

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 under 15A NCAC 2D .0530, case-by-case maximum achievable control technology under 15A NCAC 2D .1109 or .1112, or a request for synthetic minor facility status before one year after EPA approves Section .0500 of this Subchapter:
 - (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 by letter:
 - (i) stating that the application as submitted is complete and specifying the completeness date,
 - (ii) stating that 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) stating that the application is incomplete and requesting that the applicant rewrite and resubmit the application.

If the Division does not notify the applicant by letter dated 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 when such information is considered 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 deadline specified in the letter requesting additional information, the Director may return the application to the applicant as incomplete. 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 when such information is considered 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 under Rule .0306(a) of this Section, 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 under Rule .0307(e) of this Section, 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 under 15A NCAC 2D .0530, the processing schedules are set out in those Rules.
- (3) for case-by-case maximum achievable control technology under 15A NCAC 2D .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 by letter:
 - (i) stating that the application as submitted is complete and specifying the completeness date,
 - (ii) stating that 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) stating that the application is incomplete and that the applicant rewrite and resubmit the application.

If the Division does not notify the applicant by letter dated 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 when such information is considered 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 deadline specified in the letter requesting additional information, the Director may return the application to the applicant as incomplete. 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 when such information is considered 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 under Rule .0307(e) of this Section, 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.

- (4) requests for synthetic minor facility status before one year after EPA approves Section .0500 of this Subchapter shall be acted on within one year after EPA approves Section .0500 of this Subchapter.

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

(c) The Director may return at any time applications containing insufficient information to complete the review.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;
Eff. February 1, 1995;
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