



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

MEMORANDUM

TO: ENVIRONMENTAL REVIEW COMMISSION
The Honorable David Rouzer, Chair
The Honorable Mitch Gillespie, Co-Chair
The Honorable Ruth Samuelson, Co-Chair

FISCAL RESEARCH DIVISION
Ms. Mark Trogon, Acting Director

FROM: Kari Barsness
Director of Legislative and Intergovernmental Affairs

SUBJECT: One-Stop Permit Assistance and Coordination and Express Permit Review

DATE: March 1, 2012

Pursuant to G.S. 143-279.15, the Department of Environment and Natural Resources shall submit to the Fiscal Research Division and the Environmental Review Commission a report on One-Stop Permitting Program and Express Permitting Program by March 1st of each year. Please consider the 2012 One-Stop Permit Assistance and Coordination and Express Permit Review Report attached as the formal submission of this report.

If you have any questions or need additional information, please contact me by phone at (919) 707-8618 or via e-mail at Kari.Barsness@ncdenr.gov.

Cc: Chief Deputy Secretary Manly Wilder
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EXPRESS PERMIT REVIEW AND ONE-STOP PERMIT ASSISTANCE AND COORDINATION

N.C. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

MARCH 2012

This report fulfills the requirements of G.S. 143B-279.15 to provide information on standard environmental permit processing times and an update of the Express Permit Review Program within the N.C. Department of Environment and Natural Resources (DENR). A breakdown of processing times for FY 2010-11 is provided on the attached charts for Air Quality permits, Coastal Area Management Act (CAMA) permits, State Stormwater permits, Erosion and Sedimentation Control Plans, Water Quality 401 Wetland Certifications, Water Quality Land Application Non-Discharge Permits and Public Water Supply Plans. Both standard and express permit processing times are provided in cases where an express component is available to permittees.

Information is provided on the more than 8,600 permits issued by the department in FY 2010-11. The processing time data continue to show that less than five percent of the permits issued under standard review and less than one percent of the permits issued under express review took more than 90 days for a permit decision to be reached. In fact, the vast majority of permits under standard and express review were issued in less than 30 days, although the statutory review time for many of these programs is greater than 30 days. Ninety-seven percent of the nearly 800 permits reviewed under the express process were issued in 30 days or less. Only the most complex permits, such as Title V Air Quality major permits, CAMA major permits and those that require redesign changes such as non-discharge land application permits, require greater than 90 days for review.

Processing time is tracked from the time a complete application is received, consistent with G.S. 143B-279.12 (d). The General Assembly has recognized that a permit decision cannot be made until all of the necessary technical information has been received. Incomplete applications present a significant obstacle to timely processing of applications in all programs. Delays waiting for additional technical information significantly extends the total review time. DENR has taken a number of steps in recent years to improve the quality of applications. Some of the express features have helped to address this problem such as preapplication meetings and posting review procedures. We will continue to expand successful measures and look for new opportunities to improve applications and reduce total processing times.

Express review has consistently been quicker than standard review. For FY 2010-11, 84 percent of all the express permits issued were either state stormwater permits or erosion and sedimentation control plans. The average review time for erosion and sedimentation control plans under the standard process is 21 days compared to two days under express review. For the State Stormwater permits, the average processing time under the standard review was 45 days and 10 days under express. Size, complexity and staff availability may account for some differences in times, but the express process, with its pre-application meetings, strict adherence to deadlines from all parties and improved communication has demonstrated that this is an effective expedited process.

Over the last two fiscal years, 2008-10, a decline has occurred in the number of permits issued -- especially those related to construction -- due to the downturn in the economy. However, the number of permits issued under the standard review process for FY 2010-11 remained almost even with the last fiscal year. The number of permits issued under express review increased by almost 10 percent. This is a hopeful sign of economic upturn. It is particularly good news for the express program, which is heavily dependent on development permits, and for the financial solvency of the program, which is supported by permit fees.

Express receipts for FY 2010-11 are slightly ahead of FY 2009-10. However, express positions have been reduced by more than 50 percent over the last two years due to declining receipts. Core review staff has

been retained for stormwater, erosion and sedimentation control and coastal management permits, which have been the mainstay of the express program. Aquifer Protection non-discharge land application permits and Water Quality sewer permits no longer have express staff, while wetland and coastal staff have been reduced. As demand increases and funds are available, additional staff will be added. DENR remains committed to thorough, timely environmental review to support economic development, job creation and natural resource protection. We will continue to monitor the program and implement improvements in the express and standard program to meet customer needs.

One-Stop Permit Assistance and Coordination

The One-Stop Coordinator's role was recently expanded as the regional arm of the new DENR Environmental Assistance Center. The coordinators are now called environmental assistance coordinators to reflect their broader non-regulatory duties. They continue to develop customized permit information for proposed projects and provide waste reduction and compliance assistance to a wide range of customers. They also have a more formal role in the regional offices as a customer service liaison between DENR regulatory staff and the full range of DENR customers. In this capacity, the coordinator offers a single and local point of contact to address the customer's issues, complaints and information requests.

