline has continued in FY 2009-10 and impacted revenues for the program. During the past two years. There has been a 50 percent decline in receipts to support the express program. Steps have been taken to address this shortfall in operating funds. However, the funds are insufficient to fully support the express program at this time. Staffing options are being examined to address fluctuations in permit demands.

Conclusions:

The review found no indication that permits issued through the permitting process circumvent the environmental requirements or produce increased environmental damage.

Information consistently showed the express review process to be quicker than the standard review process. This improvement in processing times comes primarily from clearer communication about required documentation, timely follow-up to obtain information necessary to make a permit decision, the availability of experienced staff and the more restrictive project eligibility for the express review process.

The evaluation revealed that each division implemented policies and guidelines to ensure an effective process for high quality and timely review that is consistent with the standard permit review process. The examination of the permit review process indicated procedural improvements that should be implemented in both the standard and express programs.

The successful features of the express program should be examined for incorporation into other permitting programs. Pre-application meetings, strict deadlines for all parties, coordination early in the planning process and tracking and improved accountability were identified as features that improve communication and provide for more timely review.

Appendices: Detailed Program Evaluations

Permit Information for July 1, 2008 - June 30, 2009

Division	Water Quality				Air Quality			Coastal Management (Note # 1)		
	Wetlands	State Stormwater	Non-Discharge	Alternate Sewers	Small Non-Title V	Synthetic Minor Non-Title V	Title V	CAMA - Major	CAMA - General	CAMA - Minor
Permit Type										
Total # of Applications	1,500	742	376	35	574	275	229	169	1733	960 (867 issued by local governments and 93 issued by DCM)
Standard Review Time (days)	60 days	90 days	90 days	90 days	90 days	90 days	270 days to Notice	75 days (can extend to 150)	N/A	25 days
Average Processing Time (days)	23	60	75	73	38	44	224	104	< 7 days	< 25 days
# of Applications (took < 30 days processing time)	999	256	90	1	262	96	47	0	1733	960
Ave. Time < 30 days	12	13	14	21	16	15	14	0	< 7 days	< 25 days
# of Applications that (took > 30 days processing time)	501	229	283	0	312	179	182	169	0	0
Ave. Time > 30 days	43	45.2	95	N/A	57	60	279	104	N/A	N/A
# of Applications (took > 60 days processing time)	0	134	189	0	128	81	144	157	0	0
Ave. Time > 60 days	N/A	71.4	118	N/A	75	76	341	110	N/A	N/A
# of Applications (took > 90 days processing time)	0	114	100	34	0	0	105	113	0	0
Ave. Time > 90 days	N/A	174.7	156	176.2	N/A	N/A	439	119	N/A	N/A
Reason(s) permit issuance took > 90 days (ex. Add info. . .)							Standard review is 270 days to notice. Time waiting for "Add Info" for an application does not have a start or a stop time.	Project complexities continue to rise, as do environmental agency concerns on such projects and staff turnover of other agencies involved in CAMA major permit review has led to delays.		
Estimated % of permits < 90 days	100%	85%	73%	3%	100%	100%	54%	33%	100%	100%

Note # 1: For CAMA Minor permits 973 were issued by local governments and 100 were issued by DCM. Where "N/A" appears there is no data and DCM does not track this information.

Permit Information for July 1, 2008 through June 30, 2009

Division	Land Resources - LOS		Environmental Health		Express Permitting							
	Erosion and Sedimentation Control	On Site Program (Note # 2)	Public Water Supply Plans (Note # 3)	Express CAMA	Express 401	Express Stormwater	Express Erosion Control	Express Non-Discharge	Express Stream Determinations	Express Alternate Sewers	On Site Wastewater	
Total # of Applications	2,056	51	1,863	36	19	264	424	22	46	27	10	
Standard Review Time (days)	30 days	None	30 days	75 days / extend to 150 days	30 days	30 days	3 days	90 days	14 days	30 days	21 days	
Average Processing Time (days)	14	40	14	34	2.31	10.9	2	22	1	32	11	
# of Applications (took < 30 days processing)	2,542	18	1,879	9	19	252	432	17	46	2	2	
Ave. Time < 30 days	24	13	13	27	8	10.1	3	19.8	1	17.5	10	
# of Applications that (took > 30 days processing time)	0	10	60	25	0	11	0	3	0	18	5	
Ave. Time > 30 days	N/A	42	47	39	N/A	35.9	N/A	34.3	N/A	42.7	51	
# of Applications (took > 60 days processing time)	0	10	12	1	0	0	0	0	0	6	3	
Ave. Time > 60 days	N/A	75	78	64	N/A	N/A	N/A	N/A	N/A	72	68	
# of Applications (took > 90 days processing time)	0	13	1	0	0	0	0	0	0	2	0	
Ave. Time > 90 days	N/A	209	120	N/A	N/A	N/A	N/A	N/A	N/A	136	N/A	
Reason(s) permit issuance took > 90 days (ex. Add info...)		See Note # 2	One permit application was sent to the wrong address and the same tracking number was applied for continuity.		Processing times are calculated from when the agency gets an application with fee until the certification is issued. Pre-issued. Pre-application is not considered.							
Estimated % of permits < 90 days	100%	75%	100%	100%	100%	100%	100%	100%	100%	93%	100%	

Note # 2: On-site wastewater uses a two-stage process including issuance of an improvement permit (IP) followed by a construction authorization. Projects were with consultants for at least 90 to 100 days prior to re-submittal to DEH. The On-site Program does not track permits issued between 60 days and 90 days and therefore, there is no data.

Note # 3: 15A NCAC 18C .0301(G)-All reports, ... engineering plans and specifications and other data intended for approval shall be submitted to the Department at least 30 days prior to the date upon which action by the Department is desired. Applications that took less than 30 days to process include submittals approved and submittals that the review engineer provided comments within Days.

Appendix A - CAMA Major Permit Express Program Review Report

June 7, 2010

Description of Express Permitting Program

DENR's Express Permitting Program offers an expedited review process for a number of development-related environmental permits. To make expedited review possible, the express program provides pre-application consultation to identify necessary environmental requirements and emphasizes greater involvement of property owners, developers and engineers throughout the permit review to ensure good communication and high quality applications. Express permit applicants pay higher permitting fees that support additional environmental permitting staff for the express review program.

Permits or certifications that are eligible to be considered under express review include various activities through the Division of Water Quality, development activities under the Coastal Area Management Act through the Division of Coastal Management, and Erosion and Sedimentation Control Plans through the Division of Land Resources.

The General Assembly authorized the express permitting program as a pilot program in 2003 and ultimately expanded it statewide by 2005. By late 2004, the Division of Coastal Management had implemented the Express Review Permitting Pilot Program in both the Wilmington and Washington Regional offices. Two express permitting coordinators were hired and given the responsibilities to ensure that all statutory and administrative permit procedures of the Coastal Area Management Act (CAMA), the State Dredge and Fill Law and the Express Review Permitting Program were satisfied. Since its implementation in late 2003, the Division has issued 225 CAMA Major Permits via the Express Review Program.

In an effort to evaluate the CAMA Express Permit Review Program, its efficacy, and to review whether or not the express program offers the same environmental protection as projects reviewed under the Division's regular CAMA Major Permitting process, the Division undertook an internal evaluation. The Division looked at all aspects of the program -- from guidance offered during pre-application meetings to an analysis of processing times to the percentage of projects that were in compliance with the permit.

CAMA Major Permit Express Program Evaluation Procedures

Although the evaluation of the Express Program was conducted "in-house", the review was performed by managers from other units within the Division that have years of experience in CAMA Major Permitting and Enforcement. It is the Division's belief that these are the individuals best qualified to evaluate not only the efficacy of the CAMA Express Review Program but also its consistency with the regular permitting and enforcement programs of the Division.

The Division performed nine tasks in this effort including a follow-up inspection of all permitted projects processed through the express program since its implementation. Staff started with a list of all CAMA Express Permits issued (225) and randomly selected a 25% subset of these (55 projects). Then the Division's two assistant major permit coordinators from the Morehead City headquarters were each assigned one half of those projects for file review. After protocols were established, the four district Compliance and Enforcement staff members undertook site investigations for field evaluation.

Results

Task 1 required an assessment of the total number of projects seeking review through the Express Program and the total number of projects accepted for express review.

Table 1. OVERALL EXPRESS PERMIT NUMBERS FOR DCM FROM 2004 – 2009.

YEAR	# of Projects Seeking Express Review *	# of Projects Allowable by Express Program	# of Permits Issued
2004	24	22	22
2005	72	41	40
2006	94	56	48
2007	73	45	43
2008	63	38	35
2009	40	23	22
Totals	367*	225	210

NOTE* The number of projects that were seeking approval to be handled through the Express Permitting Program is based on the actual number of pre-application meetings held during that respective year in the Washington Regional Office **combined** with the best estimate of from the Wilmington Regional Office Express Coordinator. The DCM Express Permitting Review Program for the Washington Regional Office began in November of 2004 but did not issue any permits until 2005.

As Table 1 indicates, 39% of the projects seeking review through the Express Program were rejected for express review. These rejected projects include: projects that would likely be denied, new dredging projects, projects that require an individual permit from the US Army Corps of Engineers, and any project that the Director believes cannot be adequately handled through the Express Program.

The relative annual number of Express Permitting projects follows the same trend as the regular CAMA Major permitting numbers and appears to be driven by the economic forces at the time. The number of projects processed through the Express peaked in 2006 at 56 and has since decreased to essentially the same levels as at the beginning of the program in 2004 at 23 accepted applications and 22 issued permits.

Task 2 required the calculation of average processing time for all express permits issued since 2003 and an assessment of the processing times.

Based on reports submitted to the Department's Express Permitting Program Manager for fiscal years '06-'07, '07, '08, and '08-'09, the average annual processing times were 35, 42, and 34 days, respectively. Raw data from calendar years '04 and '05 reveals that the average processing times for those two years were 48 and 41 days respectively. As the data show, the processing times are consistently around 35 to 40 days from acceptance of a complete application.

Looking at the data subset of 55 permits, seven projects were placed on hold for various reasons, yet the processing time of those seven still averaged around 38 days.

A review of the 56 Express Permits that have been issued out of the Washington Regional Office indicates that the average processing time was 31 days. Adding to this the total number of days projects were on hold, the average calendar days for processing in the Washington Regional Office rises to only 35 days.

Task 3 addresses the total number of express applications that were denied and the total number of express applications that were appealed. A review of the Division's permit log database and permit appeals log book reveals that no Express Permits have been denied and less than 3% (six) of the 225 Express Permits have been appealed. This compares favorably to the number of appeals associated with the regular CAMA major permitting process. Obviously, the lack of denials is not surprising because of the criteria for accepting projects into the Express Review Program that specifically excludes projects that are potentially denial-type projects.

Task 4 and 5 required the two Assistant Major Permit Coordinators to qualitatively assess the express CAMA permit applications accepted as complete for processing. The Coordinators reviewed a minimum of 25% of express permit files for projects permitted since 2003 and made a determination of the adequacy of the technical requirements necessary for a complete permit application. Specific items reviewed included adjacent property owner notifications, deeds or similar legal instruments, confirmation of public notices, etc. The subset of express permits was also evaluated with respect to whether any CAMA permits were issued prior to the issuance of other permits that are typically required as a prerequisite to the issuance of a CAMA permit (i.e., Water Quality Certification, Stormwater Management Permit, etc.), and whether the agency comments that were received during the permit application review process appeared to have been properly addressed by incorporation into permit conditions or by proper notation in the file as to why they were not addressed.

As previously stated, the evaluation process used a randomly generated 25% subset of all the Express Permits issued (55 permits). Half of these projects were then assigned to each of the Division's two assistant major permit coordinators. Each coordinator then reviewed their assigned project files and generated data summarized below.

- 1) A small number (3 out of 55) of the files reviewed did not appear to have the standard DCM acknowledgement letter in the file. As an additional note, the express acknowledgement

letter has eliminated certain statements (75/150 day statutory language, required language that applicant may request meeting with the DCM Director) that are required for other major permits.

- 2) 10 of the 55 projects appeared to have been placed on hold and subsequently taken off hold prior to permit issuance. Only one of these projects had an "on-hold" letter in the file, and none had the "off-hold" letter in the file.
- 3) There appear to be a few cases where the dates for complete applications, issued permits, and total processing times are not consistent with those same dates in our SIPS database.
- 4) There were several cases where deeds (7 times) and adjacent property owner notification return receipts (11 times) were not in the file at the time the application was accepted as complete. It is noted, however, that in many cases it was not possible to determine with certainty compliance with these requirements since the deeds and green cards were not always stamped with "received" dates (i.e. deed was in the file but lack of stamp means there is no way to determine if deed was in file at time of application acceptance).
- 5) There was only one case (in early 2005) where a permit was issued prior to the end of the public notice review period. This one case was a result of a misinterpretation of the public notice requirements, and does not appear to be a current issue of concern.
- 6) All project files contained the authorized agent consent form when one was required.
- 7) One project file did not contain the required AEC Hazard Notice.
- 8) Two projects had Major Modifications applied for within 6 months of initial project issuance.
- 9) 12 of the 55 project files did not contain the CAMA Land Use Plan consistency review.
- 10) There did not appear to be any problems with Water Quality Certifications, Stormwater Permits and/or Federal permits being on file at the time of permit issuance.
- 11) The Assistant Major Permit Coordinators evaluated the appropriateness of review agency comments to determine if: a) substantial comments were submitted by these agencies, b) if the comments would have required an action or further discussion by DCM staff, and c) were agency comments properly addressed. It appears that in all cases where agency comments were on file, any such comments were properly addressed in the permit review process and/or properly addressed by way of a permit condition. However, it should be noted that this review component, which is one of the more subjective items of this review, was hindered in many cases by some or all of the agency comments not being in the file.
- 12) The review did not identify any instances where issues with DWQ buffers had any impact on the express permit review process.
- 13) The review indicates that public comments (when submitted) were properly considered in the permit review process. There were a few cases where the standard response letter that is provided to the public was not in the permit file.
- 14) In those cases where a waiver was required from the 15' riparian setback, the appropriate waiver was in the file.

Task 6 required that Senior staff evaluate the technical aspects of the express review by examining all electronic files (e-mails and edited draft permits) retained between the Major Permit Coordinator and

the two express permit staff. A review of these electronic files should reveal whether there were any fundamental flaws with the individual application package that was originally accepted as complete. For example, this review would identify circumstances where unacceptable development was proposed in the coastal shoreline buffer or circumstances where proposed development would extend outside of the applicant's riparian corridor was detected by someone other than the Express Permit Coordinator.

The Division of Coastal Management's Major Permit Coordinator has the responsibility to review the majority of draft CAMA express permits. As such, this employee is in a position to assess the express permit program from a qualitative standpoint. Specifically, all edited draft express permits that were stored on the employees' computers were quickly reviewed to determine the quality of the drafted permits, and whether recurring issues exist. The results of this review were not intended to provide detailed data on the quality of the draft permit, as the random review mentioned in Task 4 and 5 covered that aspect of the review. This analysis was intended to provide a more subjective determination on the quality of the draft express permits.

