

# 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](mailto: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);<sup>1</sup>
- 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);<sup>2</sup>
- Changes the inspection frequency (during business hours) to at least once per 7 calendar days and after every storm  $\geq 1.0$  inch (previously 0.5 inch);<sup>3</sup> and
- Excludes weekends, state and federal holidays from normal business hours unless construction activities take place (p. 23).

<sup>1</sup> This list is based on website guidance by the DEMLR Sediment Program.

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

<sup>3</sup> 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 [deg.nc.gov/NCG01](http://deg.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](http://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](http://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](http://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.