15A NCAC 01C .0107 LIMITATION ON ACTIONS DURING NCEPA PROCESS

(a) If an environmental document is required under NCEPA, DEQ shall not undertake an action until the environmental document for that action is final.

(b) If DEQ is considering a proposed action for which an environmental document is to be or is being prepared under NCEPA, DEQ shall promptly notify the applicant that DEQ cannot take final action until the environmental document is completed and available for use as a decision-making tool. The notification shall be consistent with the statutory and regulatory requirements of DEQ and may be in the form of a notification that the application is incomplete.

(c) When a program within DEQ decides that a proposed action, for which other DEQ actions are pending or have been taken, requires environmental documentation, then that program shall promptly notify all the other relevant DEQ programs of the decision.

(d) When statutory and regulatory requirements prevent DEQ from suspending action, DEQ shall deny any action for which it determines an environmental document is required under NCEPA but not yet available as a decision-making tool.

History Note: *Authority G.S. 113A-2; 113A-4; 113A-6; 113A-7; 143B-10;*
Eff. April 1, 2003;
Readopted Eff. June 1, 2022.