

## CHAPTER 200 REGULATORY REVIEW PROCEDURES

### SECTION 201 INTENT OF PLANNING PROCEDURES

- A. This chapter is intended to provide the Designer a listing of the possible regulatory review or permitting agencies that may impact the project. A brief description of each agency's responsibility and jurisdiction is described. The Designer is to review these and note those that are applicable to his proposed project. It is highly unlikely that all agencies would be involved in one project, but not impossible. Some agency reviews serve only State facilities and others serve both private sector and public sector projects, so the Designer may be familiar with or have experience with many of these agencies.
- B. There are other agencies exercising inspection authority such as OSHA, who are not involved in the review process but may be involved during construction. The Designer must conform to all federal and state laws, codes and regulations applicable to the process or project regardless of whether a review is provided or approval given to bid.
- C. Please indicate on all submittal letters, transmittal forms, correspondence, e-mail, etc. to SCO which agencies are receiving copies for review. Ensure that all correspondence and documents are clearly identified by project title, agency/institution name and, most importantly, the **SCO ID#** assigned to the project when the design contract was initiated.

### SECTION 202 REGULATORY PLAN REVIEWS AND APPROVALS

#### 202.1 GENERAL REQUIREMENTS

The attention of the Designer is called to Article 1, Paragraphs 1-10 of the design agreement. It shall be the responsibility of the Designer (except where noted otherwise) to file all applicable permits and submit plans, specifications and other documents required directly to any local, state or federal agency having jurisdiction over any part of the project. Review comments and approval from all agencies having jurisdiction shall be provided directly to the Designer with copies to the State Construction Office. All reviews and approvals shall be obtained by the Designer prior to establishing a bid date.

- A. Under the provisions of [GS 153A](#)-340 through 347, a **county** may regulate and restrict the following: and  
Under the provisions of [GS 160A](#)-381 through 391, a **city** may regulate and restrict the following:
  1. The height, number of stories, and size of buildings and other structures;
  2. The percentage of a lot that may be occupied;
  3. The size of yards, courts and other open spaces;
  4. The density of population; and
  5. The location and use of buildings, structures, and land for trade, industry, residence, or other purposes, except farming.
- B. It shall be the Designer's responsibility to submit the necessary plans, specifications and other information as may be required to obtain zoning approval from the city and/or county. Copies of the city and/ or county approval shall be forwarded by the Designer to the Owner and copies

to the State Construction Office. The Designer shall also obtain city and/or county approval for all utility tie-ins for water, sanitary sewer, storm sewers and other utilities, as well as streets, curbs and sidewalks on public right-of-way.

- C. It is the responsibility of the Designer to determine federal requirements that may impact the project and he should confer with the Owner, the State Construction Office, other state agencies, and federal authorities regarding this process.
- D. The State of North Carolina web site, <http://www.ncgov.com>, provides access to all State departments, agencies and institutions and is an excellent and useful source of information. Website addresses and phone numbers change quite often so use of the main State Website may be easier for first time users. Agencies are listed in a drop down list at:

<http://www.ncgov.com/NCAgency.aspx>

- E. The agencies listed in the following sections are the major ones in reviewing and approving the process of design and construction to ensure it follows the contracts, statutes, codes, regulations, rules and policies established for public construction.
- F. Several agencies have a policy or requirement that if the project has not been bid within six (6) months of final approval, the project shall be resubmitted for review. This is to assure that any new code or regulation changes can be updated should a project go on hold. The various state agencies exercising plan review and permit authority follow.

## 202.2 AGENCY REVIEW TIMES

Senate Bill 914 (2002) revised [GS143-135.26](#) (2) directing the State Building Commission “*To adopt rules for **coordinating the plan review and approval** for State Capital improvement and community college buildings...*”. “*The rules shall provide for a **specific time frame for plan review and approval and permit issuance by each agency, consistent with applicable laws.***”(\*) The times were “to provide for expeditious review, approval and permitting” of those projects. Also the SBC was “To adopt rules exempting specified types of State capital improvement projects and community colleges---from *plan review*”. The SBC Subcommittee on the Review and Approval Process gathered data on the existing State processes and those of other states and submitted the following proposed rules.

- A. To provide for consistent, concurrent and expeditious reviews for State and community college capital improvement projects, the following review time frames shall apply to any State regulatory agency that reviews and approves or permits these projects, except where other applicable statutes may define other time frames. These times are calendar days from receipt of submittal until completion of the review for each stage of review required and are to be used by Owner/Designer in estimating project schedules.

The times are:	<b>Advance Planning</b> -----	<b>15 days</b>
	Schematic Design -----	30 days
	Design Development -----	30 days
	Construction Documents---	60 days
	Final Approval -----	15 days

Note: DENR has specific statutory time frames for permitting projects under their environmental regulations.

- B. Meeting these timeframes will be contingent upon: (a) The Owner/Designer providing finished, complete submittals as defined by the State Construction Manual for each stage of design; (b) The project size and complexity being under \$40 million; (c) Review agency staffing being adequate to maintain these time frames during periods of heavy workload.
- C. Informal projects, under \$300,000, may be exempted from the State Construction Office plan review process at the discretion of the State Construction Office and under the following statutes and requirements:
1. Owners shall submit a written application requesting exemption and shall include a description and value of the work and the name of the registered architect or engineer involved, if any.
  2. Compliance with [GS133-1.1](#) (a) and (b) where plans and specifications for public projects shall be prepared by an architect or engineer, including inspection and providing a Certificate of Compliance to the State Building Code.
  3. Compliance with GS133-1.1 (d) on projects where no architect or engineer is required, the Owner shall obtain inspection(s) and a Certificate of Compliance with the State Building Code from the local building inspector for the trades involved. A copy of the certificate shall be provided to the State Construction Office for record file.