In general, this review indicated several issues of minor concern including:

- Inconsistent formatting and spacing of draft permits, including using old permits as templates and not always changing everything that needs to be changed.
- Permits generally included most standard conditions, but there did appear to be a lack of addressing specific issues (shellfish leases being crossed, shellfish relocations, certain oceanfront setback requirements, spoil disposal site approvals, increase in impervious coverage over 30%, 27 square foot rule, navigational concerns. etc).

The fact that these issues were caught during the central office review prior to the issuance of the permit is an indication that the regulatory oversight of CAMA express permits was adequate to ensure that final express permit decisions were being made properly. However, in a handful of cases, the identification of these issues by the express coordinator(s) at an earlier stage could have resulted in a much smoother and timelier permit review. On rare occasions did these late-stage issues appear to result in significant time delays or the need to redesign the proposal.

In general, the quality of the draft express CAMA permits was on par with those written by the Division's non-express permit coordinators. However, since the express coordinators are expected to act in a more autonomous fashion than the non-express permit coordinators, a higher level of quality from the express staff is expected when drafting permits. As can be expected and is supported by past observations, these quality issues have gotten better over time.

Other quality related issues also occurred several times. These issues involve adequacy of the permit application package that is accepted as complete by the express permit staff (acting as field representatives). For example, drawings have been accepted that do not show adjacent riparian lines, adjacent docking facilities, proper water depth information, etc. Additionally, applications may not always include proper information (both application forms and drawings) on the entire project (i.e. subdivision associated with a proposed docking facility), as is generally required by the Division's total

development policy. This is an issue that should continue to be discussed with the express staff and associated supervisors.

Task 7 required that an assessment of the compliance inspections for express permits be conducted by the Division Compliance and Enforcement Manager. A search of the compliance and monitoring database was conducted before this evaluation was begun and is listed in the table below. This table includes all inspections, including several projects involving multiple inspections. This table lists only monitoring actions taken by the Compliance and Enforcement staff and not those inspections undertaken by the express coordinators. It should be noted that the Washington Regional Office Express Coordinator monitored all 55 Express Permits himself and found only one project that required modifications during construction to ensure compliance with permit conditions and found no projects that required formal enforcement actions.

Table 2. EXPRESS PERMIT COMPLIANCE STAFF INSPECTIONS 2007-2010

DISTRICT	NO. OF INSPECTIONS	NO. POSSIBLE ENFORCEMENT ACTIONS REQUIRED
ECDO	47	1
WaRO	30	0
MHCDO	30	5
WiRO	140	8*
TOTALS	247	14

*There are 17 projects in the WiRO that have not submitted required ‘as-built’ surveys.

Task 8 required that follow-up inspections be conducted for a minimum of 25% of the completed projects to determine compliance with permit conditions. Compliance staff within the four DCM district offices conducted monitoring inspections at all the express permit project sites. These inspections were conducted between March 31, 2010 and April 30, 2010.

DCM compliance representatives conducted site inspections on 247 projects that were permitted by the DCM Express Permit Program (this number included modifications to permits authorized via the regular permit program). As a result of the inspections, staff found 14 projects that were inconsistent with their respective express permit and 17 projects where permit conditions required an ‘as-built’ survey and none could be found in the permit file. The inspections indicate a 94% compliance rate of the 235 projects authorized by express permits. The overall average compliance rate of regular permitted CAMA projects is a very similar 96%.

Projects requiring future enforcement/compliance actions are listed below. A final disposition report will be produced following these pending actions. There were no pending express enforcement actions in the Washington Regional Office.

EXPRESS PERMIT INSPECTIONS 2010

Elizabeth City District Office

- #71-06 Oasis Hotel, Dare County. Project – Hotel, pool, stormwater retention basin: Undocumented development involves the addition of a pool house within 75' of NWL on an existing concrete apron; a platform (less than 200sf) within the 30' buffer; and a deck platform supporting mechanical equipment.

Morehead City District Office

- #151-08 Albert Lee, Carteret County. Project – Basin fill: Undocumented development involves 90' x 120' of high ground fill. No restoration required.
- #132-08 Piney Green Construction, Inc., Aragona Village, Onslow County. Project – 4 slip community pier: Undocumented development involves three (3) 10' bumpouts for benches added along dock.
- #157-08 Piney Green Constructions, Inc., Onslow County. Project – Dock and boat ramp: Undocumented development involves bumpouts added to dock for benches.
- #184-06, Harrison, Stockton, Provost, & D'Ottavio, Shine Landing, Pamlico County. Project – 4 slip dock: Undocumented development involves a finger pier built longer than shown on plat.
- #99-05 Bridgewater at Ware Creek, Carteret County. Project – Subdivision. Permit condition required archaeological survey. No record of the survey on file.

Wilmington Regional Office

- #115-06 Laguna Bay, Laguna Bay, LLC, Onslow County. Project – 4 Slip docking facilities: Undocumented development involves a jetski float (4 unauthorized slips) and a wooden pile supported sign in estuarine waters.
- #143-04 Jacatash, LLC, Pender County. Project – 5 dock slips, dock and pier: Undocumented development involves a boat lift installed in slip #1; a 6' wide x 14' long wooden ATV ramp from the pier to the substrate; and the configuration appears to be built in mirror image from the approved plat.

- #49-09D Ed Turlington, New Hanover County. Project – Docking facility. Undocumented development involves a 42sf platform not shown on approved plat.
- #115-09 James Sears, New Hanover County. Project – Docking facility. Permit condition requires as-built survey and there is no record of survey on file. Undocumented development involves a second boat lift installed.
- #35-06 Scott Marshall (La Que Center), New Hanover County. Project – Docking facility. Undocumented development involves tie pilings installed adjacent to authorized float. Permit condition requires as-built survey and there is no record of survey on file.
- #51-06 Seacorr, LLC, New Hanover County. Project – Docking facility. Undocumented development involves tie pilings installed adjacent to authorized pier. Permit condition requires as-built survey and there is no record of survey on file.
- #112-06 The Peninsula (OI Beach), Brunswick County. Project – Upland development and shoreline stabilization: Undocumented development involves a 20' x 43' (680sf) pool house and a 4' x 30' gravel walkway within the 30' CAMA buffer.
- #141-05 Deans Hackney, Pender County. Project – Docking facility. Undocumented development involves two (2) boat lifts, floating dock, an additional 20' section of dock, and a condition on the permit which required a DCM representative to stake the facility alignment due to the presence of SAV. There is no record or documentation that shows this occurred or configuration of the site.
- Projects requiring as-built surveys by permit condition and no record of survey on file:
 - #111-06D Charles Smith
 - #122-07D Sam Wornom
 - #109-07D Town of Navassa
 - #18-07D Seaside Landing Partners
 - #182-07D Folsom Construction
 - #91-07D John Lare
 - #50-09D Oyster Harbor
 - #182-07D Folsom Construction
 - #123-08D Davis Horne
 - #122-08D Davis Horne
 - #49-06D Mike Lord
 - #60-05 Paul Magnoabosco
 - #64-06 Sounds Edge Village (Dan Deacon)
 - #96-06 Bar Harbor HOA
 - #93-07 William Malpass

- #50-06 Eddie Collins
- #140-05 Wrightsville Properties

Overall Discussion:

Post inspection interviews with staff indicate no differences in their findings between projects permitted through the express permit program as compared to the regular program. Inspection staff found the express permit projects to be consistent and typical of regularly permitted development projects.

The Express Permit Coordinators have been conducting the majority of the compliance monitoring inspections on permits they issue. As a result, the compliance staff did note they often do not have information on new express permits, project changes or are unaware of modifications or updates to some of the express permit projects compared to the information they receive on regular permitted projects. Compliance staff also report they do not routinely attend pre-construction meetings on express permits unlike that of regular permitted projects.

In addition to the points made earlier in this report relating to the review of edits and comments on draft express permits, the following technical concerns may warrant additional consideration. These concerns are based both on review of data referenced in Tasks 4-6 and on personal observations by the Major Permit Unit staff.

- In some cases it appears that permit applicants are using the express permit process to “segment” the permitting of certain developments. While this issue has been and will likely continue to be an issue for all CAMA permits, there have been at least two circumstances where the express coordinator appears to have given the applicant instructions on how to segment the project by using the express program. For example, in one case an applicant had submitted drawings that were in the express permit file showing a plan for a docking facility with more than four boat slips (four slips is the maximum allowable for express permit review), and the express coordinator admitted advising the applicant to submit an express application for 4 slips, and to immediately apply for a permit modification for extra slips once the express was written.
- Because the Express Permit Coordinator serve both as field representative and major permit coordinator, the opportunity exists where the express coordinator may feel like they have too much ownership in a project than is wise. This could lead to perceived questions of the unbiased nature of the review. Steps should continue to be implemented to ensure that proper review checks and balances are in place so that this potential appearance of a conflict does not exist.
- There have been some problems with express permits being properly entered into DCM’s permit tracking database in a timely fashion and not in accordance with procedures followed for other major permit applications. Recent attention to this matter by the Major Permits Unit staff appears to have largely corrected this issue.

- The numbers of express projects that are being placed on hold raises the question whether or not projects are being properly screened prior to acceptance into the express permit program. The CAMA express program only works for projects that are relatively simple and have minimal potential for environmental issues. The fact that so many of these projects are going on hold indicate that the program may be accepting some “more-than-simple” projects into the program.

Other recommendations include the establishment of a routine procedure to ensure copies of all express permits and any related modifications or changes are provided to compliance staff responsible for the monitoring of permitted projects. As with regular permitted projects, compliance staff should attend pre-construction meetings on express permit projects

Conclusions:

Overall, the data review indicates that the CAMA express review processing is very similar to the regular CAMA Major Permitting process in terms of compliance with permit conditions, and environmental protection. This program review has revealed several issues that will enable the Division to improve the quality of its product and services. Several of the items that have been mentioned in this report will allow the Division staff to more closely track the permitting review process in the office as well as in the field. Most of the issues in inconsistencies or omissions are merely administrative or in-house procedures (The one exception is the paperwork documentation for LUP inconsistencies – which will be addressed by Senior Management).

Staff believes that the Division has implemented policies and guidelines that ensure an effective and efficient process that provides the highest quality and timely Express Permitting in such a manner that remains consistent with the regular Major Permitting program.

Task 9 required that within three (3) months of the Department’s approval of the CAMA Major Permit Program Review Plan, a final evaluation report will be produced by the Assistant Director for Permits and Enforcement and approved by the Division Director. This report serves that purpose.

Appendix B
Evaluation of Erosion and Sedimentation Control Plan Approvals
Through the Express Review Option
Division of Land Resources, Land Quality Section

April 29, 2010

Sedimentation and erosion control plans are reviewed by Land Quality Section personnel in the seven DENR regional offices. The Sedimentation Pollution Control Act requires that new plans be reviewed within 30 calendar days, and that revised plans be reviewed within 15 calendar days. Applicants seeking a shorter review period may pay an additional plan review fee for an Express Review. Express Reviews are normally completed within three working days of receipt of a complete plan. The period may be extended if the design consultant is slow to submit revisions. After plan approval, the Express Review projects are added to the overall pool of erosion and sedimentation control projects to be inspected.

The Sedimentation Program Specialist conducted a review of projects approved as Express Reviews in each DENR regional office. Four projects were selected in each region from a list of approvals between July 1, 2009 and February 1, 2010. Six projects were evaluated in the Wilmington Region since two engineers share review duties. Projects were selected to represent various types and sizes of development. Only one project from a design consultant was selected. Some substitutions had to be made after initial selections because projects had not started.

A summary of each office is provided, followed by recommendations for improving the program.

Project Summaries

Asheville, April 8-9, 2010

Hospital Drive and Victoria Road Improvements, BUNCO-2010-008

The project was in urban Asheville and included the rerouting of existing streets, building retaining walls and new parking. The file had adequate documentation and the approved plan was adequate. The plan included four phases. One temporary diversion shown on the plan proved impossible to install in the field, as it crossed a paved driveway entrance. Site excavation effectively prevented runoff from entering the street. Concrete road barriers were used as an ad hoc sediment fence. The contractor was asked to add hardware cloth and gravel to the barrier to control sedimentation. No sediment loss was observed.

Penland School for Crafts, MITCH-2010-003

This was a small project for drainage improvement and new building construction. The file contained adequate documentation and the plan was adequate. Printed copies of an email

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requesting plan revisions were included in the file. The plan had been approved November 6, 2009, but little work had been completed on April 9, 2010. One new culvert had been installed. It needed riprap outlet protection.

Hogan's Mountain Well Roads, MADIS-2009-016

The project involved upgrading of old roads to support well drilling equipment and leveling an area around each well site. The file contained adequate documentation and the plan was adequate. The site was in excellent condition. A few areas behind the wells needed ground cover. The road shoulders and ditches had excellent ground cover.

Enka Project, BUNCO-2010-014

This was a waste area for excess soil from the Hospital Drive and Victoria Road Improvements. The file contained adequate documentation, including a written landowner access agreement. The plan was adequate. Upon inspecting the site, the sediment basins shown on the approved plan had not been installed. The permitted area was within a larger demolition site of an old factory. The entire site was surrounded by an old earthen dike to prevent flooding from Hominy Creek. A valve controlled drainage from the site. There was a potential for sediment loss through existing drainage structures.

Pine Mountain Trace Apartments, CALDW-2010-002

An additional plan was reviewed, but the project had not started. The file contained an unsigned easement agreement for extending a slope onto adjacent property. The plan was approved with a modification that the easement agreement must be signed before starting construction. The easement agreement should have been signed before the plan was approved.

Summary

The plan review process in Asheville is very good. Plan files included financial responsibility/ownership forms, deeds, plan narratives and supporting design calculations. Deficiencies noted during inspections were the result of not following the approved plan, not due to an inadequate plan.

Fayetteville, March 24-25, 2010

Unnamed Tributary to Lumber River Restoration, ROBES-2010-016

This project is a "full delivery" stream restoration project to be accepted by EEP upon completion. The file contained adequate documentation, including the 401 Certification, 404 Permit, and conservation easement. One questionable design element was a grass lined channel to be installed over the filled existing stream channel. Upon inspection in the field, the existing channel was not filled and still conveyed the runoff. The plan was adequate. Not all of the measures on the plan were being used in the field. Flow was being dammed with raw earth instead of sand bags, and the dewatering pump was discharging into a torn silt bag. Numerous

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rills in the new stream bank were contributing sediment to the flood plain bench. Sediment controls along the new channel were needed until adequate ground cover was established.

Campbell University Main Street Parking, HARNE-2010-044

This was a small project involving construction of a new parking lot. The file had adequate documentation, including a letter from the owner authorizing the contractor to apply for the plan approval. The plan was approved with modifications. One modification required "Provide a temporary seeding schedule for the entire year on the site plan." This was a minor issue since a summer temporary seeding schedule was never needed for this project. However, the practice of requiring additional design elements after approval is not appropriate. If additional seeding specifications were needed, they should have been submitted and reviewed before approval. The site was in excellent condition in the field.

