

**Avery County Planning Department
Grading Permit Application
Site Development for Local Program/NCGO1-NCDEMLR and EPA**

Review Fee: \$125.00
Grading Permit Fee: \$175.00

Approved Plan Date: _____

Owners Name: _____ Date submitted: _____

Mailing Address: _____ Reviewer's Initial: _____

Owners signature _____ Date _____

Project Name: _____

Physical Address: Location _____

_____ Phased yes ___ no ___

Project Cost: _____ Total area disturbed (acres) _____

Contractor's Name: _____

Mailing Address: _____

Project Engineer/Architect: _____

Mailing Address: _____

Engineer/Architect Signature

Date/signed

A. Required Information:

- (1) Completed Financial Responsibility/Ownership Forms; signed and notarized
- (2) Narrative describing the nature and purpose of construction activity.
- (3) Avery County Commercial Site Plan Application.
- (4) Sedimentation & Erosion Control Plan, with attached Erosion Control Checklist.
- (5) An excavation contract with the grading contractor to verify responsibility of placement and maintenance of *sedimentation and erosion control measures*.
- (6) NCGO1 permit: Certificate of Coverage for all projects that has more one (1) acre disturbed area. Apply electronically at <https://deq.nc.gov/NCGO1>

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D. Scope and Exclusions

This shall apply to and land disturbing activities undertaken by any person, with the following exceptions:

- (1) Those undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to: forage and sod crops, grain and feed crops, tobacco, cotton and peanuts, Christmas trees and native nursery plants; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of all such animals; bees and apiary products, fur animals; and
- (2) Those undertaken on forestland for the production and harvesting of timber and timber products and which are conducted in accordance with Forest Practice Guidelines related to Water Quality (best management practices) as adopted by the Department. If land-disturbing undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with Forest Practice Guidelines related to Water Quality, the provisions of this shall apply to such activity and any related land disturbing activity on the tract; and
- (3) Activities for which a permit is required under the Mining Act of 1971m Article 7 of Chapter 74 of the General Statutes.
- (4) Land disturbing activity over which the State, by statute, has exclusive regulatory jurisdiction as provided in G.S. 113A-56(a).

E. General Requirements

- (1) **Plan Required.** No person shall initiate any land disturbing activity which uncovers more than one acre without having an erosion control plan as a part of the **Common Plan of Development** approved by Avery County Planning Department and a NCGO1 permit issued by the North Carolina Department of Environmental Quality.
- (2) **Protection of Property and streams and wetlands:** Person or persons conducting land disturbing activity shall apply for all state or federal permits applicable in order take all reasonable measures to protect all public property, private property, streams, live water and wetlands from damage or impact caused by such activity. (example: Army Corp. 404 or Nation Wide permit, NC Division of Water Quality 401 permitting, NCDOT permits)
- (3) **More Restrictive Rules Shall Apply.** Whenever conflicts exist between federal, state, or local laws, ordinances or rules, the more restrictive shall apply.

Fact Sheet on the New NCG01 Permit

March 2019



The NC Construction General Permit (also known as "NCG01") was renewed on March 1, 2019. The updated permit does not significantly change the measures that are required to be implemented on construction sites. However, there are some organizational and technical updates to the permit as described below. Most notably, there is a new process in which construction sites will obtain official coverage under an NCG01 permit through an electronic process. DEMLR worked with a broad team of stakeholders to make all of these updates. If you have questions, contact Annette Lucas at Annette.lucas@ncdenr.gov or (919) 707-6369.

Organizational Updates

The new permit:

- Repeats state requirements for E&SC Plans and organizes them with federal construction activity requirements;
- Is clearly organized by topic; and
- Has less text and more tables.

Technical Updates

The new permit:

- Requires that the E&SC Plan meet SWPPP requirements (p. 2);
- Provides a list of items that must be included in the SWPPP, such as the construction sequence, plans, calculations, etc. (p. 2-4);¹
- Has updated language on bypasses and upsets that is tailored to construction activities (p. 10);
- Puts all timeframes for inspections, record-keeping and reporting in "calendar days" for clarity and consistency (p. 11-14);²
- Changes the inspection frequency (during business hours) to at least once per 7 calendar days and after every storm ≥ 1.0 inch (previously 0.5 inch);³ and
- Excludes weekends, state and federal holidays from normal business hours unless construction activities take place (p. 23).