**Note:** Under [GS143-135.1](#) State owned facilities are only exempt from local building authority inspections or local codes when plans and specifications are approved by the Department of Insurance and the Department of Administration for all state agencies or by the UNC system for its constituents.

### 202.3 THE OWNER

The owning agency/institution of a capital project may not be a regulatory agency but their review and approval is the *most important* in the process. The public funds were appropriated to the owning agency for facilities to support a program or service provided by the State or Community College. The Owner is the one most familiar with the program, staff, spaces, operations, etc. and needs to ensure him or herself that the design, materials, equipment and systems meet those needs and the projects is within the scope and funds established by the appropriation or budget.

The facilities management department of each owning agency/institution must, by SBC Rules, be a major participant in the design, review and approval of any capital project to assure that not only the scope and program are addressed, but that the maintenance, serviceability, life safety and environmental support systems operate safely, effectively and efficiently over the life of the building.

**NOTE:** The Capital Projects Coordinator shall be responsible for ensuring that facilities maintenance personnel are fully involved in the review and input provided to the Designer, and their comments are included with the Owner's review and approval letter to SCO.

**NOTE:** The Designer should determine before design contract negotiations the Owner's requirements for review copies of project documents, presentations to Trustees or building committees, record documents, historical limitations. Large projects may be costly in printing expenses.

## 202.4 DEPARTMENT OF ADMINISTRATION [www.doa.state.nc.us/](http://www.doa.state.nc.us/)

### A. [GS 143-341](#) POWERS AND DUTIES OF DEPARTMENT

#### (3) Architecture and Engineering:

- a) To examine and approve all plans and specifications for the construction or renovation of:
1. **All State buildings or buildings located on State lands**, except those buildings over which a local building code inspection department has and exercises jurisdiction; and (\*\*See UNC System exception below)
  2. **All community college buildings** requiring the estimated expenditure for construction or repair work for which public bidding is required under [GS143-129 \(> \\$300,000\)](#) prior to the awarding of a contract for such work; and to examine and approve all changes in those plans and specifications made after the contract for such work has been awarded.
- b) To assist, as necessary, all agencies in the preparation of requests for appropriations for the construction or renovation of all State buildings.
- b1. To certify that a statement of needs (OC-25) pursuant to GS 143-6 is feasible. For purposes of this sub-division, “feasible” means that the proposed project is sufficiently defined in overall scope; building program; site development; detailed design, construction, and equipment budgets; and comprehensive project scheduling so as to reasonably ensure that it may be completed within the amount of funds requested. At the discretion of the General Assembly, advanced planning funds may be appropriated in support of this certification. This sub-division shall not apply to requests for appropriations of less than one hundred thousand dollars (\$100,000).
- c.) To supervise the letting of all contracts for the design, construction and renovation of all State buildings and all community college buildings whose plans and specifications must be examined and approved under (a.2) of this sub-division.
- d.) To supervise and inspect all work done and materials used in the construction or renovation of all State buildings and all community colleges whose plans and specifications must be examined and approved under (a.2) of this subdivision; and no such work may be accepted by the State or by any State agency until it has been approved by the Department.

**(\*\*)Except for sub-division b. and b1, this subdivision does not apply to the design, construction or renovation of projects by The University of North Carolina pursuant to GS116-31.11.**

- B. [GS116-31.11](#) provides that on projects of **\$2,000,000 or less** the UNC board of Governors has the authority to perform the duties and responsibilities of the Department of Administration and the Director of the Office of State Construction.
1. Conduct fee negotiations for all design contracts and supervise the letting of all design and construction contracts.
  2. Develop procedures governing the responsibilities of the UNC System and its institutions to perform those duties and responsibilities.

3. Develop procedures governing reasonable limitations governing the use of open-end design agreements subject to GS 143-64.34 and the approval of the State Building Commission.
4. The Board may delegate its authority to its institutions if the institution is qualified under guidelines adopted by the Board and approved by the State Building Commission and the Director of the Budget.
5. **The University system shall use the standard contracts for design and construction currently in use for State capital projects by the State Construction Office of the Department of Administration.**
6. A single project may not be subdivided for the purpose of evading the monetary limit under this section.
7. The Department of Administration shall not be the awarding authority for contracts awarded pursuant to this section.

**NOTE:** UNC System does not have an exemption from the Department of Insurance, or any other regulatory agency.

**UNC Health Care Systems** has a similar SCO exemption but with no dollar limit. ([GS116-37\(J\)](#))

**ECU Medical Faculty Practice Plan** has a SCO exemption but with no dollar limit. ([GS116-40.6\(e\)](#))

#### C. [STATE CONSTRUCTION OFFICE](#) – Design Review Section

919-807-4100 Fax: 919-807-4110

Under the provisions of GS 143-31.1 and GS 143-341(3) stated below, the State Construction Office is required to examine and approve all plans and specifications for the construction or renovation of all state buildings, community college buildings or buildings built on State land. Only one set of plans and specifications **at each design stage** is required for the typical review process. Two sets at [construction document review only](#) may expedite the review on very large projects. (See Chapter 300 for procedures, requirements, exemptions and criteria for submittals.)