River Landing Center, CUMBE-2010-036

The project is for the development of a small shopping center. The file had adequate documentation. The plan had been approved with a modification to include road-widening construction and measures in the construction sequence and to submit two copies of the revised sheets. The plan was approved on September 24, 2009, and the revised sheets reflecting the modification were received October 15, 2009. The revised construction sequence and measures for the road-widening should have been received before approving the plan. A field inspection revealed that the plan was not being followed at all. The site had been completely graded, and the large sediment basin at the rear of the site was not complete. An important diversion berm along the road had not been installed. An adjacent parcel not on the approved plan was also being graded, with dirt from that site being used as fill on the approved site. Sediment was being lost on this adjacent parcel into a wetland/stream area.

Fort Bragg North Training Area Elementary and Middle School, HARNE-2010-036

This is about a 50 acre site for new schools on the base. The file had excellent documentation of the plan review process. The plan was received on November 5, 2009. Emails comments on the plan were sent November 6, 10, 11, 13 and 20 following review of revised submittals. The plan was approved November 25, 2009. Inspection records indicated that violations were observed on three of the four previous inspections. The January 6, 2010 inspection was labeled a "Red Stamp" which indicated that the project would have been issued a notice of violation if it wasn't a Department of Defense project. The site inspection on March 25, 2010 found violations for failure to follow the approved plan and failure to maintain measures. A revised plan was under review to add an additional sediment trap at a low point on the site perimeter. Additional diversions were needed to convey runoff to the existing basins until retaining walls were completed. Skimmers needed to be freed from the mud and provided with the correct dewatering orifice. Exposed slopes needed ground cover.

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The plan reviewer had gone to much extra effort to continue reviewing plan revisions rather than disapproving the plan after five days. This project really received four extra free express reviews.

Summary

Documentation of plan reviews and requests for additional information were very good. The plans were generally adequate. Plans should not be approved with modifications requiring additional design. The plan should be held until the additional design is submitted for review, whether it be a narrative measure such as a construction sequence, or a physical measure. The plan reviewer provided great customer service for the schools at Fort Bragg. Express Review policy allowed for the disapproval of the plan.

Mooreville, March 11-12, 2010

Gardner-Webb University Student Housing Apartments, CLEVE-2010-010

The original project was to develop building pads for several apartment buildings. Documentation in the file was adequate, including printed copy of an email requesting plan revisions. The plan was generally adequate. One notable error was two sediment traps were both labeled "TSP #1." Supporting design calculations for swales and outlet protection were not in the file. The plan was approved with modifications requiring that silt fence below TSP #1 be continuous with a break at the trap outlet, and that the flow from TSP #1 not go into TSP #4. After approval, the scope of the project was reduced, with only one housing unit and one sediment trap actually built. A revised plan was submitted for this change. Several violations were found during the site inspection. They were due to the approved plan not being followed, not from a deficiency in the plan. Inlet protection, stabilization of channels and slopes and use of slope drains were needed to control runoff and prevent sedimentation of other property.

Shelby Development Industrial Tract, CLEVE-2010-005

The project was to be a borrow area for an adjacent distribution center that did not need as much borrow material as anticipated. The file contained adequate documentation. Two emails had requested plan revisions, including correction of flow calculations and basin design. The approved plan was adequate. Site inspection found that the sediment basin had been installed and all graded areas had been seeded and mulched. Winter rye grain was germinating well. The site was in compliance.

CMC Lincoln Hospital Roadway Improvements, LINCO-2010-003

This project involved demolition of several houses, construction of a new entrance road to a new hospital and construction of a stormwater wetland or rain garden. Documentation in the file was adequate, including a comment list on the original submittal. This comment list or request for

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additional information addressed the need for an easement, construction details, a wet pond construction sequence and the need for a waste area. The plan sheet for the rain garden was submitted in response to the request, but the other items were not submitted. The plan was approved with modifications and performance reservations. Modification No. 1 was "copies of all easement agreements with adjacent property owners should be provided to this office prior to the start of construction." The plan should not have been approved without a signed easement agreement. Other modifications required the submittal of the inlet protection detail, and specified the use of stone outlets in silt fence, inlet protection and that "stone check dams or stone rings should be installed at all locations where concentrated flow leaves the proposed disturbed area." The performance reservation stated "construction of the wet pond should be performed such that the duration of exposure (time between initial grading and final stabilization) is minimized. Inlet protection must be provided for the 12-inch diameter DIP bottom drain conduit. Additional erosion control measures and/or provision for conveyance of runoff through the proposed rain garden area may be required until the rain garden has been stabilized." The design consultant should have been required to address all these items in a revised submittal rather than approving the plan with such extensive modifications and a performance reservation. Additionally, the tail ditch below a proposed road culvert was designed without specifying whether it needed a temporary or permanent liner.

The site had been inspected on January 27, 2010, resulting in a notice of violation on February 2, 2010. Additional area had been cleared outside the limits of disturbance. A revised submittal was received and approved for this area in February, 2010. The permanent drainage easement had not been obtained prior to the start of construction. The contractor had been stopped by the adjacent landowner after driving a backhoe down the proposed easement. No excavation of the tail ditch had occurred. A rock check dam at the edge of the street right-of-way controlled sedimentation from the existing disturbed area.

Brief Road Natural Gas Line, UNION-2010-009

The project is a residential natural gas distribution line along existing roads. The documentation in the file was adequate and the plan was adequate. The plan included temporary liners in roadside ditches when the slope was 3 percent or greater, and liner and wattle check dams when the slope exceeded 5 percent. The site inspection found the liners and wattles had been installed as shown on the plan. There were some areas where repair seeding or replacement of the liner was needed. Areas seeded in the fall had good ground cover, areas seeded in the winter did not have germination.

Summary

The CMC Lincoln Hospital Roadway project should not have been approved. N. C. G. S. 113A-54.1 provided that "If the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the applicant to submit a draft erosion and sedimentation control plan and to conduct the anticipated land-disturbing activity." Given that the applicant should not submit a plan without ownership of the disturbed area or written permission of the owner, plans should not be approved contingent on

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the permission being obtained. Care should be taken not to approve a plan with extensive modification just because it is an express submittal.

Raleigh, April 22-23, 2010

Gibson Glen, JOHNS-2010-031

This is a residential project for single family home construction. The documentation in the file was adequate, including the financial responsibility form, project narrative and deeds. The plan was for the clearing of lots in a subdivision, and was adequate. Site inspection found the site in compliance. The yards had been sodded and were being irrigated to ensure survival of the sod.

Caterpillar Core Product Development Center, JOHNS-2010-004

This is a 39 acre industrial site, where new heavy equipment will be tested. The documentation in the file was adequate, including requested plan revisions after the initial review. The plan was approved with modifications on August 10, 2009, and a revised plan showing the modifications was received August 13, 2009. The plan included a number of clean water diversions that were lined with synthetic matting and protected with check dams. The site was inspected September 8, 2009, and violations were cited. The file contained an unsigned notice of violation dated September 14, 2009. A subsequent inspection on October 28, 2009 found violations for different reasons. The site inspection during this review on April 23, 2010 found violations relating to failures of ground cover on slopes, ditch turnouts and below basin spillways. Receiving channels below culverts and sediment basin spillways needed to be shaped and lined with riprap to the edge of the woods. A few small sink holes were observed in cut slopes on the entrance road, which is unusual. Water appeared to be following subsurface fractures in rock. The clean water diversions had turned out well. Violations on the site related to poor ground cover and a failure to maintain measures, not because of inadequacies in the plan.

Rolesville Road Substation, WAKE-2010-039

The project is an expansion of an existing electrical power substation. Documentation in the file was adequate and the plan was adequate. An error in design calculations had been caught in the initial review and a revised submittal required before approval. Site inspection found the site in good condition. Ground cover had failed in one swale. The swale needed to be reseeded and matted. Three check dams shown in the swale were not installed. The sediment basin was well maintained. The skimmer orifice was too large. No sedimentation damage was found.

The Preserve Subdivision Phase III, Section 1, GRANV-2010-005

This project is for the streets in a new subdivision. The documentation in the file was adequate, including a DWQ stream determination, financial responsibility form, deed and design calculations. The plan was adequate except for the construction detail for the sediment trap stone

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spillways, the detail did not show a riprap apron on the downhill side of the stone spillways, and none had been installed in the field. The site inspection found that the basins on the plan had been installed. The construction detail for the basins showed baffles, but they had only been installed if the baffles were also shown on the plan view as well. So some basins had baffles, while others did not. Some of the diversions and silt fence shown on the plan had not been

installed. One small basin discharged back onto the disturbed area, instead of onto undisturbed ground as shown on the approved plan. No sedimentation damage was observed.

Summary

Plan reviews were very good. No inappropriate modifications for approval had been made. Compliance issues were a matter of not following the approved plan, and not due to inadequacies in the plans.

Washington, April 19-20, 2010

East Coast Equipment, BEAUF-2010-010

The project is a commercial site with a large building in the middle of the site. The documentation in the file was adequate, including the financial responsibility form, a "Request for Express Review" form, deed and design calculations. The plan was inadequate. The construction detail for silt fence called for wooden posts, with no dimension specified. The 10-acre site had silt fence on three sides. The plan showed five grassed swales with stone outlets to be used for stormwater control. These could have had a sediment control benefit, but the construction sequence called for the swales to be installed at the end of the project. Site inspection found the silt fence in some disrepair and no measures at the driveway entrance. Some sediment had washed into the roadside ditch, but had not gone very far. This reviewer regarded the site in violation for failure to follow the approved plan and failure to take reasonable measures.

Kinston Track Re-alignment, LENOI-2010-002

This project is for the re-alignment of an existing train track about 15 feet for about 4 blocks. Documentation in the file and the approved plan were adequate. The plan utilized a construction entrance, silt fence and inlet protection. The measures were installed in the field and the site was in compliance.

Hell Swamp Phase 6, BEAUF-2010-017

This project is a 51-acre phase of a forested wetland mitigation project that exceeds 1000 acres. The documentation in the file was adequate. The plan was not adequate. The only sediment control devices on the plan were rock check dams in existing canals. No weir length or spillway capacity was figured for the check dams. Site inspection found that the phasing had gone well, with existing drainage ditches backfilled and check dams removed as the backfilling progressed. The site manager said the check dams were raised or lowered as necessary during construction to

accommodate the actual flow in the ditches after rainfall. The plan was approved with a modifications that “Unless a temporary, manufactured, lining material has been specified, a clean straw mulch must be applied, at the minimum rate of 2 tons/acre, to all seeded areas. The mulch must cover at least 75% of the seeded area after it is either tacked, with an acceptable tacking material, or crimped in place.” However, the entire project had been allowed to proceed without

any mulch being used. Site inspection found the area around the newly constructed stream channel to be bare earth, with no germinating vegetation or mulch. Only bare rooted trees had been planted. This reviewer regarded the site in violation for failure to follow the approved plan.

D. H. Conley High School Additions, PITT-2010-006

This is a 31-acre project in three phases, and includes a new access road to the school, new parking lots, building improvements and a stormwater pond. The documentation in the file was adequate. A pre-application meeting was held September 24, 2009, the plan was received October 7, 2009 and a request for additional information was sent October 9, 2009. A revised plan was received October 21, 2009 and approved October 23, 2009.

Insufficient information was submitted with the plan to determine if the measures on the plan were adequate. The total disturbed area going to the stormwater pond was not provided, to compare against the actual sediment storage volume of the pond while it is being used for sediment control. A large run of storm drainage in a new parking lot discharges into a roadside canal without going through a sediment control measure. The only measure is inlet protection for the drop inlets on the finished system. All the proposed channels were designed as triangular channels, even a 6-foot deep channel that receives a peak discharge of 50 cubic feet per second. The swales are not labeled on the plan, so it is very difficult to match design calculations to the actual channels on the plan view. Site inspection revealed that no measures had been installed on the site. Not even one rock check dam in the 6-foot deep channel that discharged into a 42-inch culvert under the adjacent state road. The channel had in fact been dug as a trapezoidal channel. The inlet of the culvert was filled with sediment, but no sediment was observed in the channel on the other side of the state road. None of the new storm drainage facilities had inlet protection. The stormwater pond was under construction. Dust and windborne sediment was severe. A water truck was needed for dust control. The site had multiple violations, including off-site sedimentation damage. The site merited a notice of violation.

Summary

Approved plans were generally not adequate. The length of slope going to silt fence should not exceed 100 feet. Berms and sediment traps or basins should be used for greater slope lengths. Design calculations for grassed lined channels should require a check of the velocity to see if a temporary liner is required, and a check of the depth of flow after permanent vegetation is established. Rock dams across channels should be designed with an adequate spillway capacity. A standard modification required for approval that “Erosion and sediment control measures or devices are to be installed to safely withstand the runoff resulting from a 10-year storm event- 6.7-7 inches in 24 hours or at the rate 6.5-7 inches in 1 hour.” reflects an incorrect understanding of the definition of the ten-year design storm. The actual precipitation depth or intensity is dependent upon location and time of concentration in the watershed. Storm drainage facilities

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should discharge into an adequate sediment control. Relying on inlet protection alone is inadequate. Very flat topography prevents sediment from traveling very far from project limits.

Wilmington, March 30-31, 2010

Progress Energy MGP Site, NEWHA-2010-008

This is about a 3 acre site on the Cape Fear River in Wilmington where an existing public boat ramp is being temporarily removed to excavate hazardous waste in the ground from a previous coal gasification plant. Documentation in the file was good. The plan was generally adequate. The skimmer size for the sediment basins was not specified, but since approval the contractor plans to pump and haul any water in the basins as hazardous waste. The site inspection found that sheet piling to coffer dam the work area in the river effectively sealed off runoff. Silt fence and inlet protection were well installed. A revised plan was going to be necessary to eliminate one proposed basin and enlarge the existing basin to handle the flow.

Blueberry Fields Road, ONSLO-2010-060

This is a new residential subdivision road through a cut over pine forest in very flat, sandy land. Documentation in the file was adequate. The plan was adequate except that the required volume for the sediment trap was obtained by using a 6-foot depth. The site visit found that road had been graded, but there was no stabilization of the ditches and shoulders. The soil was almost pure sand, and it had settled in the ditches and overtopped check dams in the ditch. The basin was dug into the water table. It needed to be resized at a 3-foot depth, and provided with an adequate spillway. Sediment had not left the limits of disturbance as it had settled in the ditches.

Surf City Promenade, PENDE-2010-004

This is a commercial site development with some permitted wetland fill. Documentation in the file was adequate. The approved plan was not adequate. The plan had a diversion berm along the back of the site (Parcel H) that crossed a major drainage feature. Runoff could not be diverted by the berm to a basin. An additional sediment trap should have been located below the toe of the proposed fill slope. No actual supporting design calculations were provided to verify if the designs were adequate. A note was placed in the supporting materials that flows had been calculated using the Rational Method and City of Wilmington spreadsheets, and energy dissipaters by Section 8.06 in the *Design Manual*. A note was placed beside the construction detail for stone outlets that the outlets should be placed in the berm at 100 foot intervals and at low points. The contractor would be more likely to install the outlets if they were located on the plan. It appeared that a temporary sediment trap on Parcel G had been designed with 1800 cubic feet per acre of storage instead of 3600 cubic feet per acre. The field inspection found that a tail ditch had been cut to drain Parcel H, and that the berm with outlets had not been installed. Spoil had been stockpiled next to the property line and an adjacent water feature. The trap on Parcel G had not yet been installed, but the area had been diked off on a temporary basis.

