

## Henderson County, North Carolina

### HENDERSON COUNTY STORMWATER FAST TRACK “AUTHORIZATION TO CONSTRUCT” PERMIT APPLICATION INSTRUCTIONS

#### A. ELIGIBILITY FOR FAST-TRACK PERMITTING

Before applying for a Fast Track ATC permit, be sure to verify that your project is eligible for permitting under the Fast Track Permitting Process. Read each item on the application form under “A. ELIGIBILITY FOR FAST-TRACK PERMITTING” carefully and check only those items that apply to your project. If any item does not apply, the project is not eligible for Fast Track Permitting and must apply under the Standard Permitting Process.

#### B. GENERAL INFORMATION

1. **Project Name** – Provide the actual name of the project consistent with the project name that was used on the CAMA application and/or on the SEC application.
2. **Previous Project Name** – If the project was previously submitted and/or returned under another name, please report the previous project name.
3. **Location of Project** – Provide the street address of the facility. Most local governments require a street address for the 911 emergency system. Please provide the 911 street address for the project and the ZIP code with 4-digit extension. Reporting the ZIP code is necessary in order for the Division’s database to accurately reflect the project location.
4. **Directions to Project** – The directions provided must originate from the nearest intersection of 2 major roads (should be the same roads referenced on the vicinity map on the plans). A major road is any 1, 2 or 3 digit NC, US or Interstate highway. The 4-digit NC State Road numbers are helpful, but referencing only NCSR numbers in the directions will not suffice.
5. **Latitude and Longitude** – These must be taken and recorded at the Main Entrance to the project. If there is more than 1 main entrance, please specify which entrance was chosen, i.e., north, south, east, west, and/or identify by the road name. Please be careful when entering the numbers on the application.

#### C. PERMIT INFORMATION

##### 1. **New Projects**

If the project has never received a stormwater permit before, then it is **NEW (no previous application)**.

If the project has previously received a Fast Track ATC permit, the project is considered **NEW (replacing a previous ATC Permit)** if:

- the previous Fast Track ATC permit has NOT expired;
- construction on the project has NOT begun;
- the proposed project has been modified such that project area has changed;
- the project can begin and end construction within the term of its original ATC permit (*the new ATC permit will be issued with the same expiration date*); and
- the applicant agrees to rescind the previous Fast Track ATC permit (*the new ATC permit will be issued with a different permit number*).

If the project has previously received a Fast Track ATC permit, the project can be **renewed** one time using **Form SWU-102** (*the renewed permit will be issued with the same permit number and a new expiration date*), if:

- the previous Fast Track ATC permit has NOT expired;
- the project has NOT been modified such that the project area has changed;

- construction has *either* NOT begun *or* has begun, but due to unforeseen circumstances, CANNOT be completed in the original 5-year permit term; and
- construction on the project can be completed within the renewed 5-year permit term.

### Major Modifications

A project is a **MODIFICATION of an EXISTING STORMWATER PERMIT** if a project previously permitted under the Standard Permitting Process is being modified, and the applicant wishes to permit it under the Fast Track Permitting Process going forward.

If a project was previously permitted under the Standard Permitting Process, and a major modification is requested, the project may be eligible for the Fast Track Permitting Process if:

- the modification being requested is NOT considered a minor modification, as that term is defined in 15A NCAC 02H .1002(25). Minor modifications must use the Standard Permitting Process;
- the major modification is submitted by the original permittee;
- the previous SW permit has NOT expired;
- the entire project and all SCMs (including existing SCMs associated with the project) will meet all applicable requirements of 15A NCAC 02H .1000 - .1062, including the MDC, upon project completion; and
- the applicant agrees to rescind the previous SW permit upon issuance of the new Fast Track ATC permit.

Modifications of existing Fast Track ATC permits are not allowed. If a project for which a Fast Track ATC permit was issued has been modified such that the project area has changed, that project may be eligible to replace its Fast Track ATC permit with a new Fast Track ATC permit (see criteria above under “New Projects.”)

Please list the existing SW permit number and the status of construction:

- Check  **Not Started** if the project that was previously permitted was not built.  
 Check  **Partially Completed** if, during the course of construction, something about the project has changed that requires a modification.  
 Check  **Completed** if the project is complete and is being modified for some other reason.