Under the provisions of Executive Order 123, the State Construction Office is to administer a uniform flood lands development and permitting policy for any construction within a FEMA designated flood plain. [Flood Plain Forms](#)

*GS 143-31.1 Examine and review of plans and specifications for building, improvement, etc., projects.* \* (Note: These duties were transferred to DoA by general statute in 1957.)

*It shall be the duty and responsibility of the (Director of the Budget\*) to determine whether buildings, repairs, alterations, additions or improvements to physical properties for which appropriations of State funds are made have been designed for the specific purpose for which such appropriations are made, that such projects have been designed giving proper consideration to economy in first cost, in maintenance cost, in materials and type of construction. Architectural features shall be selected which give proper consideration to economy in design. The Director of the Budget\* shall have prepared a complete study and review of all plans and specifications for such projects and bids on same will not be received until the results of such study and review have been incorporated in such plans and specification, and until economic conditions of the construction industry are considered by the Office of State budget and Management to be favorable to the letting of construction contracts. The Director of the Budget\* may, when he considers it in the best interest of the State to do so, terminate design contracts when it is documented that the Designer has failed to perform the conditions enumerated in the contract.*

#### D. [STATE CLEARINGHOUSE](#) 919-807-2425

The Environmental Policy Act of North Carolina, as set forth in [GS113A](#), Article 1, of the General Statutes of North Carolina, requires that projects involving construction of structures; grading; land-, water-, air- or water-disturbing activities; or the construction of water distribution or sewer collection system or extensions be subject to the provisions of the act.

The act is applicable to projects involving the expenditure of public funds or use of public land where there is a state approval action. Projects funded in part or wholly by federal funds are not subject to review under NCEPA (North Carolina Environmental Policy Act) if as part of the federal environmental policy requirements the necessary environmental documents were submitted to the State Clearinghouse.

Projects involving only interior renovations, except those projects involving a state or national historic site, are not required to be reviewed for SEPA clearance. Other projects may also fall into the category of not having to be reviewed under SEPA if the agency has established "Minimum Criteria" with State Clearinghouse. For those projects subject to SEPA, the requirements of the act may be fulfilled by filing one or more of the following with the State Clearinghouse:

Environmental Assessment (EA), and

A Finding of No Significant Impact (FONSI) or

Environmental Impact Statement (EIS)

Sixteen copies of the above shall be submitted to the State Clearinghouse, Department of Administration, 116 W. Jones St., Raleigh, N.C. 27603. Submission instructions may be obtained from the State Clearinghouse. The submission shall include the following:

Sixteen copies of a clear readable map.

A summary of the proposed action (for publishing in the *North Carolina Environmental Bulletin*).

Identification of the state agency responsible for the project (Owner).

Contact person for the project.

Source of funding (budget code and item).

The state agency responsible for compliance may choose immediately to prepare an EIS if the project is of considerable size or complexity. Guidance for preparation of the documents is available, upon request, from the State Clearinghouse.

For other major projects of less size and complexity, the responsible state agency may meet the requirements by filing an Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI). If the EA demonstrates that the project activity will not have a significant impact on the environment, the state agency may file a FONSI at the same time. If the preparer is uncertain of the impacts, the EA may be filed, then based on the comments received after review, a decision may be made whether to file a FONSI or an EIS.

After being filed with the State Clearinghouse, the document is circulated to appropriate state and local agencies for review and comment. The review period varies depending on the type of document and date of receipt. The official period is counted from the date a notice of the document is published in the *North Carolina Environmental Bulletin*. The *Bulletin* is published bi-weekly by the State Clearinghouse. For specific information about the time required for review, contact the State Clearinghouse.

At the end of the review period, the responsible state agency is notified of the comments. If any further action is needed the agency will be notified at that time.

## 202.5 DEPARTMENT OF INSURANCE – OFFICE OF THE STATE FIRE MARSHAL

The NC Building Code is prepared and adopted by the NC Building Code Council under [GS143-136](#) thru 138. (See NC Administration and Enforcement Requirements Code).

The initial responsibility for administration and enforcement of the NC Building Code is allocated to local Code Enforcement Officials under the general supervision of the Commissioner of Insurance through the Office of State Fire Marshal.

**Exception:** State owned buildings under [GS143-135.1](#) are exempt from local inspection, codes and requirements, including fees, when plans and specifications are approved by the Department of Administration-SCO and the Department of Insurance-OSFM. Two Sections within OSFM - Engineering Division are responsible for those reviews.

### A. STATE PROPERTY PLAN REVIEW SECTION      919-661-5880      Fax 919-662-4414

**(State owned facilities only)** - Plan review of each phase of the design is required for all State owned construction projects involving buildings, structures or parking facilities. This includes renovations and modifications to existing facilities. Plans are reviewed for conformance with the North Carolina Building Code (General Construction), NC Accessibility Code and NC Fire Prevention Code, plus portions of other codes relating to life safety or protection from fire, lightning, windstorm, etc. For larger buildings having fire detection / suppression system(s) or major electrical work, it is recommended two copies of plans, rolled separately, be provided to help expedite the review process.