Ward Farm, ONSLO-2010-075

This is a proposed 10 acre commercial site, including a hotel. The file contained adequate documentation, including the financial responsibility form, limited liability company document,

deed and supporting design calculations. The plan was adequate. Field inspection found that the stormwater pond was installed, and some storm drainage. The basin was eroding on the interior and needed ground cover on the interior slopes. A few things needed to be finished, such as bolting down the trash guard on the riser.

Camp Lejune Courthouse Bay Bachelor Enlisted Quarters, ONSLO-2010-064

This is a 15 acre project to develop building pads, new parking and access to new barracks. Documentation in the file was adequate. The plan was not adequate for several reasons. The peak discharge used to size the sediment basin surface area was based on predevelopment conditions, not bare earth. This resulted in a slight underestimation of peak runoff. Of more concern was that traps were not drawn to scale, but shown as symbols on the plan view, sometimes on top of proposed building pads. Phasing of construction was important on this site, and it was not specified in the construction sequence. The site visit found that two of the traps shown on the plan could not be built. One was really uphill of the disturbed area behind an existing barracks and the other was on a building pad where pilings were being driven. However, the two basins that were really needed had not been installed either, resulting in the discharge of runoff from existing storm drainage running over the disturbed area. The only protection was a low check dam. The project merited a notice of violation.

New River Marine Air Station Child Development Center, ONSLO-2010-025

This is a small project to add onto an existing day care center on the base. The documentation and plan were adequate. The site was in good condition when inspected.

Summary

Some of the plans were fine, but others had deficiencies. Better attention needs to be paid to the details of design calculations for sediment traps and basins. Care should be taken that diversion berms or sediment traps actually can be constructed as shown on plans. Existing topography or proposed fill made some measures unbuildable.

Winston-Salem, April 26-27, 2010

Davie High School, DAVIE-2010-010

This is about a 65 acre project that was submitted as a clearing and grubbing plan December 22, 2009. Since the project was over 20 acres, the Winston-Salem office required that the project be split into four submittals, each an express review. A review of the plan revealed that all of the measures could be shown on one sheet, and involved only diversions and large sediment basins.

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All four submittals were in fact reviewed and approved simultaneously. The purpose of limiting the acreage of an express review submittal is to avoid a complex plan review in short period of time. Such was not the case with this project. The spillway capacities of the temporary sediment basins on the approved plan were not adequate. The capacity of the riser/barrel spillways and the emergency spillways were not calculated correctly. The elevation of the top of the riser pipe was

only one foot below the top of dam elevation on each basin. Thus, there was insufficient freeboard, and the dams would have overtopped in the design storm. The elevations of the emergency spillways and top of dam were corrected on a later non-express submittal for final grading and site development. A field inspection found that clearing and grubbing equipment was staged on site, but land-disturbance had not begun.

Goodwill Industries—Elkin, SURRY-2010-007

This is a small project for a retail store. The documentation included the financial responsibility ownership form, project narrative and deed. Design calculations were not included. A check of the plan found the dimensions shown on the plan were adequate. Site inspection found the project nearly finished. Yard inlet protection was still in place and landscaping was being installed.

Central States Manufacturing, SURRY02010-015

This is an 8 acre site in an existing industrial park. Documentation was adequate. The plan was generally adequate. A temporary liner was specified in the design calculations for both swales, but was not shown on the plan in both swales. Site inspection found that the measures had been installed. The basins needed to be cleaned out, as slope drain outlets in the basin were covered by sediment. Repair seeding and swale stabilization would be needed after the site was brought to final grade.

Nancy Reynolds Elementary School, STOKE-2010-002

This is a 6-acre site set on a ridge top and surrounded by steep topography. The documentation was adequate. The plan was generally adequate, but the stabilization of ditches on a proposed access drive was not specified. Site inspection found that the basin had been installed at the foot of a high fill slope. Half of the basin had been cleaned out, but it still contained a large amount of sediment. The fill slope was in excess of 30 feet and had not been provided with temporary ground cover. The protection of existing drop inlets on the site was excellent, with 16-inch high block and gravel protection. Silt fence had slid down the posts in some locations, and the rock check dams next to the state highway needed maintenance. The project was in violation for failure to maintain measures.

Summary

Care needs to be taken to run calculations to check the spillway capacity of temporary sediment basins, and ensure adequate freeboard between riser, emergency spillway and top of dam. The stabilization of channels should be properly designed, specified and located on the plan.

Recommendations

Those involved in the express review program should review the procedures established for express review. The express review fee entitles the applicant to a speedy review, not a speedy approval.

When an express review plan is received, review comments are prepared requesting plan revisions or additional information. These comments should always be kept in writing in the plan file. Usually these comments are provided in person or by email. It may be helpful to create a express review checklist/comments form for these comments.

When a revised submittal is received, all review comments should have been addressed. If not, they should not be covered with approval modifications that amount to designing the plan. In such a case, one additional set of review comments should be sent to the applicant. If the second set of revisions is not adequate, the plan should be disapproved. An express review does not entitle the applicant to five or six reviews for one fee.

Careful review of design calculations should not be sacrificed for speedy review. Numerous plans throughout the state were approved with suspect calculation of peak flow. Peak flow into sediment traps and basins was figured using pre-development land use, such as forest or grassland. Peak flow should be determined when the land use of the disturbed area is bare earth. Rational Method coefficients for packed, bare earth range from 0.3 to 0.6, depending on slope and soil type.

Design calculations for stormwater ponds should be evaluated for adequacy as temporary sediment basins. Surface area, sediment storage volume and spillway capacity should be determined. An existing Excel spreadsheet is available to check the design.

Design of grass lined channels should be verified with both permissible velocity procedure and the tractive force procedure. The need for a temporary liner should be checked using the 2-year design storm and a bare earth channel (Mannings $n = .020$). If the resulting velocity exceeds 2 feet per second, a temporary liner should be required. The adequacy of the temporary liner should be checked using the tractive force procedure. Finally, the capacity of the channel should be checked with the condition of established vegetation or permanent liner and the 10-year design storm. This requires three computations of flow for each channel.

If ownership of land in fee simple or ownership of an easement has not been obtained by the applicant, the plan cannot be approved unless written permission from the actual landowner is submitted with the plan. Plans cannot be approved with a modification to get the permission later. Such approval violates N. C. General Statute 113A-54.1.

The disturbed area allowed under express review should be a function of the complexity of the plan, not simply limited at 20 acres.

Conclusions

Some of the plans that were approved were not perfect. None of the design flaws resulted in sedimentation damage. The reason for sedimentation damage observed during the reviews was failure to install measures as shown on the approved plan, or failure to maintain measures. The worst problems were on publicly funded projects.

Engineers responsible for express review generally like the process, especially the opportunity to meet with the applicant and discuss the plan face to face. Plan deficiencies can be quickly identified and solutions discussed during the initial meeting.

Some engineers expressed a sense of pressure to get the approval out. Emphasis should be placed on the fact it is an express *review*, not an express *approval*. Applicants should be given adequate opportunity to address review comments, and then the plan should be approved or disapproved. This reviewer recommends no more than two requests for revisions before a final plan action. Approving a plan with extensive modifications should be avoided.



North Carolina Department of Environment and Natural Resources

Division of Water Quality

Coleen H. Sullins

Director

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Appendix C - Aquifer Protection Section

Express Review Program Evaluation

May 24, 2010

The Department has recently expressed interest in evaluating the effectiveness of the Division of Water Quality's Aquifer Protection Section (APS) Express Review Program. This document summarizes the APS Express Review Program and provides the results of a four part evaluation to determine program adherence to General Statute 143-215.1 and Administrative Code 15A NCAC Subchapter 02T, as well as to determine the effectiveness and consistency of the APS Express Review process as it compares to the APS Standard Review process.

APS Express Review Program Summary

The APS Express Review Program was implemented in December of 2003, and allows an Applicant to obtain review of permit applications on a set schedule. However, this does not guarantee issuance of a non-discharge permit or provide any variance to design criteria, Division of Water Quality (DWQ) policies, General Statutes or administrative codes. DWQ provides this voluntary service for time critical applications in exchange for higher application fees. It is also imperative that high quality applications be submitted, because additional information requests require additional fees. The APS Standard Review process is still available under normal review times and procedures.

APS Express Review Program staff consists of two environmental engineers operating out of the Central Office, one hydrogeologist located in the Washington Regional Office, and one soil scientist located in the Raleigh Regional Office. Each potential express review project is pre-screened by at least three program staff prior to application submittal, and projects are accepted on a case-by-case basis as deemed appropriate. [APS Express Review Program Guidelines](#) dictate that projects are of a straightforward nature, do not include variance requests to rules, General Statutes, policies or procedures, and do not contain newly proposed technologies.

New non-discharge projects typically include multiple review components, such as wastewater treatment plant design, hydrogeologic modeling, soils evaluation and agronomic assessment. Having highly qualified and experienced staff dedicated to the APS Express Review Program is a key component to its success. In addition to experienced staff, having multiple levels of peer review for 100% of projects and the ability to limit the number of projects accepted, enables the APS Express Review Program to assure a complete and consistent review of all applications while meeting the stipulated timeframes established in the program. Each express project undergoes review by both Central and Regional Office staff, in addition to a final review by the Land Application Unit (LAU) supervisor. This level of project review oversight is equivalent to projects reviewed in the APS Standard Review process. Also, the APS Express Review Program strictly controls the maximum number of projects received by allowing up to six projects per month, but maintains the flexibility to reduce the number of submittals based upon project location, project size, and current staff workload and availability.

AQUIFER PROTECTION SECTION

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One
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Naturally

Evaluation Item #1:

APS Express and Standard Review processes will be examined to determine the effectiveness of current in-house review procedures. An evaluation of the pre-application reviews, Central and Regional Office peer reviews, and managerial reviews will be conducted for 100% of the express permits issued since December of 2003.

A. APS Express Review Process

Internal evaluation of the APS Express Review permitting process supports that it is an example of a highly efficient and effective permitting program. Internal review shows that the process is highly structured, involves multiple opportunities for communication between the applicant and the express review staff, and contains multiple levels of review within the Division to assure completeness and consistency in review. Both peer and managerial review procedures are in place and occur on all issued permits. Continued re-evaluation of permit application forms, guidance documents, and permit shells better ensure that the most up-to-date information is available to the Applicant, complete permit applications are received, and comprehensive permits are issued.

Due to the stipulated timeframes associated with the program, the APS Express Review Program is structured to ensure that a complete review of the project can be completed by staff within specific time frames. The APS Express Review Program requires several mandatory face to face meetings that include the submittal, site visit, review and additional information (as necessary) meetings. Meeting dates are predetermined and posted online prior to the application process (except for the site visit date, which is scheduled at the submittal meeting). Each of the major steps in the permitting process is described in more detail below. Following the description of the permitting process, the results of the internal evaluation of the program are given.

Pre-Application Review – Upon electronic receipt of a completed APS Express Review Program Request Form, Central and Regional Office staff review the request for completeness, and verify that the project does not include variance requests to rules, policies or procedures; does not contain newly proposed technologies; is not overly complex; does not require input from other Local, State and Federal agencies; and does not include other characteristics that would make the APS Express Review Program unable to meet the stipulated review times. If deemed acceptable, APS Express Review staff notifies the Applicant to submit the original signed request form, an Express Review Acknowledgement Agreement, and the appropriate fee. Applications deemed unacceptable may enter the APS Standard Review process, or re-apply to the APS Express Review Program if modifications to the project can be made to make it acceptable for express review.

Submittal Meeting – An initial meeting between the APS Express Review Program staff, the permit Applicant and their consultants is held in order to submit a complete application, to provide the Applicant an opportunity to discuss the project in general and ask any initial questions of the reviewers, and gives the APS Express Review staff an opportunity to ensure the application is complete. Applications that do not include critical materials such as plans, specifications, reports, calculations and the appropriate application are immediately returned and paid fees are forfeited.

Site Visit – The site visit is scheduled prior to or during the submittal meeting, and provides the APS Express Review Staff an opportunity to better familiarize themselves with the project and verify that site conditions appear to be adequate for the project. Attendance at the site visit is not mandatory for the Applicant, however it is encouraged. Depending upon the nature of the project, attendance may be required for some or all of the consultants. The site visit is conducted within 10 days of the application submittal meeting.

Application Review – Review of the application begins immediately after the submittal meeting. Both Central and Regional Office APS Express Review Program staff review the entire application for completeness and compliance with applicable statutes and administrative codes. The Central Office staff serves as the lead on the majority of the applications, and is responsible for completion of all additional information requests and drafting the permit. The Regional Office express member prepares a staff report based on their review of the application material and the results of the site visit, which is sent to the Central Office. Any inadequacies or concerns found during the review result in the Central Office preparing a written additional information request for the review meeting.

Review Meeting – The review meeting is scheduled two weeks after submittal. The Applicant, licensed professionals, and other consultants must be present unless prior notification is given by APS Express Review staff. At the review meeting, the APS Express Review staff present a written request for additional information, and orally review this request with the Applicant. This process allows an open discussion of the project, and simple changes can be made to the package to alleviate concerns and correct deficiencies. Deficiencies that cannot be addressed in the review meeting must be submitted to the APS Express Review Program within 14 calendar days of the review meeting.

Additional Information Meeting(s) – Within seven days of submittal of all requested additional information and the associated fee, APS Express Review staff notify the Applicant if an additional information meeting is necessary. All consultants must be present unless the APS Express Review Program notifies the Applicant a consultant is not needed. This meeting follows the same format as the review meeting, and provides the Applicant 14 calendar days to provide the requested information and the additional information fee. Additional information meetings will continue until all of the APS Express Review Program's concerns are addressed.

Permit Drafting & Issuance – Permits are generally drafted within one to three business days after the final review meeting. The Applicant will receive an electronic draft permit, and will have three business days to provide their comments. Once the draft comment period has concluded, the permit is immediately submitted for signature.

Signatory authority has been delegated by the Division Director to the APS Land Application Unit supervisor. Prior to signature, the LAU supervisor reviews all draft permits and accompanying application materials for completeness. Supervisor review includes at a minimum verification that: 1) the application was complete; 2) applicable design criteria, rules, and statutes were reviewed and met; 3) Regional Office comments were included and their comments were addressed; 4) appropriate additional information requests were made and all additional information received was reviewed and included in the permit file; 5) existing historical files were reviewed when applicable; 6) DWQ Basinwide Information Management (BIMS) data base is updated completely and accurately; and 7) the permit follows the most recent permit shell, is complete, accurate, and consistent with other similar type permits. Once satisfied APS Express Review Program staff has made a thorough review of the application assuring all requirements have been met, the LAU supervisor signs and issues the permit on behalf of the Director.