¹ This list is based on website guidance by the DEMLR Sediment Program.

² The number of calendar days was selected to be as equivalent as possible with the previous permit.

³ The intent is to provide predictability to the inspection schedule.

Acronyms to Know

COC: Certificate of Coverage, proof of obtaining an NCG01 permit

DEMLR: NC Division of Energy, Mineral, and Land Resources

E&SC: Erosion & Sedimentation Control

e-NOI: Notice of Intent, application form for the NCG01 permit

e-NOT: Notice of Termination, form for closing out the NCG01 permit

SWPPP: Stormwater Pollution Prevention Plan, required by the NCG01



The NCG01 Process

The new NCG01 applies to permits approved on or after March 1, 2019.

Permittees will no longer receive a copy of the NCG01 permit in the mail with their E&SC Plan approvals and be considered as covered under the permit. Federal rules require that DEMLR receive an NOI on each construction project and issue each construction project its own COC.

Under the new NCG01 process, construction sites will continue to receive approval for E&SC Plans from either DEMLR or the delegated local E&SC program just like before. After receiving E&SC Plan approval, permittees will officially obtain coverage under the NCG01 by completing an e-NOI (available at deq.nc.gov/NCG01). The e-NOI will only take about 20 minutes to fill out and submit on-line.

Initially, there will be no charge associated with applying for an NCG01 permit but on or around May 1, 2019, DEMLR will begin charging a \$100 annual general permit fee as required per §143-215.3D.

DEMLR is working on creating a single application form that will allow an applicant to simultaneously apply for an E&SC permit and an NCG01 COC. That effort is part of a larger Permit Transformation project at DEMLR.

Q&A About the New NCG01 Permit

Why do construction sites have to do this extra application step?

DEMLR is required by the US Environmental Protection Agency to issue a specific COC to every construction site that disturbs one acre or more. DEMLR is working to create a form that combines the E&SC plan approval and e-NOI processes, but that will take more time. For now, DEMLR has created an efficient e-NOI process.

If an E&SC Plan is approved before March 1, which permit applies?

Projects with already approved E&SC Plans will automatically follow the new NCG01 permit, but will not need to fill out an e-NOI or pay an annual permit fee. However, the permittees should print the new permit and the two standard detail sheets and have them on site.

Will DEMLR offer tools to help permittees comply with the new NCG01?

Yes, DEMLR will provide two sample plan sheets at deq.nc.gov/NCG01 that can be placed into the E&SC plan set. The first covers the site stabilization and materials handling portions of the permit. The second sheet covers the inspection, record-keeping and reporting portions of the permit.

How will the new e-NOI submittal and COC process work?

Permittees will apply for their E&SC Plan approvals from either DEMLR or the delegated local E&SC program like before. The approval letter will instruct the permittee to visit deq.nc.gov/NCG01 to submit an e-NOI form to DEMLR. A COC will be issued within three business days. Then, the permittee will be responsible for printing a copy of the permit and retaining it on site. Initially, the COC will be issued for free but on or around May 1, 2019, a \$100 annual general permit fee will be charged.

Who is allowed to submit an e-NOI form?

The officer, manager, or sole proprietor of the financially responsible organization may submit e-NOIs.

What happens to the COC when the construction activity is complete?

When a project is complete, the permittees will contact DEMLR or the local delegated program to close out the E&SC Plan. After DEMLR or the local E&SC program inform the permittee of the project close out via inspection report, the permittee will visit deq.nc.gov/NCG01 to submit an e-NOT.

Will there be a grace period for adherence to the new process?

DEMLR does not have the authority to grant a grace period from a federally mandated permit. Permittees will be informed of the new process via web site, E&SC Plan approval letters and list serves.

What will happen if an e-NOI is not submitted for a construction site?

If a construction site that disturbs one acre or more fails to submit an e-NOI after approval of its E&SC Plan, this is a violation of federal permitting requirements and the permittee could be subject to a penalty assessment.

How does the new NCG01 affect the delegated local E&SC Programs?