**NOTE:** The UNC System does not have a \$2,000,000 exemption from Dol review and approval.)

### B. PLAN REVIEW SECTION      919-661-5880      Fax 919-662-4414

**(Community College facilities only)** - Capital projects meeting certain occupancy and size criteria are reviewed at Dol Engineering in Raleigh. Criteria for exempt projects are listed in *State Building Code – Administrative and Enforcement Requirements Code* - Chapter 5 - Table 502 [Exemption](#). Also, certain cities whose building inspections departments meet specific staff requirements may be exempt from Dol-Raleigh review. [Approved jurisdictions](#)

**(NOTE):** Community college projects with total project cost under \$300,000 are exempt from State Construction Office oversight- (GS143-129). The local building authority must provide building permit, plan review, inspect the project and provide a Certificate of Compliance.

### C. TIME LIMITATIONS ON BUILDING CODE “PERMITS AND REVIEWS”

Note: Dol approval of plans and specifications is a required component of the approval to bid and construct a State capital improvement project.

[GS160A-418](#). Time limitations on validity of permits.

A permit issued pursuant to G.S. 160A-417 shall expire by limitation six months, or any lesser time fixed by ordinance of the city council, after the date of issuance if the work authorized by the permit has not been commenced. If after commencement the work is discontinued for a period of 12 months, the permit therefore shall immediately expire. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

[GS160A-419](#). Changes in work.

After a permit has been issued, no changes or deviations from the terms of the application, plans and specifications, or the permit, except where changes or deviations are clearly permissible under the State Building Code, shall be made until specific written approval of

proposed changes or deviations has been obtained from the inspection department. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

[GS58-31-40\(c\)\\*\\*](#) Limitations on Review Times

The Commissioner shall review a plan subject to subsection (b) of this section within 30 days of submission, provided that the Commissioner may require one additional 30-day extension if necessary to complete the review. If the Commissioner has neither approved nor denied the plan during the initial 30-day review period, the owner may proceed with the building site preparation, the building foundation, and any structural components of the building that are not subject to inspection for the purposes set forth in subsection (b) of this section. If the Commissioner has neither approved nor denied the plan within 60 days of submission, the owner may request review and final approval under subsection (b) of this section by the Department of Administration, State Construction Office, pursuant to rules adopted under G.S. 143-135.26. (1901, c. 710, ss. 1, 2; 1903, c. 771, s. 3; Rev., s. 4829; 1909, c. 880; 1919, c. 186, s. 3; C.S., s. 6453; 2000-122, s. 10; 2001-487, s. 19; 2001-496, s. 11.1.)

**SBC Rule Adopted for Review by State Construction Office** \*\* [NCAC 30A.0406](#)

In all cases where plans are submitted to the State Construction Office pursuant to the above G.S. 58-31-40:

- (1) The owner shall submit complete construction documents to the State Construction Office in accordance with the planning procedures in Rule .0208 of this Chapter.
- (2) Pursuant to G.S. 58-31-40 (c), should an owner request review and final approval of the plans by the State Construction Office and the Department of Insurance and if the plans have not been approved by the Commissioner of Insurance within 60 days of submittal, such review and final approval shall be conducted by the State Construction Office within 30 days.
- (3) No type of structural work shall be initiated by the owner without prior approval of the State Construction Office.

History Note: Authority: G.S. 143-135.26; S.L. 2001-496, s. 11; Temporary Adoption Eff. February 1, 2003; Eff. March 1, 2004.

**202.6** [DEPARTMENT OF LABOR](#) ([GS95-110](#))

A. ELEVATOR AND AMUSEMENT DEVICE BUREAU - - 919-807-2770 (919-807-2777)

PLEASE NOTE: THE DEPARTMENT OF LABOR NO LONGER REVIEWS PLANS AND SPECIFICATIONS DURING THE DESIGN PHASE.

DOL will continue to inspect and approve installations on all projects involving elevators, dumbwaiters, escalators, moving walks, stairway inclined lifts, or vertical wheelchair lifts. Elevator design and installation shall be in accordance with the NCBC Chapter 30 – Elevators and Conveying Systems

B. BOILER AND PRESSURE VESSEL DIVISION – 919-807-2760

PLEASE NOTE: THIS OFFICE NO LONGER REVIEWS PLANS AND SPECIFICATIONS DURING THE DESIGN PHASE. Copies of the *Boiler and Pressure Vessel Law, Rules and Regulations* may be obtained from the Department of Labor.

**202.7** [DEPARTMENT OF HEALTH AND HUMAN SERVICES](#) / DHSR

[DIVISION OF HEALTH SERVICE REGULATION](#) - Construction Section - 919-855-3893

Construction or renovation of any state-owned facility, which is licensed in whole or in part as an acute general hospital (more than 2 beds), must be reviewed and approved by the Construction Section. The review is for compliance with minimum standards for facility licensure. (copies available from Division of Health Service Regulation)

Construction or renovation of any state-owned facility licensed in part or in whole as a **nursing home** must be reviewed and approved by the Construction Section. The review is for compliance with minimum standards for licensure (Copies available from Division of Health Service Regulation).

Construction or renovation of any state-owned facility providing services for treatment for **mental health, mental retardation or substance abuse** and seeking federal reimbursement under Title 18 and Title 19 of the Social Security Act shall have plans and specifications reviewed and approved by the Construction Section. The review is required to assure compliance with minimum federal standards for life safety under Medicare and Medicaid and before certification for reimbursement can be made. An on-site inspection to ensure compliance with federal standards will also be made by a representative of the Construction Section, under their contractual responsibility with the federal government for "fire authority" in North Carolina with regard to life safety under Medicare and Medicaid. For reference, the Designer is referred to NFPA-101 (National Fire Protection Association) latest edition.