Internal Evaluation of Express Review Permitting Process – Review of the APS Express Review permit files indicate all of the permits issued since December of 2003 followed the process outlined above. Additionally the file review showed that all of the issued permits were reviewed for completeness by the LAU Supervisor. In addition all of the permits were signed by either the LAU Supervisor, or by the Division Director (for permits that went to public hearing prior to being issued).

B. APS Standard Review Process

Internal evaluation of the APS Standard review process supports that appropriate structure and procedures are in place to assure that the process is efficient and effective. Internal review shows that the process contains three levels of review within the Division to assure completeness and consistency in review. Both peer and managerial review procedures are in place, and occur on all issued permits. Continued re-evaluation of permit application forms, guidance documents, and permit shells better ensure that the most up-to-date information is available to the Applicant, complete permit applications are received, and comprehensive permits are issued.

The APS Standard Review program is structured to ensure that a complete review of a project is completed by APS Staff in a timely manner and within the statutory requirements. APS Standard Review does not require the same meetings and steps that occur as part of the APS Express Review Program; however, each project undergoes review by both Central and Regional Office staff, in addition to a final review by the LAU supervisor. Each of the major steps in the APS Standard Review permitting process is described in more detail below.

Pre-Application Review – Upon receipt of a permit application the APS Central Office staff pre-reviews the application for completeness. If deemed complete, APS staff notifies the Applicant that the application has been received, and sends a request to the appropriate Regional Office to review the application and conduct a site visit.

Site Visit – The site visit is scheduled by Regional Office staff as soon as is practical, and typically takes place within one month of receiving the application from the Central Office. Attendance at the site visit is not mandatory for the Applicant, however it is encouraged. Depending upon the nature of the project, attendance may be requested for some or all of the consultants.

Application Review – The same application review process as outlined in the APS Express Review process occurs as part of the APS Standard Review process, with the exception that application must be reviewed by the Division and a response provided to the applicant within 90 days of application submittal.

Additional Information Request(s) – Additional information requests are made by APS staff upon completion of the review of the submitted information. The Applicant is given 30 days to respond to the additional information request in accordance with 15A NCAC 02T .0107(e)(2). All additional information is reviewed by the Central and Regional Office's as applicable. If items have not been adequately addressed, additional information requests are made.

Permit Drafting & Issuance – Permits are generally drafted within one month of receiving all requested additional information. The Applicant may receive an electronic draft permit if requested or if the project is new or involves significant modifications. The applicant is typically given one week to provide comments on the draft permit. Once the draft comment period has concluded, the permit is submitted for signature.

Signatory authority has been delegated by the Division Director to the LAU supervisor. Prior to signature, all permits and accompanying applications materials are reviewed for completeness by the supervisor for the same items described above for the APS Express Review Program. Once satisfied that the reviewer has made a thorough review of the application to assure that all requirements have been met, the LAU supervisor or his designee signs and issues the permit on behalf of the Division Director.

Evaluation Item #2:

APS will provide a statistical analysis of the number of applications received and final permitting actions taken since December of 2003 for both APS Express and Standard Review applications using the parameters listed below:

- *Number of applications received*
- *Number of permits issued*
- *Percentage of applications resulting in issued permits*
- *Percentage of applications returned by the Division*
- *Percentage of applications withdrawn by the applicant*
- *Percentage of applications resulting in public hearings*
- *Average total review times, in-house processing times and out-of-house times*
- *Percentage of applications requiring additional information*
- *Average number of additional information items per application*

Since the first APS Express Review application was accepted in December of 2003, the APS Express Review Program has received 187 permit applications and the Standard Review Program has received 2,153 applications. In order to properly compare the two programs, renewal, renewal with modification and minor modification application types were not considered for this evaluation because APS Express Review deals solely with new projects and major modifications of existing permits. Removing these application types from consideration reduces the number of APS Standard Review program applications received to 547 since December of 2003.

The APS Express Review program has received 25.5% of the new and major modification permit applications since December of 2003.

For every application received by APS, a final permitting action is taken. An application may either be: returned for failing to provide additional information in the stipulated timeframe; withdrawn voluntarily by the Applicant; denied by the Division (note: no application in this data set has been denied); or issued as a non-discharge permit. Table 2.1 shows the breakdown of every APS Express and Standard Review new project and major modification application received since December of 2003, and Table 2.2 shows the percentage of each permit action taken. Review of the comparable percentages shows that there was no appreciable difference between the APS Express and Standard Review programs with regards to final permitting action taken. Please note some of the applications are currently under review, therefore their final status is pending.

**Table 2.1 – Permitting Actions for APS Standard and Express Review Projects
(December 2003 to Present):**

Action	APS Standard Review			APS Express Review		
	New	Major Mod	Total	New	Major Mod	Total
Applications Received	300	247	547	117	70	187
Permits Issued	249	215	464	102	63	165
Applications Returned	27	13	40	6	5	11
Applications Withdrawn	12	6	18	7	2	9
Applications Under Review	12	13	25	2	0	2

**Table 2.2 – Percent Permitting Actions for Standard and Express Review Projects
(December 2003 to Present):**

Action	APS Standard Review			APS Express Review		
	New	Major Mod	Total	New	Major Mod	Total
Permits Issued	83.0%	87.0%	84.8%	87.2%	90.0%	88.2%
Applications Returned	9.0%	5.3%	7.3%	5.1%	7.1%	5.9%
Applications Withdrawn	4.0%	2.4%	3.3%	6.0%	2.9%	4.8%
Applications Under Review	4.0%	5.3%	4.6%	1.7%	0.0%	1.1%

The minor differences in the percentages shown in Table 2.2 are likely from the fact that the Applicant in the APS Express Review Program have invested a higher application and additional information fees, therefore they are more diligent in complying with the stipulated deadlines and requirements to assure that their permit can be issued. For the same reason Applicants in the Express Review Program may be more likely to withdraw their project when they are unable to meet stipulated deadlines to avoid additional fees.

Another metric to be evaluated is the percentage of APS Express and Standard Review applications that had public hearing requests and subsequently went to hearing. Of the 187 APS Express Review applications received, six projects had public hearing requests, of which five public hearings were held. During that same timeframe, one APS Standard Review application had one public hearing.

Table 2.3 – Applications Resulting in Public Hearing (December 2003 to Present):

Action	APS Standard Review	APS Express Review
	Total	Total
Applications Received	547	187

Public Hearing Requested	1	5
% Public Hearing Requested	0.002%	2.7%

A majority of the six public hearing requests in the APS Express Review Program were for facilities located in Chatham County, which was the site of a contentious dispute between citizens and their local government. This dispute resulted in nearly all Chatham County APS Express Review applications having public hearings. APS Express Review protocol dictates that if a public hearing is requested, the application is removed from the program and placed in the APS Standard Review process. This transfer is made because it is impossible for the public notification, hearing, comment and Division response process to occur in the rigid APS Express Review schedule.

As a response to initial public concerns with the APS Express Review Program, express review personnel developed an electronic mail list serve and website to notify all interested parties of pending APS Express Review projects. The website also included application information and review schedules, which in essence allowed full transparency of all APS Express Review projects to the public. This effort to ensure public transparency is likely the main reason why APS Express Review projects have had more public hearings than the APS Standard Review process, which, until recently, did not utilize any type of public notification process.

The next evaluation item relates to the processing times and additional information requests for APS Express and Standard Review applications. By its very nature, APS Express Review takes a significantly shorter amount of time from application to permit issuance than the APS Standard Review process. On average, an APS Express Review application is issued approximately 56 days after receipt, and an APS Standard Review application is issued in approximately 151 days (See Table 2.4 below).

**Table 2.4 – Processing Times for APS Standard and Express Review Issued Permits
(December 2003 to Present):**

Time	APS Standard Review			APS Express Review		
	New	Major Mod	Average	New	Major Mod	Average
In-House Review (days)	112.2	105.7	109.2	32.1	29.2	31.0
Additional Information Response Time (days)	47.8	35.2	42.0	26.5	22.5	25.0
Total Review (days)	159.9	141.0	151.2	58.6	51.7	55.9

Note: Additional Information Response Time represents the time spent waiting on the Applicant to provide additional information.

In accordance with 15A NCAC 02T .0107, the APS Standard Review process has 90 days to determine if an application is complete, and the Applicant has 30 days to provide the requested information. In addition, pursuant to 15A NCAC 02T .0108(a), a final permitting action for all application shall be taken within 90 days following receipt of a complete application.

Conversely, the APS Express Review Program has 14 days to determine if an application is complete, the Applicant has 14 days to provide any requested information, and then APS Express Review staff has 7 days to evaluate submitted additional information. These requirements, in addition to the fact every APS Express Review application has a pre-review process, a submittal meeting, a review meeting and potentially an additional information meeting with the Applicant and their consultants, all within 35 days of application, practically ensures the APS Express Review process is quicker than the APS Standard Review process.

As part of the evaluation, APS Express Review Staff analyzed the number of additional information requests and total number of additional questions asked for each of express review and standard review project. Table 2.5 shows a comparison of additional information requests made by the express review staff and standard review staff for new projects.

Table 2.5 – Comparison of APS Standard vs. Express Review Additional Information Requests (New Projects [†]):

Program	Applications	Total Add Info Requests	Total Add Info Questions	Average Questions per Add Info	Average Questions per Project	Average Add Info Requests per Project
Standard	46	39	618	15.9	13.4	0.85
Express	101	158	5,289	33.5	52.4	1.56

[†] This sample includes new APS Standard and Express Review projects received since December of 2003.

Historically, the APS Express Review Program has received a greater percentage of larger, more complicated projects. While the increased number of additional information requests and number of total questions asked can be partially contributed to the complexity of the permit applications, it can be argued that the effect of requiring face to face meetings, closer interaction between Central and Regional Office personnel, and shorter review times ensure that a project is kept fresh in the reviewer's minds, receives a more closely scrutinized review for compliance with all administrative codes and General Statutes, while at the same time guaranteeing a shorter time from application acceptance to permit issuance than the APS Standard Review process.

Evaluation Item #3

APS will solicit an external peer review by canvassing licensed professionals (e.g., Professional Engineers, Licensed Soil Scientists and Licensed Hydrogeologists) who have participated in both the APS Express Review Program and the APS Standard Review process. This information shall be obtained using an online survey designed to acquire external feedback regarding the effectiveness, thoroughness, fairness and general comparisons of the APS Express and Standard Review processes. This survey shall also be designed to identify strengths and weaknesses in both programs so that review procedures can be adjusted if necessary in an effort to improve customer satisfaction and the quality of application submittals.

Summary of results from the APS Permitting Survey

Introduction:

In May of 2010, the Aquifer Protection Section conducted a survey of licensed professionals who have participated in the role of consultant in both the APS Express Review Program and the APS Standard Review Program since December of 2003. Participants consisted of Professional Engineers, Licensed Soil Scientists, and Professional Geologists. The goal of the survey was to obtain objective external feedback regarding the effectiveness, thoroughness, fairness and general comparisons of the APS Express Review and APS Standard Review processes. In an effort to obtain the most honest feedback possible, the survey was conducted online and responses to the survey were anonymous. The survey was designed to identify strengths and weaknesses in both programs, so that review procedures can be adjusted if necessary to improve customer satisfaction and overall program effectiveness.

A total of 125 individuals were polled and 35 completed surveys were submitted, equating to a participation rate of approximately 28%. A summary of the survey questions and results is provided below. The complete survey response and raw data results are attached as Appendix I – “Aquifer Protection Section Permitting Survey Results” of this report.

Summary of Results:

Questions #1 & 2: Rate your experience with the following items as related to the APS Express Review Program and the APS Standard Review process as either: Poor, Average, Good, or Excellent:

- **Clear application requirements**
- **Communication with reviewers**
- **Thoroughness of review**
- **Technical knowledge/professionalism of reviewers**
- **Clear/correct permit product**
- **Questions answered accurately/quickly**
- **Review process completed in a reasonable timeframe**

The majority of responders ranked the APS Express Review Program as “Good” or “Excellent” in all categories. The majority of responders ranked the APS Standard Review process as “Average” or “Good” in all categories. As might be expected, the most significant difference was shown to be the timeframe for completing review. The APS Express Review process provides expedited review times and requires strict adherence to pre-determined deadlines for both the reviewer(s) and the applicants; thus allowing for more timely permitting actions.

The next largest area of difference can be seen in the areas of communication with reviewers and accurate/quick response to questions. These differences are also inherent in the nature of the APS Express Review procedures. Since the APS Express Review Program has dedicated staff devoted to express projects, limits the number of projects accepted, and requires face-to-face meetings during the review process; APS Express Review staff is better equipped to provide focused attention on projects and promotes regular interaction with the Applicant.

Some difference is also evident in the results for the areas of review thoroughness and technical knowledge/professionalism of reviewers. As mentioned above, the APS Express Review procedures allow for more focused attention on individual projects, thus promoting a thorough review. These differences can also be attributed to the fact that the engineers in the express Review Program are Advanced and Journey level positions, making them the most advanced engineers within the APS, and the many years of professional experience attained by most APS Express Review staff.