**For both Partially Complete and Completed projects, a Designer’s Certification must accompany the modified application.** A partial Designer’s Certification is needed for Partially Complete projects, and would cover the SCM(s) and any drainage features constructed to date. The Designer’s Certification for a Complete project would encompass the SCM, the drainage area and the built-upon area.

### Transfers

A **transfer** of an existing Fast Track ATC Permit to a new project owner (other than an HOA) may be requested using the Stormwater Fast Track ATC Application Form under the following conditions:

- the existing Fast Track ATC Permit is NOT expired;
- the project area has NOT been modified;
- the proposed permittee fills out a new ATC form with a new Design Professionals notarized certification AND the current permittee notarized certification form approving the transfer;
- the Fast Track ATC Permit is NOT being transferred to a Homeowner’s Association (a project must be issued a Final Permit before transferring to an HOA);
- the Applicant acknowledges that the expiration date for the transferred Fast Track ATC permit will remain the same as the existing Fast Track ATC permit;

- If the project has NOT started construction, the current permittee has provided a copy of the Fast Track ATC Permit and any associated records (e.g., design information) to Henderson County and the proposed permittee/Applicant;
- If the project has started construction, the design professional of record must certify what has been built to date and the design professional must provide all records (e.g., plans, calculations, SCM specifications, recorded documents, etc) to Henderson County and the proposed permittee/Applicant.

If any of the above conditions cannot be met, the Fast Track ATC Permit is not eligible for Transfer and may be rescinded upon issuance of a new permit or allowed to expire. If construction has NOT started, the new permittee/Applicant may choose to apply for a new Fast Track ATC Permit or apply under the Standard Permitting Process. In those cases, the renewal term will be reset. If construction has started, the new permittee/Applicant may request that the Fast Track ATC Permit be converted to a state stormwater permit under the Standard Permitting Process.

2. **Applicable State Stormwater Programs** – Check each stormwater program that applies to the project. Applicability is generally based on location of the project site within a subject area, draining to a subject waterbody, and/or cumulative disturbed area. Consult the [Stormwater Permitting Interactive Map](#) as the starting reference determining applicability, and contact the DWR Regional Office for confirmation. You should also consult the [stormwater rules](#) (effective 1/1/2017) that apply to your project for specific requirements.

If a project has portions that are located within two or more coastal stormwater program areas, the project shall meet the applicable requirements of 15A NCAC 02H .1019(6) inside each of the project's portions. [15A NCAC 02H .1019(5)(d) & G.S. 143-214.7 (b2)(3)] If there are any questions, please contact the appropriate Regional Office for guidance.

3. **Other Permits** – Please let us know what **other permits** the project has already applied for or received or that are required. You will need to contact the Division of Coastal Management to determine if a CAMA Major permit is needed. You will need a Sedimentation Erosion Control Plan if the project will cumulatively disturb more than one acre. You will need an NPDES Industrial Stormwater permit if the project proposes an activity wherein the stormwater will come in contact with any process water or chemicals. You will need a 401/404 wetlands permit if there are any wetlands impacts proposed. If you need help with determining what other permits may be needed, please contact the Customer Service Center at 1-877-623-6748.

Henderson County routinely sends out letters requesting stormwater applications for those projects that have submitted for a CAMA Major permit or for a Sedimentation Erosion Control Plan approval or for the proposed construction of more than 10,000 square feet of built-upon area. The applications for CAMA and SEC projects are assigned an application number, which is referenced on the letter. **Please refer to this application number when applying for the stormwater permit.**

4. **Local Government Contact** – Provide information on the **local government contact** that will be issuing the building permit. This will assist us in getting a copy of the permit to the correct Building Inspection Office.

## D. CONTACT INFORMATION

1. **Applicant (also known as Financially Responsible Party)** – Who will own the project? This can be a developer, the property owner, the person leasing the property (lessee), the purchaser of the property, a designated government official, a “person” such as a corporation, LLC, general partnership, municipality, individual, etc.,

2. If the Applicant/Financially Responsible Party is a corporation or LLC, list the name of the Registered Agent and contact information. The mailing address must match the address on file with the NC Dept of the Secretary of State <https://www.sosnc.gov/search/index/corp>.
3. Check all that apply to indicate whether the Applicant is the property owner, the lessee, purchaser, developer, or some combination thereof. The property owner is the person who owns the property, is legally responsible for the property, and who has the authority sell it and place deed restrictions on it. If the Applicant is not the property owner, attach a copy of the associated agreement and complete Item 4.
4. Complete this item if the Applicant is not the property owner. Otherwise, skip to Item 5.
5. List the contact information for the consultant who is acting as the licensed Design Professional for the duration of the project. The Design Professional for permits issued under the Fast Track Permitting Process must be licensed pursuant to either Chapter 89A or Chapter 89C of the NC General Statutes. [15A NCAC 02H .1043(2)]
6. [Optional] This is the place to provide any other contact information for the project, such as the construction supervisor.

