

15A NCAC 02Q .0312 APPLICATION PROCESSING SCHEDULE

(a) The Division shall adhere to the following schedule for processing applications for permits, permit modifications, and permit renewals:

- (1) for permit applications, except for prevention of significant deterioration pursuant to 15A NCAC 02D .0530 and case-by-case maximum achievable control technology pursuant to 15A NCAC 02D .1109 or .1112:
 - (A) The Division shall send written acknowledgment of receipt of the permit application to the applicant within 10 days of receipt of the application.
 - (B) The Division shall review all permit applications within 45 days of receipt of the application to determine whether the application is complete or incomplete for processing purposes. The Division shall notify the applicant in writing that:
 - (i) the application as submitted is complete and specifying the completeness date,
 - (ii) the application is incomplete, requesting additional information and specifying the deadline date by which the requested information is to be received by the Division, or
 - (iii) the application is incomplete and requesting that the applicant rewrite and resubmit the application.

If the Division does not notify the applicant in writing within 45 days of receipt of the application that the application is incomplete, the application shall be deemed complete. A completeness determination shall not prevent the Director from requesting additional information at a later date if such information is necessary to properly evaluate the source, its air pollution abatement equipment, or the facility. If the applicant has not provided the requested additional information by the date specified in a written request for additional information, the Director shall cease processing the application until additional information is provided. The applicant may request a time extension for submittal of the requested additional information.
 - (C) The Division shall determine within 45 days of receipt of a complete application if any additional information is needed to conduct the technical review of the application. A technical completeness determination shall not prevent the Director from requesting additional information at a later date if such information is necessary to properly evaluate the source, its air pollution abatement equipment, or the facility. The Division shall complete the technical review within 90 days of receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.
 - (D) If the draft permit is not required to go to public notice or to public hearing, the Director shall issue or deny the permit within 90 days of receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.
 - (E) If the draft permit is required to go to public notice with a request for opportunity for public hearing pursuant to 15A NCAC 02Q .0306(a), the Director shall:
 - (i) send the draft permit to public notice within 90 days after receipt of a complete application; and
 - (ii) complete the review of the record and take final action on the permit within 30 days after the close of the public comment period.
 - (F) If the draft permit is required to go to public hearing as a result of a request for public hearing pursuant to 15A NCAC 02Q .0307(e), the Director shall:
 - (i) send the draft permit to public hearing within 45 days after approving the request for the public hearing; and
 - (ii) complete the review of the record and take final action on the permit within 30 days after the close of the public hearing.
- (2) for permit applications for prevention of significant deterioration pursuant to 15A NCAC 02D .0530, the processing schedules are set out in that Rule.
- (3) for permit applications for case-by-case maximum achievable control technology pursuant to 15A NCAC 02D .1109 or .1112:
 - (A) The Division shall send written acknowledgment of receipt of the permit application to the applicant within 10 days of receipt of the application.

- (B) The Division shall review all permit applications within 45 days of receipt of the application to determine whether the application is complete or incomplete for processing purposes. The Division shall notify the applicant in writing that:
- (i) the application as submitted is complete and specifying the completeness date;
 - (ii) the application is incomplete, requesting additional information and specifying the deadline date by which the requested information is to be received by the Division; or
 - (iii) the application is incomplete and requesting that the applicant rewrite and resubmit the application.

If the Division does not notify the applicant in writing within 45 days of receipt of the application that the application is incomplete, the application shall be deemed complete. A completeness determination shall not prevent the Director from requesting additional information at a later date if such information is necessary to properly evaluate the source, its air pollution abatement equipment, or the facility. If the applicant has not provided the requested additional information by the date specified in the letter requesting additional information, the Director shall cease processing the application until additional information is provided. The applicant may request a time extension for submittal of the requested additional information.

- (C) The Division shall determine within 60 days of receipt of a complete application if any additional information is needed to conduct the technical review of the application. A technical completeness determination shall not prevent the Director from requesting additional information at a later date if such information is necessary to properly evaluate the source, its air pollution abatement equipment, or the facility. The Division shall complete the technical review within 120 days of receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.
- (D) The Director shall:
- (i) send the draft permit to public notice within 120 days after receipt of a complete application or 10 days after receipt of requested additional information, whichever is later; and
 - (ii) complete the review of the record and take final action on the permit within 30 days after the close of the public comment period.
- (E) If the draft permit is required to go to public hearing as a result of a request for public hearing pursuant to 15A NCAC 02Q .0307(e), the Director shall:
- (i) send the draft permit to public hearing within 45 days after approving the request for the public hearing; and
 - (ii) complete the review of the record and take final action on the permit within 30 days after the close of the public hearing.

(b) The days that fall between sending out a written notification requesting additional information and receiving that additional information shall not be counted in the schedules pursuant to Paragraph (a) of this Rule.

(c) The Director shall cease processing an application that contains insufficient information to complete the review.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;
Eff. February 1, 1995;
Amended Eff. July 1, 1998;
Readopted Eff. April 1, 2018.*