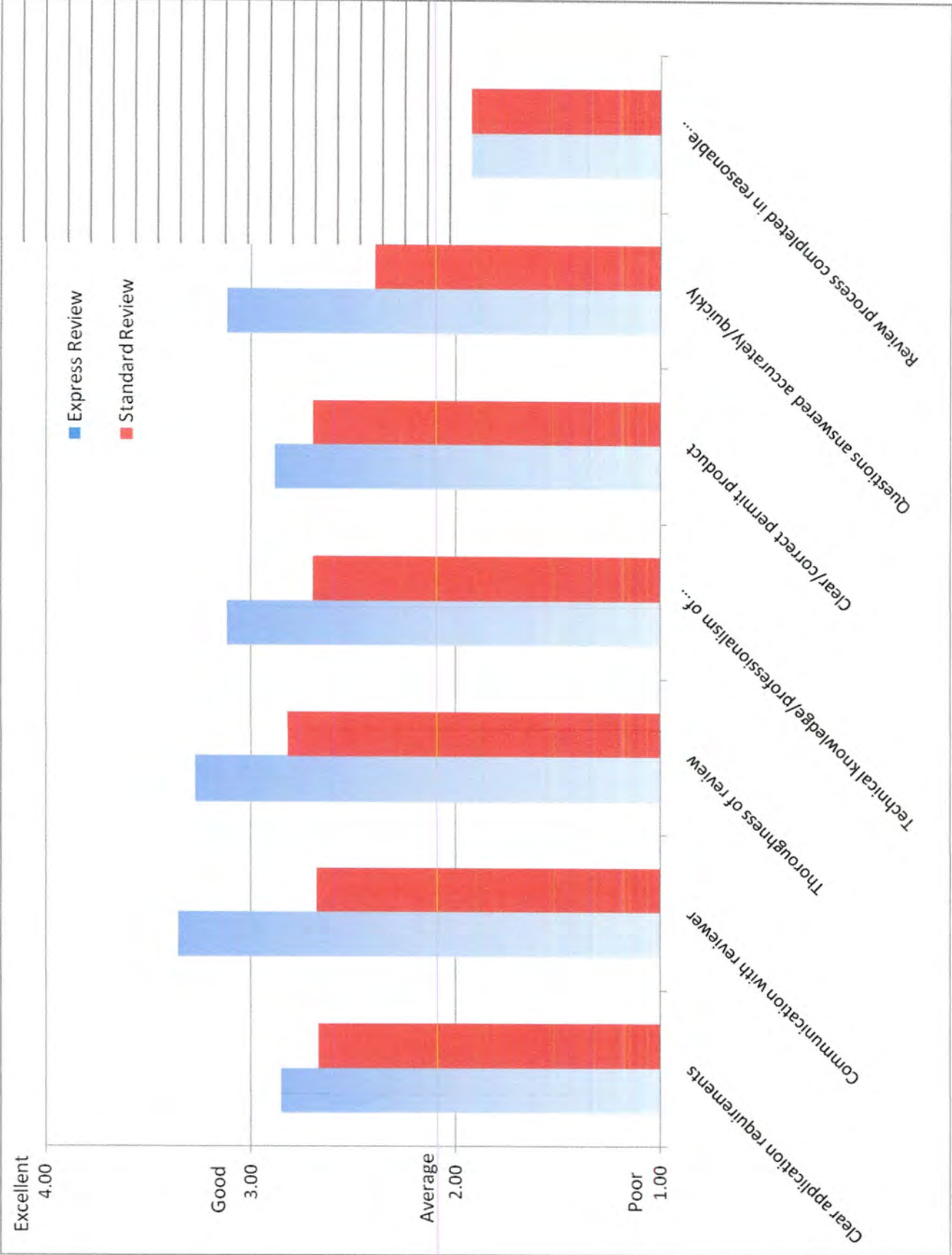
No significant difference was noted in the areas of application requirements, and clearness/correctness of permits issued.

Overall ratings for each category are shown in Table 3.1 below, where: Poor = 1, Average = 2, Good = 3, Excellent = 4. A comparison of the category rankings are shown graphically in Figure 3.1 on the following page. Detailed response data is available in Appendix I of this report.

Table 3.1 – Overall Category Ratings:

Category	APS Express Review	APS Standard Review
Clear application requirements	2.85	2.67
Communication with reviewers	3.35	2.68
Thoroughness of review	3.26	2.82
Technical knowledge/professionalism of reviewers	3.12	2.70
Clear correct permit product	2.88	2.70
Questions answered accurately/quickly	3.12	2.39
Review process completed in reasonable timeframe	3.32	2.15

Figure 3.1 – Comparison of Category Rankings between APS Express and Standard Review Processes:



Question #3: Have you experienced any differences in application requirements, design standards, or rule interpretations between the APS Express Review Program and the Standard Review process? If so, please explain.

Differences that were noted in multiple responses are summarized in Table 3.2 below. A complete list of all responses to this item is included in Appendix I of this document.

Table 3.2 – Differences noted between APS Express and Standard Review Processes (24 total responses):

Category	Number of Responses
No differences experienced	8
Personnel skills/process efficiency	6
Differing interpretations rules/policies	4

Several respondents (6) noted a better experience in the areas of reviewer interest in projects, communication practices, professionalism, and overall efficiency with the APS Express Review Program.

A small number (4) of specific rule and/or policy interpretation differences were noted in the responses to this question. However, with one exception, the items described were differing interpretations between reviewers, but not differing interpretations between the APS Express and Standard Review Programs. The exception was a difference between compliance boundary interpretations where an APS Express Review project was required to submit more detailed site maps than had previously been required in prior APS Standard Review projects. This issue was evaluated within APS during the project review, and guidance was provided to all reviewers to make sure that consistent requirements were being implemented across both permitting programs.

Question #4: Please rank the following items in order of importance to you when submitting a permit application for review: Quick response from reviewers, Face to face meetings with reviewers, Technical knowledge of reviewers, and Thoroughness of review.

The overall review component deemed most important by survey participants when submitting a permit application for review was obtaining a quick response from reviewers. The APS Express Review Program is designed to provide expedited review times through dedicated staff, limiting the number of review tracks available, and adherence to pre-determined schedules and project milestones. The overall ranking results for the key review components polled are summarized in Table 3.3 below. This information will be useful to the APS for determination of priorities for improvements to both the APS Express and Standard Review procedures. Incorporation of more face to face meetings into the APS Standard Review process was a common recommendation throughout the survey as further discussed in subsequent sections of this summary. Raw scores for this item is available in Appendix I of this report.

Table 3.3 – Ranking of importance for key review components in permitting process:

Rank	Item	Average Ranking
1	Quick response from reviewers	2.03
2	Technical knowledge of reviewers	2.31
3	Face to face meetings with reviewers	2.72
4	Thoroughness of review	2.74

Question #5: Besides the expedited review times, in your opinion, what works well in the APS Express Review Program?

Items that currently work well in the APS Express Review Program were noted in multiple responses as summarized in Table 3.4 below. A complete list of all responses to this item is included in Appendix I.

Table 3.4 – Items that work well in the APS Express Review Program (29 total responses):

Category	Number of Responses
Face to face meetings	10
Professionalism/experience of reviewers	6
Advance schedules/set meeting dates	4
Good communication with staff	4
Quick response time	3
Consistency with rules/policies	2

Face to face meetings was the most popular response (10) for what works well in the APS Express Review Program. The submittal meetings were noted as providing a better understanding of the project and requirements through communication and thus promoting a thorough review and effective permit. The professionalism, qualifications, and working knowledge of the APS Express Review staff were also deemed to be key components of the program's effectiveness.

Several respondents noted that advanced scheduling of milestones keep projects on track for both the project reviewers and the permit applicants. Good communication with staff, a quick response time, and the consistency of working with the same reviewers were also listed as favored procedures that are built in the APS Express Review process.

Question #6: What suggestions do you have for improvement of the APS Express Review Program?

Recommendations for improvements to the APS Express Review Program that were noted in multiple responses are summarized in Table 3.5 below. A complete list of all responses to this item is included in Appendix I of this document.

Table 3.5 – Recommendations for improvement to the APS Express Review Program (29 total responses):

Category	Number of Responses
No changes needed	8
More involvement of regional office staff	5
More adherence to rules/less objectivism of reviewer	4
Fee adjustments	4
More flexibility for innovative designs	2

The most common recommendation for improvement of the APS Express Review Program was to incorporate more involvement of non-APS Express Review Regional Office staff in project reviews (5). The APS Express Review Program staff consists of two environmental engineers operating out of the Central Office, one hydrogeologist located in the Washington Regional Office, and one soil scientist located in the Raleigh Regional Office. Regional Office support is provided for each project via the soil scientist and/or the hydrogeologist that is exclusively assigned to the APS Express Review Program. In addition, APS staff in the appropriate Regional Office is provided with a project overview and the meeting schedule for every project upon acceptance into the APS Express Review Program. Regional Office staff is encouraged to participate in all APS Express Review projects based on their interest and desired level of involvement. However, in the past this has not always been possible due to scheduling conflicts and existing workloads. The APS will re-evaluate the need and look for more opportunities to increase Regional Office involvement in APS Express Review projects.

Multiple respondents expressed the desire for APS Express Review staff to incorporate less objectivism with regards to technical review of project designs and to adhere only to design criteria specified in rules. Many of the treatment and disposal system designs reviewed by APS Express Review staff are of a highly technical nature. At times, technical knowledge of the review engineers coupled with experience observing the effectiveness of similar technologies in the field may lead to comments or suggestions regarding feasibility of a design. When necessary, the goal of such discussions is to provide technical assistance and ensure that a workable and effective permit can be issued.

Several respondents suggested that APS Express Review fees be increased to provide more resources for additional staff and/or track availability, or that fees should be decreased to promote overall usage of the program. APS Express Review fees are evaluated on a periodic basis and adjusted when necessary based on multiple factors such as demand for the program and resources required for implementation. Maximum Fees are established by Statute. Currently APS express Review fees and additional information fees are less than the maximum allowed by statute.

Two respondents expressed the need for more flexibility for innovative designs to be incorporated into the APS Express Review process. In order to ensure that required deadlines can be met, the APS Express Review Program must require that projects accepted be of a straightforward nature, not consist of previously un-reviewed technologies, and not contain variances to design criteria, DWQ policies, General Statutes or administrative codes. Such projects are advised to apply through the APS Standard Review process. However, the APS Express Review Program routinely reviews projects of a complex and/or highly technical nature and encourages innovation when compliance with applicable rules can be clearly demonstrated.

Question #7: In your opinion, what works well in the APS Standard Review process?

Items that currently work well in the APS Standard Review Program that were noted in multiple responses are summarized in Table 3.6 below. A complete list of all responses to this item is included in Appendix I.

Table 3.6 – Items that work well in the APS Standard Review Program (25 total responses):

Category	Number of Responses
Good coordination with regional office	4
More time for meeting project deadlines	3
Lower fees	3
Clear rules/application requirements	3

Multiple (4) responders listed good coordination with APS Regional Office staff as a major item that works well within the APS Standard Review process. APS Standard Review procedures include Regional Office staff review for all new projects, modified projects, and permit renewals. This item was also identified as an area of suggested improvement for the APS Express Review Program (see Question #6) and will therefore be further evaluated by the APS for potential improvements.

Two areas that were also noted as positive aspects of the APS Standard Review process were the lower application fees and the additional time provided to meet project deadlines. Since permit applicants have both the APS Standard and Express Review Programs available, each project can be assessed on a case by case basis to determine which fee level and review schedule is feasible.

Three respondents listed clarity of rules and application requirements as a benefit of the APS Standard Review process. It should be noted that rules and application requirements for APS non-discharge projects are the same regardless of whether a project is processed through APS Standard or Express Review.

Question #8: What suggested improvements do you have for the APS Standard Review process?

Recommendations for improvements to the APS Standard Review process that were noted in multiple responses are summarized in Table 3.7 below. A complete list of all responses to this item is included in Appendix I.

Table 3.7 – Recommendations for improvement to the APS Standard Review Program (25 total responses):

Category	Number of Responses
Incorporate face to face meetings	7
Better communication from reviewers during process	5
Better consistency/adherence to rules	4
Faster review time	3
No changes needed	3

The most common recommendation for improvement of the APS Standard Review Program was to incorporate face-to-face meetings into the review process (7). Respondents expressed that having in person meetings upon project submittal and/or when additional information is needed would facilitate the reviewer's understanding of the project and improve efficiency through enhanced communication. The APS will further evaluate the potential for incorporating meetings into the APS Standard Review process in order to improve customer satisfaction and permitting efficiency.

Multiple responses also cited the need for better communication with reviewers during the APS Standard Review process, which is closely related to face to face meetings as discussed above. Responders expressed desire for more communication from the reviewer in order to provide updates and keep consultants/applicants abreast of necessary changes at interim periods throughout the review. The APS plans to further evaluate this item and to seek out ways to incorporate additional communication opportunities into the APS Standard Review process.

Several participants noted a desire for faster review time within the Standard Review process. While the statutory review time within the APS Standard Review process is 90 days from receipt of a complete application, review times vary from project to project depending upon the size, complexity of design, and fluctuating staff workloads. The advantage of having both the APS Standard and Express Review Programs available is that time critical projects have the option of expedited review if so desired. The APS will continue to look for ways to streamline the APS Standard Review process and to provide timely reviews with the resources available.

Question #9: Other than the review schedules, have you experienced any other differences (not covered in the previous questions) between the APS Express Review Program and the Standard Review process?

The open-ended nature of this question produced a wide variation in responses (17 total responses received). The main differences noted between the two programs were: difference in review times, the face-to-face meetings in APS Express Review, and the different fee structure. These items have been discussed at length under Questions 4 through 8, above.

A complete list of all comments provided in response to this item is included in Appendix I of this document.

Question #10: Please provide any other comments or concerns that you have regarding the APS Express Review Program and/or the APS Standard Review process.

Again, the open-ended nature of this question also produced a wide variation in responses (18 total responses received). The majority of comments provided in response to this question were very positive in regards to both the APS Express Review and Standard Review Programs. Comments indicate that in general, the APS program as a whole is viewed as one of the more effective permitting programs within the Department of Environment and Natural Resources (DENR). Multiple responders expressed the position that the APS Express Review Program should be used as a model for other permitting programs throughout DENR. A complete list of all comments provided in response to this item is included in Appendix I of this document.

Evaluation Item #3 Conclusions:

Responses submitted generally indicate good overall customer satisfaction from licensed professionals that have participated in both the APS Express and Standard Review Programs. The APS Express Review Program obtained overall scores of “Good” or “Excellent” for all seven key component items included in the poll. The APS Standard Review process obtained overall scores of “Good” for five key components and “Average” for two key components included in the poll.

The survey indicated that no specific differences with regards to application requirements or design standards exist between the APS Express and Standard Review Programs. Several respondents note a more positive experience in the areas of reviewer interest/focus on project; professionalism; and overall efficiency within the APS Express Review Program. The overall review component deemed most important by the survey participants when submitting an application for review was obtaining a timely response from the reviewer.

Survey questions concerning the APS Express Review Program indicated that face-to-face meetings to discuss the project were the most frequently cited item that currently works well for that program. The most common recommendation for improvement of the APS Express Review Program was to incorporate more involvement of non-APS Express Review Regional Office staff in project reviews.

Survey questions concerning the APS Standard Review Program indicated that good coordination with Regional Office staff was the most frequently cited item that currently works well for that program. The most common recommendations for improvement of the APS Standard Review process were to incorporate face-to-face meetings into the review process and to provide more frequent interim communication from the reviewer during the review timeframe.

The majority of additional comments provided were positive in regards to both the APS Express and Standard Review Programs. Comments indicate that in general, the APS program as a whole is viewed as one of the more effective permitting programs within DENR. Multiple responders expressed the position that the APS Express Review Program should be used as a model for other permitting programs throughout DENR.

The APS will further evaluate all comments to the survey in their entirety with the goal of identifying and implementing process improvements to both the APS Standard and Express Review Programs.

Evaluation Item #4:

In order to provide a meaningful evaluation regarding compliance history, APS will analyze a subset of facilities that have comparable permit issue dates and permit types. A comparison of the number of inspections completed, Notices of Violation (NOVs) issued, and/or enforcement actions taken will be made to determine if any discrepancies exist between the two review processes.