The regional environmental assistance coordinators played an important role in hosting a series of statewide listening sessions to seek feedback from customers. The information gained through these sessions will be used to develop training, process improvements and expand customer service to the public. The coordinators are key resources in keeping the lines of communication open with our external customers and developing environmental assistance information. Environmental assistance coordinators also meet onsite with economic developers, business representatives and consultants along with permitting staff to streamline the permitting process for new businesses or industry. This regional service has been referenced by clients as offering North Carolina a competitive advantage compared to other states.

DENR will soon provide a new web-based Environmental Permit Application Tracking System. The application tracking system, planned to go live in March 2012, will be user-friendly, accessible to the public and will provide real-time information. The first phase of the project will focus on permits with a high level of public interest, including a number of water quality, public water supply and air quality applications. Applicants and others will be able to view the milestones in the review process and track progress from the date of receipt until a final decision is made. This new application tracking system will expand the permit processing information that is currently provided for this report.

The department continues to make permit process improvements in both the standard and express programs. The express review program has successfully met developers' need for faster review of time-sensitive projects and has been lauded for its customer service. This has been accomplished without sacrificing the quality of environmental reviews. A number of the features of the express program are being considered for wider application.

Standard
Permit Processing Information
July 1, 2010 - June 30, 2011

2/28/2012

Division	Air Quality			Coastal Management			Land Resources	Water Quality				Water Resources
Permit Type	Small (Non-Title V)	Synthetic Minor (Non-Title V)	Title V	CAMA Major	CAMA General	CAMA Minor	Erosion Control	Wetlands/Stream Determination	State Stormwater	Non-Discharge	Sewer Extension	Public Water Supply
Total Number of Permits Issued	516	315	260	143	1,432	776 (696 by local gov. and 80 by DCM)	1,650	1,348	600	143	66	1,266
Statutory or Projected Time (days)	90	90	270 (to Notice)	75 (can extend to 150)	N/A	25	30	60	90	90	90	30
Avg. Time (days)	36	37	275	96	< 7	< 25	21.4	20	45.7	64.4	126	19
Number < 30 days	234	143	42	2	1,432	776	1,635	988	221	43	4	1,198
Avg. Time < 30 days	16	16	13	16	< 7	< 25	21.3	11	14.3	16.4	6	16
Number > 30 and ≤ 60 days	185	120	46	18	0	0	15	360	256	41	6	111
Avg. Time > 30 and ≤ 60 days	43	45	47	49	N/A	N/A	33.5	43	42.1	46.2	47	49
Number > 60 days	97	52	26	36	0	0	0	N/A	75	22	11	16
Avg. Time > 60 and < 90 days	73	77	77	77	N/A	N/A	N/A	N/A	71.3	73.3	75	73
Number > 90 days	0	0	146	87	0	0	0	N/A	48	37	45	0
Avg. Time > 90 days	0	0	458	114	N/A	N/A	N/A	N/A	155.4	135.1	159	N/A
Reasons permit issuance took > 90 days			Standard review is 270 days to notice. Time waiting for "Add Info" for an application does not have a start or a stop time.	The Coastal Habitat Protection Plan has led to increased resource agency coordination for certain types of proposed projects or for projects located within certain habitat areas. This additional coordination directly contributes to increased processing times.					"Add info" requests.	"Add info" requests.	"Add info" requests.	
Estimated % < 90 days	100%	100%	44%	39%	100%	100%	100%	100%	92%	74%	32%	100%

Processing times may not include time waiting for information from applicant

Express
Permit Processing Information
July 1, 2010 - June 30, 2011

2/28/2012

Division	Coastal Management	Land Resources	Water Quality				
Permit Type	CAMA Major	Erosion Control	Wetlands/401 Certification	Stream Determination	State Stormwater	Non-Discharge	Sewer Extension
Total Number of Permits Issued	11	468	53	46	196	15	3
Statutory or Projected Time (days)	75 (can extend to 150)	3 working days*	30	9	30	90	90
Avg. Time (days)	39	1.7 working days*	12.3	4.3	9.8	18.7	69
Number < 30 days	1	468	53	46	153	13	0
Avg. Time < 30 days	26	1.7 working days*	12.3	4.3	9.1	15.1	N/A
Number > 30 and ≤ 60 days	10	0	0	0	2	2	1
Avg. Time > 30 and ≤ 60 days	40	N/A	N/A	N/A	41.5	42	33
Number > 60 days	0	0	0	0	2	0	1
Avg. Time > 60 and < 90 days	N/A	N/A	N/A	N/A	84	N/A	78
Number > 90 days	0	0	0	0	0	0	1
Avg. Time > 90 days	N/A	N/A	N/A	N/A	N/A	N/A	95
Reasons permit issuance took > 90 days							Incomplete Documentation
Estimated % < 90 days	100%	100%	100%	100%	100%	100%	67%

Processing times may not include time waiting for information from applicant

* DENR's avg. overall time to process a project (including applicant time) was 5 calendar days and 3 working days.