Local programs will continue to review and approve E&SC plans. However, they will no longer send copies of the NCG01 with E&SC Plan approvals. DEMLR will provide sample language to use in local E&SC Plan approvals to advise permittees that they must submit an e-NOI to DEMLR.



Local programs are not required to check if permittees have submitted e-NOIs to DEMLR. However, if they wish to do this voluntarily, there will be a tool available on DEMLR's web site for them to view a list of construction projects that have submitted e-NOIs.

When local programs close out an E&SC Plan, the close-out letter will advise permittees that they must submit an e-NOT. DEMLR will provide sample language.

Local programs may approve E&SC plans that meet state sediment laws and rules even if those plans are not compliant with all of the NCG01 requirements. However, their permittees will be required to add two plan sheets (which will be provided by DEMLR) to their E&SC Plans to ensure that they fully comply with the ground stabilization, materials handling, and inspection, record-keeping and reporting portion of the NCG01 permit.

**FINANCIAL RESPONSIBILITY/OWNERSHIP FORM
SEDIMENTATION POLLUTION CONTROL ACT**

No person may initiate any land-disturbing activity on one or more acres as covered by the Act before this form and an acceptable erosion and sedimentation control plan have been completed and approved by the Avery County Planning Department 200 Montezuma Street Newland NC 28657 (Please type or print and, if the question is not applicable or the e-mail and/or fax information unavailable, place N/A in the blank.)

Part A.

1. Project Name _____
2. Location of land-disturbing activity: County _____ City or Township _____
Highway/Street _____ Latitude _____ Longitude _____
3. Approximate date land-disturbing activity will commence: _____
4. Purpose of development (residential, commercial, industrial, institutional, etc.): _____
5. Total acreage disturbed or uncovered (including off-site borrow and waste areas): _____
6. Amount of fee enclosed: \$ _____. \$175.00 Grading Permit, \$125.00 for review fee
7. Has an erosion and sediment control plan been approved: Yes ___ No ___ Enclosed ___
8. Person to contact should erosion and sediment control issues arise during land-disturbing activity:
Name _____ E-mail Address _____
Telephone _____ Cell # _____ Fax # _____
9. Landowner(s) of Record (attach accompanied page to list additional owners):

Name	Telephone	Fax Number
Current Mailing Address	Current Street Address	
City	State	Zip
City	State	Zip
10. Deed Book No. _____ Page No. _____ Provide a copy of the most current deed.

Part B.

1. Person(s) or firm(s) who are financially responsible for the land-disturbing activity (Provide a comprehensive list of all responsible parties on an attached sheet):

Name	E-mail Address
Current Mailing Address	Current Street Address
City	State
City	State
Telephone	Zip

2. (a) If the Financially Responsible Party is not a resident of North Carolina, give name and street address of the designated North Carolina Agent:

_____			_____		
Name			E-mail Address		
_____			_____		
Current Mailing Address			Current Street Address		
_____	_____	_____	_____	_____	_____
City	State	Zip	City	State	Zip
Telephone _____			Fax Number _____		

(b) If the Financially Responsible Party is a Partnership or other person engaging in business under an assumed name, **attach a copy of the Certificate of Assumed Name**. If the Financially Responsible Party is a Corporation, give name and street address of the Registered Agent:

_____			_____		
Name of Registered Agent			E-mail Address		
_____			_____		
Current Mailing Address			Current Street Address		
_____	_____	_____	_____	_____	_____
City	State	Zip	City	State	Zip
Telephone _____			Fax Number _____		

The above information is true and correct to the best of my knowledge and belief and was provided by me under oath (This form must be signed by the Financially Responsible Person if an individual or his attorney-in-fact, or if not an individual, by an officer, director, partner, or registered agent with the authority to execute instruments for the Financially Responsible Person). I agree to provide corrected information should there be any change in the information provided herein.

_____		_____	
Type or print name		Title or Authority	
_____		_____	
Signature		Date	

I, _____, a Notary Public of the County of _____

State of North Carolina, hereby certify that _____ appeared personally before me this day and being duly sworn acknowledged that the above form was executed by him.

Witness my hand and notarial seal, this _____ day of _____, 20_____

Seal

Notary

My commission expires _____ page 6