All permitted non discharge facilities receive start-up inspections prior to operation and follow-up compliance inspections on a regular basis (typically once per year) regardless of whether the facility was permitted via express or standard review. Numerical data will be pulled from the Basinwide Information Management System (BIMS) regarding compliance inspections in order to evaluate the number of compliant and non-compliant facilities permitted through both the APS Express Review Program and the APS Standard Review process. Information on violations and other enforcement actions will also be quantified. Details to be provided regarding inspections, violations, and enforcement actions for both express review and standard review permits are listed below:

- *Number of inspections completed*
- *Total Notices of Violation (NOVs) issued*
- *Percentage of facilities with NOVs*
- *Percentage of facilities with enforcement cases*
- *Percentage of facilities placed under Special Order by Consent (SOC)*

An evaluation regarding number of inspections and resulting compliance status, notices of violations (NOVs) issued, enforcement actions, and Special Orders by Consent (SOCs) for new non-discharge projects permitted through both the APS Express and Standard Review Programs is presented below. This analysis focuses on new projects because of the difficulty in ascertaining whether or not compliance issues at previously existing facilities are directly related to the permit review process as opposed to other factors, such as operation and maintenance practices or construction methods.

Inspections and Compliance Status:

The number of inspections completed and the resulting compliance determination (compliant vs. non-compliant) for all new APS non-discharge projects permitted since February of 2004 are shown in Table 4.1 below.

Table 4.1 – Inspections for New APS Express and Standard Review Projects Issued Since February 2004:

	APS Standard Review		APS Express Review	
	Number	Percentage	Number	Percentage
Inspections Completed	282	N/A	146	N/A
Compliant Inspections	247	87.6%	135	92.5%
Non-Compliant Inspections	35	12.4%	11	7.5%

Inspections performed at facilities permitted through the APS Express Review Program resulted in a slightly higher percentage of compliant inspections than inspections performed at facilities permitted through the APS Standard Review process. However the differences between the two are minor and no conclusions can be drawn on the effectiveness of either process based on this comparison.

Table 4.2 shows the number of new non-discharge facilities that were inspected from February 2004 to present for projects issued in both the APS Standard and Express Review Programs. Projects permitted in the APS Express Review process resulted in slightly higher compliance rates than those facilities permitted via the APS Standard Review process; however no conclusions can be drawn on the effectiveness of either permitting process based on this comparison.

Table 4.2 – Facility Compliance for New APS Express and Standard Review Projects Issued Since February 2004:

	APS Standard Review		APS Express Review	
	Number	Percentage	Number	Percentage
Permitted Facilities	249	N/A	102	N/A
Inspected Facilities (% based on # permitted facilities)	163	65.5%	62	60.9%
Non-Compliant Facilities (% based on # facilities inspected)	23	14.1%	5	8.1%

Notices of Violation (NOVs):

Table 4.3 shows the number of notices of violation (NOVs) issued to new non-discharge facilities that were permitted from February 2004 to present for projects through both the APS Standard and Express Review processes.

Table 4.3 – Notices of Violation for New APS Express and Standard Review Projects Issued Since February 2004:

	APS Standard Review		APS Express Review	
	Number	Percentage	Number	Percentage
Facilities	249	N/A	102	N/A
Notices of Violation (NOVs)	59	N/A	24	N/A
Facilities Receiving NOVs	43	17.3%	20	19.6%

This data shows that facilities permitted via the Express Review process had slightly higher percentages of NOVs issued. However, this metric is not necessarily representative of the APS Express and Standard Review processes, as NOVs may be issued for non-technical matters, such as failure to pay annual fees or provide the required non-discharge monitoring and land application reports. No conclusions can be drawn on the effectiveness of either permitting process based on this comparison.

Enforcement Actions/Special Order by Consent (SOC):

Of the 249 new permits issued via APS Standard Review during this time frame, five have undergone enforcement action. Of the 102 new permits issued via APS Express Review during this time frame, one has undergone enforcement action. This data shows that facilities permitted via the APS Express Review process had slightly higher percentages of NOVs issued. Two new facilities permitted via the APS

Standard Review process has been placed under SOC since February of 2004, compared with zero facilities permitted via the APS Express Review program during the same time frame.

Overall Evaluation Conclusions:

The primary conclusion obtained from all four evaluation items is that the APS Express and Standard Review Programs are comparable in all measured metrics, and the only difference being that the total review times for APS Express Review projects is significantly lower than APS Standard Review projects. This key difference is inherent in the APS Express Review Program's nature.

The information obtained from the survey of licensed professionals who have participated in both the APS Express and Standard Review Programs provided some valuable suggestions on how to improve both review programs. Based on the provided feedback, the APS shall evaluate the following:

- APS staff will begin discussions with the APS Regional Office supervisors to determine a method to facilitate the involvement of non-express review Regional Office staff APS Express Review projects.
- APS Central and Regional Office staff will explore the concept of providing voluntary submittal, review and additional information meetings for all APS Standard Review projects. Conducting these meetings in no way shall guarantee a standard review time more stringent than that already incorporated into 15A NCAC 02T .0107 and .0108. However, the intent is to foster better communication and response time between APS Standard Review staff and the Applicant and their consultants. An intended side effect of making APS Standard Review staff available for voluntary meetings is that APS Standard Review processing times should decrease as a result of better professional rapport, technical understanding and rule interpretation by both parties.
- APS Central Office staff will continue working to improve APS Express and Standard Review project transparency by providing more information online for pending application requests. The APS anticipates this will reduce the amount of reviewer time spent fielding unnecessary requests, and will help improve non-discharge permit consistency.

Finally, this evaluation shows that the APS Express Review permitting process is an example of a highly efficient and effective permitting program that provides a valuable service to permit applicants seeking a thorough and timely review of their project. Internal data and process review indicates that the resulting quality of facilities permitted by the Express and Standard review processes are equal based on compliance history. Feedback from professional consultants supports that the APS Express Review Program is of superior quality and is an example of a successful permitting program.

AQUIFER PROTECTION SECTION PERMITTING SURVEY RESULTS

Number of responses requested: 125

Number of surveys completed: 35

Participation rate: 28%

Question #1: Please rate your experience with the following items as related to the APS Express Review Program:

	Poor	Average	Good	Excellent	Rating Average	Response Count
Clear application requirements	5.9% (2)	29.4% (10)	38.2% (13)	26.5% (9)	2.85	34
Communication with reviewer(s)	5.9% (2)	8.8% (3)	29.4% (10)	55.9% (19)	3.35	34
Thoroughness of review	0.0% (0)	8.8% (3)	55.9% (19)	35.3% (12)	3.26	34
Technical knowledge/professionalism of reviewer(s)	2.9% (1)	20.6% (7)	38.2% (13)	38.2% (13)	3.12	34
Clear/correct permit product	5.9% (2)	23.5% (8)	47.1% (16)	23.5% (8)	2.88	34
Questions answered accurately/quickly	8.8% (3)	8.8% (3)	44.1% (15)	38.2% (13)	3.12	34
Review process completed in reasonable timeframe	2.9% (1)	11.8% (4)	35.3% (12)	50.0% (17)	3.32	34

Question #2: Please rate your experience with the following items as related to the APS Standard Review Program:

	Poor	Average	Good	Excellent	Rating Average	Response Count
Clear application requirements	12.1% (4)	21.2% (7)	54.5% (18)	12.1% (4)	2.67	33
Communication with reviewer(s)	8.8% (3)	29.4% (10)	47.1% (16)	14.7% (5)	2.68	34
Thoroughness of review	3.0% (1)	24.2% (8)	60.6% (20)	12.1% (4)	2.82	33
Technical knowledge/professionalism of reviewer(s)	9.1% (3)	33.3% (11)	36.4% (12)	21.2% (7)	2.70	33
Clear/correct permit product	6.1% (2)	36.4% (12)	39.4% (13)	18.2% (6)	2.70	33
Questions answered accurately/quickly	15.2% (5)	48.5% (16)	18.2% (6)	18.2% (6)	2.39	33
Review process completed in reasonable timeframe	27.3% (9)	39.4% (13)	24.2% (8)	9.1% (3)	2.15	33

AQUIFER PROTECTION SECTION PERMITTING SURVEY RESULTS

Question #3: Have you experienced any differences in application requirements, design standards, or rule interpretations between the APS Express Review Program and the Standard Review process? If so, please explain.

1. The only comment I can offer is that when the permit processing occurs in an expedient manner, all persons involved are much better aware of the actions required. I particularly like the schedule of meetings within the time frame of a permit review.
2. Sometimes there are differences in what one reviewer prefers vs. a second reviewer. Therefore, what works on one permit, sometimes doesn't work on a similar permit.
3. No.
4. None.
5. No.
6. No.
7. The difference is in the personnel. Express review personnel demonstrate professionalism interest in project and good communication. None of the above apply in the standard review process.
8. Property line buffer interpretation, requirement for compliance/review boundary maps have all been different for Express Review than a regular modification.
9. The review process is thorough; the new uses proposed for reclaimed water will open many new opportunities, that process will tell whether there is commitment to reuse!!!
10. No real big differences; however, I believe the Standard process does not promote as thorough a submittal as the Express process. Also, the promotion of communication in the Express process, I think, provides for the ability of the reviewers to more fully explore the project with the applicants.
11. No.
12. I honestly haven't done a standard review since express has become available.
13. None.
14. Most of my experience has been with the express review process. That state would be well advised to eliminate the standard review process and do only express reviews. That program should be a model for every permit process the state operates.
15. Yes, seems that rules are interpreted differently in a variety of cases between similar projects.
16. There are not much differences between processes except for time and efficiencies. The express review process is conducted in a more professional manner.
17. Some reviewers are better than others, but I don't think it has to do with interpretation or standards. I think it is just experience. Overall they are all pleasant to work with.
18. By nature of the process the express review professionals are quick and consistent with responses. In the standard review process, it may depend on who the reviewer is.
19. The process seems about the same, but generally speaking the express review process seems like the applicant has more of the reviewers attention and thus focus.
20. Yes, but I cannot explain for fear of reprisal. I was told this is an anonymous survey, but I do not believe everything I read.
21. Yes, some reviewers have differing interpretations, and some have arbitrary standards that they impose. There seems to be a huge disconnect between what's on paper and what gets built, practically, and certain technologies are favored because the reviewers don't understand treatment basics.
22. Not really but the compressed Express Review Program requires that questions be answered quickly. There shouldn't be a lag between return calls because if the information is not prepared as needed it means that the provided documents may be incomplete and therefore requires another review session to straighten out. With the review session there is a cost.
23. No.
24. No.

APPENDIX I

AQUIFER PROTECTION SECTION PERMITTING SURVEY RESULTS

Question #4: Please rank the following items below in order of importance to you when submitting a permit application for review (1=most important and 4=least important):

	1	2	3	4	Rating Average	Response Count
Quick response from reviewer(s)	43.8% (14)	25.0% (8)	15.6% (5)	15.6% (5)	2.03	32
Face to face meetings with reviewer(s)	21.9% (7)	18.8% (6)	25.0% (8)	34.4% (11)	2.72	32
Technical knowledge of reviewer(s)	27.6% (8)	31.0% (9)	24.1% (7)	17.2% (5)	2.31	29
Thoroughness of review	12.9% (4)	29.0% (9)	29.0% (9)	29.0% (9)	2.74	31

AQUIFER PROTECTION SECTION PERMITTING SURVEY RESULTS

Question #5: Besides the expedited review times, in your opinion, what works well in the APS Express Review program?

1. It appears that the staff of the APS Express Review program are well trained and educated. Their knowledge of the various treatment processes is extremely important.
2. Having the face to face meeting in order to present the design and application. I would like this meeting for all applications.
3. Set schedule so you know when to expect deadlines, etc.
4. Being able to schedule the times in advance.
5. The upfront meetings and review meetings face to face are great. In number 4 above I ranked face to face low because not needed in standard review.
6. The communication stream is better, because the project remains fresh. Need to bring in regional input and surface water, eg. wetlands and water quality into the express program.
7. Good interaction between applicant and staff in discussing and resolving technical issues.
8. The interest and professionalism demonstrated by most of the reviewers.
9. The only benefit is a quick turn around time.
10. The review is very thorough and complete, the design team is forced to be thorough.
11. Open discussion of what is needed.
12. Much, much better communication and more thorough exploration of the project. I truly believe the Express process promotes more successful permitting.
13. Having the ability to explain in person the nature of your project and offer a more detailed narrative and background information.
14. The face to face meetings in which an issue can be discussed and understood instead of a letter that quite often cannot be interpreted.
15. I think the face to face meetings are good to have all parties present.
16. Knowledgeable professionals, working with other engineers, predictability of the process in terms of time and expectations.
17. I like the meeting to discuss the project, I feel like it gives the reviewer a better background on the project than just dropping off package and letting someone review it.
18. Conciseness of express review promotes better reviews and projects, since facts and concerns are not lost through time. This greatly reduces costs and promotes efficiency for both the applicant and your dept.
19. Scheduled review times, face-to-face meetings, and only having to work with one DWQ person rather than several.
20. The engineers are fair, consistent, responsive, professional, honest and they take ownership in the project.
21. Generally have a higher degree of professionalism among APS staff.
22. Transparency/communication, fairly good technical knowledge.
23. Process seems to be very well defined. Review engineers are very well qualified and extremely helpful.
24. Typically dealing with the same reviewers and have consistency with regs and requirements.
25. Milestones help everyone stay on track.
26. 1-on-1 meetings with all review parties.
27. Resolving issues more quickly and successfully.
28. Consistent review responses.
29. Submittal meeting gives opportunity to eliminate questions at the start of the process and sets the review up for success.

AQUIFER PROTECTION SECTION PERMITTING SURVEY RESULTS

Question #6: What suggestions do you have for improvement of the APS Express Review Program?

1. None, all of my experiences with the APS program have been very productive and helpful.
2. I think it is a great program that is limited by the cost. I would hope the cost could be reduced or eliminated so that more permits could follow this procedure.
3. Less paper required, more electronic submittal.
4. Break it up into sections. Example is to review the site data, (soil evaluations, testing, etc), then review the design info later.
5. Have more windows if justified by staff needs.
6. Add a fee to support staff at regional level to support APS Express Review.
7. Try to avoid triggering an additional round of review and payment of an additional fee when there are relatively limited and minor outstanding issues.
8. Works relatively well.
9. More consistency with what is required for a regular permit application/modification.
10. None, again, the new uses will be interesting.
11. Nothing that I would change.
12. Involvement of the local office staff during the submittal meeting.
13. None.
14. I have only used it two or three times and had good experience each time.
15. Have the meetings at the regional office locations that cover the area that the project is actually located in vs. everyone traveling to Raleigh.
16. Expand it to all state permitting.
17. I would like to see the regional staff incorporated into the program, seems to be some animosity from regional staff on all express review projects.
18. The regulatory guidance memos are enforced as if they were rules, but have not gone through rule making. The standards in the regulatory guidance memos are generally arbitrary, vague and overly restrictive. The guidance should go through rule making or be eliminated.
19. Stay strictly within the stated Rules and not add requirements or concerns that are not specifically within the stated Rule. Express review process does not allow for additional major studies or revisions to be conducted when the dept adds requirements outside of the stated Rule.
20. Lower fees for single family permit. Expand the program, it should be a model for the whole Department(DENR).
21. Too many details being "sweated". Reviewers need to recognize that engineering can provide more than one sound solution - give the PEs discretion.
22. Even though it would be difficult to do, I would like to see more "outside the box" options. Not as rigid.
23. Allow flexibility for innovation. Recognize the professionalism of the design engineer.
24. Continue to keep updates and any changes publicized on the website and/or through e-mails.
25. It is a buyer beware program. You need to know the requirements of a submittal before you sign up. If you do not know what is expected you should not be surprised that it requires a lot more time or money to secure a permit. I suspect that a list needs to be made available to potential permittees of companies that have been involved in this prior so that they will know the ones that are familiar with the process. Then if they elect to have someone that is not familiar it's their own fault. May need to have a checklist of analytical before they apply.
26. None.
27. Remove involvement of Surface Water Protection in non-discharge projects.
28. Better integrate regional office.
29. For the large fee required, one add-info round should be included unless something is clearly wrong or incomplete. I realize that calls for judgment, which can be problematic, too.