## E. PROJECT INFORMATION

1. Specify whether the project is **Low Density** or **High Density**. Note that projects which drain to an **off-site SCM** are not eligible for Fast-Track Permitting and must apply under the Standard Permitting Process. [15A NCAC 02H .1003(3)(c)]
2. A brief explanation on **how the stormwater will be treated/conveyed**. This can be as simple as “Low density with grassed roadside swales” or “Wet Detention Pond” to something more complex, such as “Overall low density with infiltration trench systems to treat areas of the project with a density higher than the overall project.”
3. What **River Basin(s)** will the project drain to? In North Carolina, there 17 identified river basins. In the 20 coastal counties, the following river basins can apply: Lumber, Cape Fear, White Oak, Neuse, Tar-Pamlico, Pasquotank, or Chowan.
4. List the **Receiving Stream Name**, **Stream Classification**, and **Stream Index Number** for each waterbody receiving flow from the project. This information can be found in the NC [Surface Water Classifications interactive map](#). Search for the receiving waters by stream name or location. Streams may be broken up into several segments, each with different classifications. If you need assistance, you can submit the Water Quality Classification Request form and topo map to the Regional Office.
5. **Project Area and Density Information** (report in square feet, unless otherwise stated)

**Total Property Area** = The entire property area (or permit area for campus-style development) on which the project will be located.

**Total Surface Water Area** = Area of waters shown as blue lines on the USGS maps, hydrologically connected waters, and waters that are listed in the Division’s Schedule of Stream Classifications, whether they appear on the USGS map or not. This includes the normal pool of impounded structures, the area between the banks of streams and rivers, and the area below the Normal High Water (NHW) line or Mean High Water (MHW) line.

**Total Coastal Wetlands Area** = Area of coastal wetlands landward from the NHW (or MHW) line. Coastal wetlands are defined in Rule 15A NCAC 07H .0205, and can only be identified and flagged by personnel of the Division of Coastal Management, or an

appropriately trained person acceptable to DCM.

**Total Project Area** = Project Area *minus* (Coastal Wetlands Area + Surface Water Area)

- Total Project Area may or may not be the same as Total Property Area.
- “Project” is defined as the proposed development activity for which an applicant is seeking a stormwater permit. “Project” excludes any land adjacent to the area disturbed by the project that has been counted as pervious by any other development regulated under a federal, State, or local stormwater regulation. [15A NCAC 02H .1002(38)]
- If the proposed project has more than one phase of development, the Applicant must consider whether multiple phases can be completed within the 5-year permit term and be able to provide the required information for each phase with the initial ATC permit application. If not, the Applicant must consider each phase as its own project for purposes of Fast Track ATC permitting. Alternatively, the phased project may be permitted under the Standard Permitting Process.

**Built-Upon Area (BUA) associated with Existing Development** = BUA associated with Existing Development within the Total Project Area

- “Existing Development” means those projects that are built or those projects that have established a vested right under NC law as of the effective date of the state stormwater program or applicable local government ordinance to which the project is subject. [15A NCAC 02H .1002(17)]
- “Built-upon area” or “BUA” means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. “BUA” does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; or a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour). [NCGS 143-214.7(b2)]

**Proposed New BUA** = BUA that is not associated with existing development.

- “Built-upon area” or “BUA” means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. “BUA” does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; or a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour). [NCGS 143-214.7(b2)]
- The design volume of SCMs must take into account the runoff from build out from all surfaces draining to the SCM. [15A NCAC 02H .1050(1)].