Plan review by the Division of Health Service Regulation will be made **at each design phase**. One set of plans and specifications are to be forwarded directly to the Division.

## **202.8 DEPARTMENT OF CULTURAL RESOURCES**

### **OFFICE OF ARCHIVES AND HISTORY:**

**STATE HISTORIC PRESERVATION OFFICE** 919-733-4763

This Section is the staff for the **North Carolina Historic Preservation Commission**, which under [GS 121-12\(a\)](#), is required to review and comment on plans and specifications for any construction, renovation, demolition, and interior or exterior rehabilitation of projects affecting properties included in the [National Register of Historic Places](#). Standards for historic preservation projects with guidelines for applying the standards are available from this section. Plan review is required **at each design stage**.

For properties and Historic Districts listed in the National Register of Historic Places, a current list may be obtained by calling the State Historic Preservation Office at 919-733-4763 or from their website [www.hpo.dcr.state.nc.us](http://www.hpo.dcr.state.nc.us)

In addition, the North Carolina Historical Preservation Commission has the responsibility under GS 121-12(a) and Executive Order 16 to review proposed projects involving **ground disturbance** in areas that have not been previously disturbed. Previous ground disturbance includes grading and subsurface excavations for site preparation, borrowing, and the installation of septic and underground storage tanks, water, sewer and utility lines. Agricultural tillage and use do not constitute ground disturbance. The Owner shall determine if a proposed construction project is involved with previously undisturbed ground by forwarding to the Office of State Archaeology for comments, a map showing the area involved and a description of the proposed project. Additional information such as a site plan may be requested by the Office and shall be furnished by the Owner. Comments shall be obtained prior to beginning any design work. The Owner shall furnish to the Designer and the State Construction Office a statement certifying that the project has no involvement with undisturbed ground or the Owner shall provide a statement certifying approval of

the project site by the Office of Archives and History if the project has involvement with undisturbed ground. Approval of the schematic design phase will not be given by the State Construction Office until certification has been received.

## **202.9 INFORMATION TECHNOLOGY SERVICES 919-981-5555**

ITS under [GS147-33.82](#) is a receipts supported agency providing design consulting and procurement for information technology systems for state agencies, except UNC Systems. The Designer should consult and cooperate with the Owner about his information technology systems needs and the role of ITS as the Owner's consultant and provider.

1. ITS may be the Owner's consultant and provider of equipment and cabling.
2. The Designer shall provide the building elements of communications closets, distribution conduit and receptacle boxes in accordance with State standards.
3. Designer's bid documents shall require building contractors to accommodate the Owner's ITS contractor and to cooperate with him and coordinate their schedules.

## **202.10 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

DENR website provides the locations of the regional offices and the contacts for many DENR programs. The website has a "[Customer Service Center](#)" to assist in review and permitting requirements. [Divisions and Contacts](#)

### **A. DIVISION OF ENVIRONMENTAL HEALTH – ENVIRONMENTAL HEALTH SERVICES.**

1. [DAIRY AND FOOD PROTECTION BRANCH](#) – 919-715-0937 Fax: 919-715-4739

Dairy and Food Protection Branch is required to review and approve plans and specifications for new construction and renovation of educational institutions, hospitals, nursing and rest homes, sanitariums, orphanages, residential care, and confinement institutions **where lodging is provided or food is handled**. The review relates to the location, sanitary construction, and health management of environmental sanitation facilities at state institutions. Plans and specifications will be reviewed **at each design stage** and will be submitted directly to the Branch.

2. [POOLS, TATTOOS AND STATE INSTITUTIONS BRANCH](#) 919-715-0940

The Pools, Tattoos and State Institutions Branch protects public health by assuring safe and sanitary design, construction and operation of public swimming pools. This branch is also responsible for assuring the sanitation of state institutions and promoting quality improvement in all environmental health programs.

### **B. DIVISION OF ENVIRONMENTAL HEALTH**

1. [ON-SITE WASTE WATER SECTION](#) 919-733-2895 (919-715-3227)

Projects with on-site waste water systems (septic tanks, etc.) shall make application and submit plans and specifications to the local health department having jurisdiction in the project area. Prior to local approval, projects with subsurface wastewater systems exceeding **3000 gallons** per day shall have plans and specifications submitted for review and approval by the Section's Engineering Team. State review and approval is prerequisite

for any subsurface system designed for the collection, treatment and disposal of industrial process water.

2. [PUBLIC WATER SUPPLY](#) Plan Review Unit 919-715-3232

A public well site approval letter (permit) must be obtained from this branch for any public water supply well.

Surveillance of all public water supplies. Enforcement of public water supply rules. Consultation services and technical assistance. Assistance in planning and designing water supply systems. Review of technical plans and specifications for water supply construction. Training program for water works operators. Investigation of spills of hazardous substances that may affect public water supplies.

C. [DIVISION OF WASTE MANAGEMENT](#) – 919-733-4996

Plans and specifications relating to the construction, renovation or alterations to hazardous waste management facilities and solid waste disposal facilities, including solid waste incinerators, underground storage tanks (UST's), Brownfields, Superfund sites, etc. may need to be reviewed and approved and permits issued by the Division of Environmental Health.