AQUIFER PROTECTION SECTION PERMITTING SURVEY RESULTS

Question #7: In your opinion, what works well in the APS Standard Review process?

1. Personnel involvement with a reviewer who has limited work load.
2. That the fees are reasonable.
3. Communication with APS staff, technical proficiency of APS staff.
4. The scheduleing is important, the standard review give everyone more time to plan.
5. Getting all the "stakeholders" together at time of submittal.
6. Cook book sewer permits are usually issued quickly.
7. The inputs of regional input and surface water staff has better flow.
8. Not much.
9. Less requirements than that Express Review. Regional staff seem to be more flexible and easier to work with. Central office staff seem to not grasp real world realities.
10. Time.
11. The current staff have good technical depth and diversity. Also, the permit application instructions are clear and descriptive.
12. It's not much different that any review process for environmental programs in the state, so nothing really stands out.
13. Really don't know, i personally haven't had many projects that go thru aps except for the few express projects that i have done.
14. Nothing! To a developer, time is all that matters.
15. The more local folks are involved and look at things from a different view, think it makes the process a more thorough review, another set of eyes on it so to speak.
16. Lower application fees and more time to answer dept concerns. Not as many trips to Raleigh for permit processing.
17. It costs less.
18. It is much better than some groups (On-Site Water Protection Section)!
19. No constructive comment.
20. The regional offices are very prompt and make a good effort to understand the want the applicant is asking for.
21. Guidelines seem more clear. Reviewers do a better job on the first round of comments.
22. Rules and applications are very well structured and help the applicants with knowing what is needed in an application.
23. Standard review is fine but sometimes it needs standardization between reviewers.
24. The reviews tend to be very thorough.
25. Consistent responses.

AQUIFER PROTECTION SECTION PERMITTING SURVEY RESULTS

Question #8: What suggested improvements do you have for the APS Standard Review process?

1. None.
2. Require at least one review meeting initially with the reviewer to present the project and review the application. Hopefully this would speed up the review under the Standard process.
3. Less paper.
4. None at this time.
5. More clarity for applicant on downstream capacity requirements. This takes us the longest to get back from applicant municipality.
6. Have structured meetings and schedules, just at longer periods.
7. Inform reviewers that they should correspond with submitters of application and not "wait until 90 day time limit" to respond with information.
8. Quicker turn around time.
9. Additional staff.
10. Require a submittal meeting.
11. None.
12. My past experience would be to encourage face to face meetings and to be available by phone. It has, in the past, been difficult to get return calls from staffers but this has not been a recent experience for me.
13. Eliminate it! Do all reviews as express save the citizens of NC a lot of time and money. What they don't spend on fees they end up spending on professional services because the process is so long and drawn out.
14. Would like to incorporate a kick off meeting so that all parties could discuss project.
15. The regulatory guidance memos are enforced as if they were rules, but have not gone through rule making. The standards in the regulatory guidance memos are generally arbitrary, vague and overly restrictive. The guidance should go through rule making or be eliminated.
16. Emulate the express review process as much as possible through streamlining the standard review process. Also, stay strictly within the stated Rules and not add requirements or concerns that are not specifically within the stated Rule.
17. Better communication, why does it take so long?
18. Consistency among reviewers. Be more timely.
19. Work with clients as opposed to against clients.
20. Permits are not consistent from one to another. Some permits will state and/or require one thing and then other permits of the same type (i.e. class A) state something different or not at all. If feel disconnected from the central office reviewers.
21. Improve communications, call back with questions rather than make empty comments about things that are already addressed or don't matter.
22. More timely review process. Continue to keep the public informed of common deficiencies in applications and any new or changing requirements.
23. As changes are noted and additional requirements deemed necessary, a means of communicating them to permittees and consultants would be helpful. It is difficult to hit a moving target.
24. Make the first response a face-to-face meeting between designer and reviewer.
25. Regional office, better/more comprehensive guidance documents.

APPENDIX I

AQUIFER PROTECTION SECTION PERMITTING SURVEY RESULTS

Question #9: Other than the review schedules, have you experienced any other differences (not covered in the previous questions) between the APS Express Review Program and the Standard Review process?

1. Time, Time, Time.
2. The face to face meetings in the express review. I think these are good and would like some meetings for the Standard Review.
3. No differences between the two, except the fees, express review is more expensive
4. CG&L is more difficult to get consistent and timely reviews when they are involved.
5. There needs to be follow-up after permitting....such as formal inspection and testing to insure compliance and function.
6. None that haven't already been covered.
7. None.
8. Because there is less time pressure, I believe that sometimes there is a little more effort spent on the technical review during the "standard" process. But there is less ability to convey the nuances of the specific project during standard review, because the face-to-face discussions are not as "forced" like they are in the expedited process. It's a balancing act.
9. I think it is the face to face meetings that get the job done and any necessary revisions to be done once with all parties understanding the final need.
10. It been so long since I did a standard review submittal, I really don't remember anything except the time factor which is ridiculous.
11. No.
12. The Express review group could not be operated any more efficiently. They are great to work with. The Standard Group does a good job when compared with other groups within DENR. Responsiveness, ownership, and consistency could improve a little.
13. Inexperienced staff leads to delays in obtaining permits.
14. Express reviewers seem to want to dictate the design, and make "suggestions" that are really not requirements, but they want things done their way.
15. Not particularly.
16. No.
17. No.

AQUIFER PROTECTION SECTION PERMITTING SURVEY RESULTS

Question #10: Please provide any other comments or concerns that you have regarding the APS Express Review Program and/or the APS Standard Review process.

1. I would strongly suggest that the APS Express Review Program be used as a template for other DQW permitting programs.
2. No.
3. No major concerns at this time.
4. Doesn't make a lot of sense to have fast track for up to a 1750 gpm pump station and miles of force main and have to go through full blown review for two or three 1 hp grinder pumps manifolded together in a 2-inch main.
5. While the development of policies, has provided guidance for tasks performed during consultants' analysis. A policy(s) relating to construction, inspection and operation could be helpful.
6. I think express review is one of the most positive initiatives of the Division in the past decade.
7. None.
8. This is an excellent opportunity, it should be incorporated into all permit processes.
9. All this being said, I believe the APS Review programs are among the best in our state.
10. I would suggest there be clearer and more readily available guidance on which permits are required and when they are required.
11. I think the express program is the preferred way of doing business and this same tactic could be utilized in the standard review. With a lot of the negative publicity about the express program I am concerned that it may not be available in the future but it is a very important tool to have projects expedited.
12. When I hear that the state is considering eliminating the express review I shudder.
13. Staff should strictly follow the stated Rules, and not require criteria or personal / dept concerns beyond the stated Rule. (eg. storage requirements; loading rates; nutrient loading rates; artificial limits through mandatory DWQ spreadsheets or formats; etc). Also, there is a desperate need to get the Rules right when written, rather instituting multiple internal department guidance policies (eg. 2T Rules; reclaim Rules; subsequent confusing dept guidance policies; etc). Would strongly suggest inviting professional practitioners to the table when writing new or revised Rules / dept policies. Overall, your section is of much higher professional quality and in processing applications than other NCDENR permitting programs. Time is money, & money is time.
14. Keep up the good work! One of the best run groups in DENR.
15. Standard Review process needs to step up to the current level of Express review; Express Review needs to step up to a higher level.
16. Again, I am not willing to speak much, for fear of reprisal for me and/or my firm.
17. Conservatism is good up to a point, but there are too many safety factors. Study the systems that have a history of operation and adjust the design criteria to suit the actual performance. Respect the integrity and knowledge of the Professionally Registered Engineer, and if their design fails, fine the owners and refer the Engineer to the Board.
18. Both work pretty well.

Appendix D

Water Quality Evaluation

Memorandum

To: Matt Matthews

Through: Cyndi Karoly

From: John Hennessy

Re: Compilation and Review of Data from the Express Program Review

After review of the data, some basic conclusions can be drawn. Those are presented below. See attached table for actual data.

Permitting

Scope of Programs – Of the total number of permits issued by the Division of Water Quality since the Express review program was initiated in 2003, approximately 31% of the applications received were in the Express Program and 69% were in the Regular Program (4578 applications received in the Regular program versus 2034 in the Express Program).

Applications Withdrawn by the Applicant – For this category, there is no significant difference between permits reviewed in the Regular Program versus the Express Program. The percent of permits withdrawn by the applicant was identical for both programs (2.4% of applications were withdrawn by the applicants).

Permits Returned by DWQ – For this category, only 3.6% of the Regular applications we returned while 1.3% of the Express applications were returned. While one might infer that more Regular applications are returned by DWQ, the reality is that an extremely small percentage of projects in either program result in DWQ returning the applications.

Applications requiring additional information – A large percentage of applications in both programs required additional information (Regular 46.1% versus 57.2% for Express). This is due to the poor quality of applications submitted program wide by applicants. A larger percentage of Express applicants appear to require additional information than applications processed by the Regular Program. This is likely due to the fact that the typical project that uses the Express program tends to be a large development and as such is larger and more complex than those processed by the Regular Program.

Compliance Review

Inspections

Percentage of NOVs Issued (based on Inspections performed) – The study examined two timeframes: 1) the period from the inception of the Express Permitting Program, and 2) the period from 10/1/09 through 03/31/10. The analysis discussed below will deal with each timeframe separately.

Timeframe (since Express Program Inception)

Review of the data reveals no appreciable difference between the two programs in the number of inspections that result in NOV's by DWQ (28.3% for the Regular Program versus 27.8% for the Express Program).

Review of the total number of enforcement actions taken after an inspection is undertaken shows a higher percentage of projects processed by the Express Program result in enforcement actions than projects in the Regular program (6.2% of Express projects inspected result in enforcement actions versus 4.3% of Regular projects). However, when you look at the entire universe of facilities approximately the same percentage of enforcements are undertaken (0.9% for the Regular Program versus 0.7% of the Express Program). The apparent incongruity is explained by the fact that a lower percentage of Express projects appear to be inspected overall (approximately 17% of all Regular projects are inspected versus 10% of the Express projects).

Timeframe (10/01/09 -03/31/10)

Review of the data reveals a slight difference between the two programs in the number of inspections that result in NOV's by DWQ (26.5% for the Regular Program versus 20.5% for the Express Program).

Review of the total number of enforcements actions taken after an inspection is undertaken shows no appreciable difference between the projects processed by the Express Program versus the Regular Program (1.8% of Regular projects inspected result in enforcement actions versus 2.6% of Express projects).

The percentages of projects inspected in the Express Program versus those in the Regular Program were approximately the same (4.8% for the Regular Program versus 3.8% for the Express Program).

Cc: Al Hodge
Rick Shiver
Georgette Scott

	Express		Regular	
	WIRO ¹ =====	WaRO ² =====	WIRO ¹ =====	WaRO ² =====
Permitting	Total =====	Total =====	Total =====	Total =====
Number of Applications Received	1647	387	2831	1747
Number of Permits Issued	1561	387	2567	1297
Number of Applications Returned by DWQ	27	0	97	67
Percentage of Applications Returned by DWQ	1.6%	0.0%	3.4%	3.8%
Number of Applications Withdrawn by the Applicant	49	0	87	24
Percentage of Applications Withdrawn by the Applicant	3.0%	0.0%	3.1%	1.4%
Number of Applications Requiring Additional Information	1111	53	1175	934
Percentage of Applications Requiring Additional Information	67.5%	13.7%	41.5%	53.5%

Compliance

Timeframe (Inspection to 03/31/2010)

Number of Inspections Completed	167	42	209	339	784
Total Number of Inspections Resulting in Notices of Violations (NOVs) Issued	35	23	64	158	222
Percentage of Facilities with NOVs	21.0%	54.8%	14.4%	46.6%	28.3%
Total Number of Inspections Resulting in Enforcement Actions	2	11	5	29	34
Percentage of Facilities with Enforcement Actions	1.2%	26.2%	1.1%	8.6%	4.3%

¹Represents from 10/01/2003 to 03/31/2010

²Represents from 01/01/2005 to 03/31/2010

Timeframe (Study Period (10/1/2009 to 03/31/2010))

	Express		Regular	
	WIRO =====	WaRO =====	WIRO =====	WaRO =====
Timeframe (Study Period (10/1/2009 to 03/31/2010))	Total =====	Total =====	Total =====	Total =====
Number of Inspections Completed	59	19	127	92
Total Number of Inspections Resulting in Notices of Violations (NOVs) Issued	3	13	12	46
Percentage of Facilities with NOVs	5.1%	68.4%	9.4%	50.0%
Total Number of Inspections Resulting in Enforcement Actions	0	2	1	3
Percentage of Facilities with Enforcement Actions	0.0%	10.5%	0.8%	3.3%
Percentage of Total Facilities Inspected	3.8%	4.9%	4.9%	7.1%

Permitting

Program	Number of Applications	Permits Issued		Permits Returned by DWQ		Permits Withdrawn by Applicants		Applications Requiring Additional Information	
		Total	Percent	Total	Percent	Total	Percent	Total	Percent
Regular	4578	3864	84.4%	164	3.6%	111	2.4%	2109	46.1%
Express	2034	1948	95.8%	27	1.3%	49	2.4%	1164	57.2%

Compliance (Period 10/1/2009 to 03/31/2010)

Program	Number of Inspections	Number of Inspections Resulting in Notices of Violations (NOV)		Facilities with NOV's		Number of Inspections Resulting in Enforcement Actions		Facilities with Enforcement Actions		Percent of Total Facilities Inspected
		Total	Percent	Total	Percent	Total	Percent	Total	Percent	
Regular	219	58	26.5%	58	1.5%	4	1.8%	4	0.1%	4.8%
Express	78	16	20.5%	16	0.8%	2	2.6%	2	0.1%	3.8%

Compliance (Period Inspection of Program to 03/31/2010)

Program	Number of Inspections	Number of Inspections Resulting in Notices of Violations (NOV)		Facilities with NOV's		Number of Inspections Resulting in Enforcement Actions		Facilities with Enforcement Actions		Percent of Total Facilities Inspected
		Total	Percent	Total	Percent	Total	Percent	Total	Percent	
Regular	784	222	28.3%	222	11.4%	34	4.3%	34	0.9%	17.1%
Express	209	58	27.8%	58	3.0%	13	6.2%	13	0.7%	10.3%