**Project Density** - Perform one of the following **Project Density** calculations, depending on whether or not the project has existing development:

- **Project Density with Existing Development** = [New BUA] *divided by* [Total Project Area *minus* Existing BUA] x 100
- or
- **Project Density without Existing Development** = [New BUA] *divided by* [Total Project Area] x 100

6. Identify the Anticipated construction start date.

7. Please check the appropriate box as to whether the project is located **within 5 miles of a public airport** that supports commercial air carriers or general aviation services. See Session Law 2012-200, Part VI for more information regarding SCM types used.
8. FOR PROJECTS IN UNION COUNTY ONLY: Contact the DEMLR Central Office Stormwater staff at 919-707-9200 to determine if the project is located within a Threatened & Endangered Species watershed that may be subject to more stringent stormwater requirements per 15A NCAC 02B .0600.

## F. SUBMITTAL REQUIREMENTS

This section provides a list of all the items that make up a complete Henderson County Stormwater Fast Track Process: Authorization to Construct Permit Application. Only application packages that include all these items will be accepted and reviewed:

1. Two original signed hard copies and one electronic copy of the **State Stormwater Fast Track Process: ATC application form**. Original signatures only. [15A NCAC 02H .1043(3)(a)]
2. The appropriate **permit application processing fee** currently set at \$505.00.
3. Two hard copies and one electronic copy of a **USGS map** identifying the project location and GPS coordinates for the project. For those projects draining to a receiving stream that is classified as SA, the project location must be shown to scale and the ½ mile radius from the project must be drawn on the map. If the project is within 575 feet of Class SA-ORW waters, the map must include the 575-foot radius. [15A NCAC 02H .1043(3)(e)]
4. Two original signed hard copies and one electronic copy of a **site plan** depicting the boundary of the project or project phase currently being permitted, including the locations of SCMs, streams, wetlands, and buffers.
5. Two hard copies and one electronic copy of a **construction sequence** that discusses how any future development on the project may be phased.
6. One copy of the most current **property deed**, along with the Deed Book and Page No.
7. **Corporations and Limited Liability Corporations** must be registered with the NC Secretary of State, active and in good standing, in order to receive a permit. The person signing the application for a corporation must be at least the level of vice president. The person signing the application for an LLC must be either the Manager, if the LLC is manager-managed, or a Member, if the LLC is member-managed. Additionally, the person signing the application must be either listed in the Articles of Incorporation and identified with their title, or listed on the latest annual report with their title. These documents can be downloaded from the Secretary of State website at <https://www.sosnc.gov/search/index/corp>, and must be submitted with the application. [15A NCAC 02H .1043(3)(b)]
8. When the applicant is a Partnership or other person engaging in business under an assumed name, attach a copy of the Certificate of Assumed Name.
9. When the applicant is not the property owner, provide two hard copies and one electronic copy of lease agreements, affidavits, or other documents showing that the applicant has obtained legal rights to submit a stormwater permit application within the proposed project area. [15A NCAC 02H .1043(3)(c)]
10. If modifying an existing permit for completed or partially completed projects, one copy of the designer's certification.

## **G. CERTIFICATION OF APPLICANT/FINANCIALLY RESPONSIBLE PARTY**

The applicant signs and dates the application in the presence of a notary public. Don't forget to have the notary public fill in, stamp, sign and date the notary public area. Either inked stamps or raised impression stamps are allowed. Please make sure the Notary Public signs the application containing the original signature of the applicant and not a photocopied signature. 15A NCAC 02H .1043(3)(a)(vii); 15A NCAC 02H .1043(3)(d)

## **H. DESIGN PROFESSIONAL'S CERTIFICATION**

The Design Professional identified in Section D.5 completes this Section, including affixing their professional seal.

## **I. PROPERTY OWNER'S AUTHORIZATION**

To be completed by the Property Owner if the Applicant is NOT the Property Owner. The Property Owner signs and dates the application in the presence of a notary public. If a developer or lessee is involved, the property owner's signature also authorizes the developer or lessee to construct the project as approved. Don't forget to have the notary public fill in, stamp, sign and date the notary public area. Either inked stamps or raised impression stamps are allowed. Please make sure the Notary Public signs the application containing the original signature of the property owner and not a photocopied signature.

## **J. CERTIFICATION OF CURRENT PERMITTEE**

To be completed by the current permittee ONLY if a permit transfer is being requested. The current permittee signs and dates the application in the presence of a notary public. Don't forget to have the notary public fill in, stamp, sign and date the notary public area. Either inked stamps or raised impression stamps are allowed. Please make sure the Notary Public signs the application containing the original signature of the applicant and not a photocopied signature.