D. [DIVISION OF AIR QUALITY](#) – 919-733-3340

The Division of Air Quality is required to issue an air quality permit prior to the construction or operation of any **air contaminant source**, any equipment which may result in emissions of air contaminants or is likely to cause air pollution. (GS 143-215.108 and GS 143-215.109)

Some activities have been designated by the Environmental Management Commission as not likely to contravene air quality standards and therefore do not require a permit. The construction of a **transportation source** may require a permit. The term transportation source includes shopping centers; sport complexes; parking lots and garages; residential, commercial, industrial or institutional developments; amusement parks and recreational areas; highways; and airport facilities.

Applications shall be filed prior to commencing construction and operation with the Division of Air Quality.

E. [DIVISION OF LAND RESOURCES](#) – 919-733-4574 or website for Regional Engineers Office.

**Land Quality Section** - Prior to the commencement of any land-disturbing activity on any state construction project that involves earth moving (grading, filling, excavating, etc.) of **more than 1.0 contiguous acre** an erosion control plan must be submitted to and approved by the Land Quality Section regional engineer. One set of plans is required for the review process. Plans shall be submitted directly to the **regional engineer** by the Designer. A copy of the letter of approval shall be submitted by the Designer to the State Construction Office. Project construction will not be commenced without this letter of approval. The required sedimentation control measures shall be clearly defined in the specifications and on the project drawings and shall be a part of the project base bid. The Owner is required to confer with the regional engineer to determine required extent of control by Owner after final acceptance of the project. (GS [113A](#)-50 thru GS 113A-66)

The construction, modification or repair of fluid impoundment structures is subject to review by the Land Quality Section of the Division of Land Resources. The Designer must file a statement concerning dam location, height, purpose, impoundment capacity and estimated project cost. A

determination will be made by the North Carolina Department of Environment and Natural Resources as to whether a permit is required. Generally any dam 15 feet or greater in height (measured from lowest point on the downstream toe to crest) or with an impoundment capacity of 10 acre-feet or greater, will require a permit. If a permit is required, the application must be filed by the Designer at least 60 days before the proposed start of construction. Plan approval and impoundment approval based on certification of as-built construction is required. Four sets of plans and specifications are required for review by this agency. Plans shall be submitted **at each design stage**. Normal review time is 30 days and 15 day final. Permit application forms and additional information may be obtained from the Land Quality Section regional engineer.

F. [DIVISION OF WATER QUALITY](#) 919-733-7015 Fax: 919-733-2496

[Water Quality Section](#) - The goal is to maintain, restore and improve an aquatic environment able to protect the existing or best intended uses of North Carolina's surface waters and to ensure compliance with state and federal water quality standards. Those uses include drinking water, recreational activities, agricultural and other purposes and the protection and maintenance of aquatic life.

1. The Water Quality Section is required to review and approve plans and specifications, and an NPDES permit (National Pollutant Discharge Elimination System) must be issued prior to the construction or operation of any treatment works, or disposal system which would result in a discharge into surface waters. An NPDES permit shall be obtained by the Owner with the assistance of the Designer for any project involving any of the following and no person shall do any of the following things without first obtaining a permit.

GS 143-215.1(a)

- a) Make any outlets into the waters of the state.
- b) Construct, alter, extend, operate or change the method of operation any sewer system, treatment works or disposal system within the state.
- c) Increase the quantity of waste or change the nature of the waste discharged through any outlet or any disposal system in any way that would result in a violation of effluent standards.
- d) Cause or permit any waste, directly or indirectly, to be discharged to or in any manner intermixed with the waters of the state in violation of water quality standards.
- e) Cause or permit any waste for which pretreatment is required to be discharged directly or indirectly, from a pretreatment facility to any disposal system or to alter, extend or change the construction or method of operation or increase the quantity or change the nature of the waste discharged from or processed in such a facility.
- f) Enter a contract for the construction and installation of any outlet, sewer system, treatment works, and pretreatment facility or disposal system or for the alteration or extension of any such facility.

Certain municipalities have been given permitting authority. Designers shall consult with the Division of Water Quality regarding jurisdiction.

The application must be filed at least 180 days prior to the construction of new facilities or expansion of existing facilities. Circulation of a public notice at least 45 days prior to any proposed final action is required. Normal processing time is 90 to 120 days.

Two sets of plans, at the final design stage, shall be submitted to the Water Quality Section for review and issuance of an authorization to construct after the NPDES permit is issued. Additional information and permit application forms may be obtained from the Division of Water Quality,

2. The Water Quality Section is required to review and approve plans and specifications and a non-discharge permit must be issued prior to the construction, alteration, or extension and operation of any sewer system, treatment works or disposal system which **does not discharge** to surface waters. This includes sewer line extensions, spray irrigation systems, sludgeland-farming systems, waste recycle systems and evaporative systems, not processed by the Division of Environmental Health. A construction permit shall be obtained by the Owner with the assistance of the Designer for any project involving any of the following and no person shall do any of the things without first obtaining a permit. ([GS 143-215.1](#)),

See conditions “a thru f” above for permitting conditions where waste system “does not discharge” to surface waters.

The application shall be filed at least 90 days prior to award of contracts for construction. An on-site inspection may be required and will be accomplished by the Division of Water Quality’s appropriate regional office. Monitoring requirements may be added as permit conditions.

Two sets of plans and specifications for review by the Water Quality Section shall be submitted **at the final design stage** to the Division of Water Quality. Normal review time is 30 days.

3. The Water Quality Section is required to review and approve plans and specifications and a permit must be issued prior to the construction of any project involving the withdrawing, obtaining or utilizing surface waters or ground waters in excess of 100,000 gallons per day in an area designed as a "capacity use area." The existing capacity use area in the state is in the coastal area, centering in Beaufort, Pamlico and Washington counties. The permit application shall be filed prior to project initiation with the Division of Water Quality, Permits and Engineering Branch. A pre-application technical conference is usually required. Construction standards, periodic reports and withdrawal limits may be required. Two sets of plans and specifications for review by the Water Quality Section shall be submitted **at each design stage** to the Water Quality Section. Normal review time is 30 days.
4. The Water Quality Section is required to review and approve plans and specifications and a permit must be issued prior to the construction of a water well with a design capacity of 100,000 gallons per day or greater, or of any well added to an existing well system if the combined system capacity is 100,000 gallons per day or greater. See website for additional criteria. The permit application shall be filed prior to project initiation with the Water Quality Section, Permits and Engineering Branch. Construction firms must be registered. Water well construction standards, well maintenance provisions and certain data and reports are required. Two sets of plans and specifications **at each design stage** shall be submitted to the Water Quality Section. Normal review time is seven days.
5. The Water Quality Section must issue a 401 water quality certification prior to any activity that may result in a discharge requiring a federal permit to navigable waters. [GS 143-215.3\(c\)](#). The application must be filed in seven copies with the Water Quality Section, Permits and Engineering Branch, prior to project initiation. Project description, nature of discharge, and maps are required. Public notice is issued at least 30 days prior to proposed final action. Review time is normally 60 days.

G. [DIVISION OF AIR QUALITY](#) 919-733-3340

**Air Quality**, under the provisions of GS143-215.108 and GS143-215.109, is required to issue

an air quality permit prior to the construction or operation of any air contaminant source, any equipment which may result in emissions of air contaminants or is likely to cause air pollution, and any construction or installation of any air-cleaning device.

Some activities have been designated by the Environmental Management Commission as not likely to contravene air quality standards and therefore do not require a permit. The construction of a complex source may require a permit. The term complex source includes shopping centers; sport complexes; drive-in theaters; parking lots and garages; residential, commercial, industrial or institutional developments; amusement parks and recreational areas; highways; and airport facilities. A permit is required for the construction or modification of any facility that would result in:

1. Open parking lots, including shopping center lots having 1,500 or more vehicle capacity, and parking decks, including shopping center decks and parking garages having capacity for 750 or more vehicles.
2. Subdivisions, housing developments, apartment complexes and trailer courts having 500 or more units resulting in a population density of 7,680 per square mile (12 persons per acre) or more.
3. Stadiums and sport arenas having a seating capacity of 25,000 or more, or 8,000 vehicle parking spaces or more.
4. Drive-in theaters having 700 or more parking spaces.
5. Amusement parks and recreation areas designed to serve 25,000 persons per day or more, or to accommodate parking of 8,000 vehicles or more.

Applications shall be filed prior to project initiation with the Division of Water Quality, Permits and Engineering Branch. If the proposed source is on the Code of Federal Regulation list of sources requiring a review for prevention of significant deterioration (EPA permit for which state has partial delegation), the Division of Water Quality is responsible for administrative and technical review. For a PSD (prevention of significant deterioration) permit or for any other source the director may designate, a public notice shall be issued 30 days prior to proposed final action and a public hearing may be required.

Three sets of plans and specifications **at each design stage** shall be submitted to the Division of Water Quality. Normal review time is 60 days.

#### H. [DIVISION OF COASTAL MANAGEMENT](#) (919) 733-2293

A Coastal Area Management Act (CAMA) permit for your project may be required if it meets all of the following conditions:

- it is in one of the 20 counties covered by CAMA; (See list below)
- it is considered "development" under CAMA;
- it is in, or it affects, an Area of Environmental Concern (AEC) established by the Coastal Resources Commission (CRC);
- it doesn't qualify for an exemption.

"Development" includes activities such as dredging or filling coastal wetlands or waters, and construction of marinas, piers, docks, bulkheads, oceanfront structures and roads.

Areas of Environmental Concern are the foundation of the CRC's permitting program for coastal development. An AEC is an area of natural importance: It may be easily destroyed by erosion or flooding; or it may have environmental, social, economic or aesthetic values that make it valuable to our state. The CRC classifies areas as AECs to protect them from uncontrolled

development, which may cause irreversible damage to property, public health or the environment. AECs cover almost all coastal waters and about 3 percent of the land in the 20 coastal counties. The CRC has established four categories of AECs:

- The Estuarine and Ocean System;
- The Ocean Hazard System;
- Public Water Supplies;
- Natural and Cultural Resource Areas.

If you're planning any sort of development -- from a sandbag structure to a bridge to a condominium -- in the coastal area, and your project is in an Area of Environmental Concern, you're probably going to need a CAMA permit. You'll also need to follow development rules specific to that AEC. You're probably in an AEC if your project is:

- in or on navigable waters within the 20 CAMA counties;
- on a marsh or wetland;
- within 75 feet of the mean high water line along an estuarine shoreline;
- near the ocean beach;
- near an inlet;
- within 30 feet of the normal high water level of areas designated as inland fishing waters by the N.C. Marine Fisheries Commission;
- near a public water supply.

If your project is in one of these areas, contact the Division of Coastal Management office nearest you.

**Permit exemptions:**

Section 103(5)(b) of the Coastal Area Management Act exempts the following activities from permitting requirements:

- road maintenance within a public right-of-way;
- utility maintenance on projects that already have CAMA permits;
- energy facilities covered by other laws or N.C. Utilities Commission rules;
- agricultural or forestry production that doesn't involve the excavation or filling of estuarine or navigable waters or coastal
- marshland (Note: these activities are not exempt from permitting requirements under the state's Dredge and Fill Law);
- agricultural or forestry ditches less than 6 feet wide and 4 feet deep;
- emergency maintenance and repairs when life and property are in danger;
- the construction of an accessory building usually found with an existing structure, if no filling of estuarine or navigable waters
- or coastal marshland is involved.

In addition, CAMA allows the Coastal Resources Commission to exempt some types of minor maintenance and improvements. These types of projects are those with successful track records in protecting the resources around them. In all cases, you should check with the

Division of Coastal Management to make sure that your project qualifies for an exemption.

A CAMA permit is required for any person (agency) who undertakes any major development in an area of environmental concern in any of the 20 counties of the coastal zone. The 20 counties of the coastal zone are:

Beaufort	Currituck	Pamlico
Bertie	Dare	Pasquotank
Brunswick	Gates	Pender
Camden	Hertford	Perquimans
Carteret	Hyde	Tyrrell
Chowan	New Hanover	Washington
Craven	Onslow	

Management and the permit must be issued before any construction takes place. Public notice is issued after receipt of the complete application. A major development is any development requiring permission, licensing, approval or certification from the NC Department of Environment and Natural Resources, the Department of Health and Human Services, the Department of Administration; or which occupies a land or water area in excess of 20 acres; or which involves drilling or excavating natural resources, or which occupies on a single parcel a structure(s) in excess of a ground area of 60,000 square feet. The permit application shall be accompanied by an informational drawing showing a plat of the project. Drawing should be on 8 1/2" x 11" paper and to a scale of 1" = 200' or less. Additional engineering drawings may be required on specific projects for detailed review. *Application shall be submitted to the Division of Coastal Management, Raleigh, N.C. 27611. Normal review time is 60 days.*

A state dredge and fill permit is required for any project involving construction in any estuarine waters, tidelands, marshlands or state-owned lands. The application shall be filed prior to project initiation with Division of Coastal Management. A pre-application technical conference is usually required and an on-site field inspection is required. The applicant is required to serve each adjacent riparian property Owner with a copy of the application. The application shall be accompanied by a work plat at a scale of 1" = 200' or less and must be on 8 1/2" x 11" paper. Additional engineering drawings may be required on specific projects for detailed review. Normal review time is 55 days. *Applications shall be submitted to the Division of Coastal Management, Raleigh, N.C. 27611.*

I. [DIVISION OF PARKS AND RECREATION](#) (919) 733-4181

1. The Division of Parks and Recreation is required to issue a state lakes construction permit prior to the construction of any pier, boat ramp, seawall, boat stall, pavilion, platform, patio or other structure upon the floor of any state lake. (GS 113-35)
2. The application shall be made to the Division of Parks and Recreation prior to the initiation of the project. Three sets of plans and specifications shall be submitted **at each design stage** to the Division of Parks and Recreation. Normal review time is 15 to 20 days.

**202.11 NC DEPARTMENT OF TRANSPORTATION - [DIVISION OF HIGHWAYS](#),**

NC-DOT website ([www.ncdot.org](http://www.ncdot.org)) provides locations of all Division and District Offices, addresses and phone numbers.

- A. The [Board of Transportation](#) has established rules, regulations and ordinances relating to utilities on highway rights of way and driveway entrance regulations. It shall be the

responsibility of the Designer to obtain required encroachment agreements and driveway permits. Certification by the Designer that all such agreements and permits have been obtained shall be made to the State Construction Office before a bid date will be established. (GS 136-18)

- B. Driveway permit applications shall be made to the District Engineer Office having jurisdiction. Utility encroachment agreements are normally handled by the Division Office; however, there may be instances where approval must be obtained through the state office of Department of Transportation in Raleigh.
- C. The Division of Highways has prepared manuals relating to both Driveway Entrance Regulations and Policies and Procedures for Accommodating Utilities on Highway Rights of Way. Designer should obtain copies of the manuals that cover in detail all requirements for approvals, permits, as well as technical requirements for material and methods of construction.
- D. Under the provisions of GS 136-18 (22), a permit from the Board of Transportation is required for the construction or alteration of any airport or aircraft landing area. Designers involved in construction projects of this nature shall obtain from the Raleigh office of the Department of Transportation all required permits and shall forward copies to the Owner and the State Construction Office.

Note: Any construction of high-rise structures shall be coordinated with the FAA and the local airport authority for zoning requirements and FAA approval.

## 202.12 DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Standards Division - LP Gas            919-733-3313

National Fire Protection Association Pamphlet No. 58 has been adopted by GS 119-49 and authority has been granted to the commissioner of Agriculture by this statute to approve plans for LP gas installations that use in excess of **4000 gallons water capacity**. Inspection of LP gas installations by the Department of Agriculture is also required to ensure compliance with the LP gas law. For installations subject to the State Building Code, inspection responsibility of the Department of Agriculture ends at the outlet of the first stage pressures regulator. Plans and specifications shall be submitted **at each design stage** to the Division.