



North Carolina Department of Environment and Natural Resources

Division of Water Quality

Coleen H. Sullins

Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

Aquifer Protection Section

Express Review Program Evaluation

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The Department has recently expressed interest in evaluating the effectiveness of the Division of Water Quality's Aquifer Protection Section (APS) Express Review Program. This document summarizes the APS Express Review Program and provides the results of a four part evaluation to determine program adherence to General Statute 143-215.1 and Administrative Code 15A NCAC Subchapter 02T, as well as to determine the effectiveness and consistency of the APS Express Review process as it compares to the APS Standard Review process.

APS Express Review Program Summary

The APS Express Review Program was implemented in December of 2003, and allows an Applicant to obtain review of permit applications on a set schedule. However, this does not guarantee issuance of a non-discharge permit or provide any variance to design criteria, Division of Water Quality (DWQ) policies, General Statutes or administrative codes. DWQ provides this voluntary service for time critical applications in exchange for higher application fees. It is also imperative that high quality applications be submitted, because additional information requests require additional fees. The APS Standard Review process is still available under normal review times and procedures.

APS Express Review Program staff consists of two environmental engineers operating out of the Central Office, one hydrogeologist located in the Washington Regional Office, and one soil scientist located in the Raleigh Regional Office. Each potential express review project is pre-screened by at least three program staff prior to application submittal, and projects are accepted on a case-by-case basis as deemed appropriate. [APS Express Review Program Guidelines](#) dictate that projects are of a straightforward nature, do not include variance requests to rules, General Statutes, policies or procedures, and do not contain newly proposed technologies.

New non-discharge projects typically include multiple review components, such as wastewater treatment plant design, hydrogeologic modeling, soils evaluation and agronomic assessment. Having highly qualified and experienced staff dedicated to the APS Express Review Program is a key component to its success. In addition to experienced staff, having multiple levels of peer review for 100% of projects and the ability to limit the number of projects accepted, enables the APS Express Review Program to assure a complete and consistent review of all applications while meeting the stipulated timeframes established in the program. Each express project undergoes review by both Central and Regional Office staff, in addition to a final review by the Land Application Unit (LAU) supervisor. This level of project review oversight is equivalent to projects reviewed in the APS Standard Review process. Also, the APS Express Review Program strictly controls the maximum number of projects received by allowing up to six projects per month, but maintains the flexibility to reduce the number of submittals based upon project location, project size, and current staff workload and availability.

AQUIFER PROTECTION SECTION

1636 Mail Service Center, Raleigh, North Carolina 27699-1636

Location: 2728 Capital Boulevard, Raleigh, North Carolina 27604

Phone: 919-733-3221 \ FAX 1: 919-715-0588; FAX 2: 919-715-6048 \ Customer Service: 1-877-623-6748

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Evaluation Item #1:

APS Express and Standard Review processes will be examined to determine the effectiveness of current in-house review procedures. An evaluation of the pre-application reviews, Central and Regional Office peer reviews, and managerial reviews will be conducted for 100% of the express permits issued since December of 2003.

A. APS Express Review Process

Internal evaluation of the APS Express Review permitting process supports that it is an example of a highly efficient and effective permitting program. Internal review shows that the process is highly structured, involves multiple opportunities for communication between the applicant and the express review staff, and contains multiple levels of review within the Division to assure completeness and consistency in review. Both peer and managerial review procedures are in place and occur on all issued permits. Continued re-evaluation of permit application forms, guidance documents, and permit shells better ensure that the most up-to-date information is available to the Applicant, complete permit applications are received, and comprehensive permits are issued.

Due to the stipulated timeframes associated with the program, the APS Express Review Program is structured to ensure that a complete review of the project can be completed by staff within specific time frames. The APS Express Review Program requires several mandatory face to face meetings that include the submittal, site visit, review and additional information (as necessary) meetings. Meeting dates are predetermined and posted online prior to the application process (except for the site visit date, which is scheduled at the submittal meeting). Each of the major steps in the permitting process is described in more detail below. Following the description of the permitting process, the results of the internal evaluation of the program are given.

Pre-Application Review – Upon electronic receipt of a completed APS Express Review Program Request Form, Central and Regional Office staff review the request for completeness, and verify that the project does not include variance requests to rules, policies or procedures; does not contain newly proposed technologies; is not overly complex; does not require input from other Local, State and Federal agencies; and does not include other characteristics that would make the APS Express Review Program unable to meet the stipulated review times. If deemed acceptable, APS Express Review staff notifies the Applicant to submit the original signed request form, an Express Review Acknowledgement Agreement, and the appropriate fee. Applications deemed unacceptable may enter the APS Standard Review process, or re-apply to the APS Express Review Program if modifications to the project can be made to make it acceptable for express review.

Submittal Meeting – An initial meeting between the APS Express Review Program staff, the permit Applicant and their consultants is held in order to submit a complete application, to provide the Applicant an opportunity to discuss the project in general and ask any initial questions of the reviewers, and gives the APS Express Review staff an opportunity to ensure the application is complete. Applications that do not include critical materials such as plans, specifications, reports, calculations and the appropriate application are immediately returned and paid fees are forfeited.

Site Visit – The site visit is scheduled prior to or during the submittal meeting, and provides the APS Express Review Staff an opportunity to better familiarize themselves with the project and verify that site conditions appear to be adequate for the project. Attendance at the site visit is not mandatory for the Applicant, however it is encouraged. Depending upon the nature of the project, attendance may be required for some or all of the consultants. The site visit is conducted within 10 days of the application submittal meeting.

Application Review – Review of the application begins immediately after the submittal meeting. Both Central and Regional Office APS Express Review Program staff review the entire application for completeness and compliance with applicable statutes and administrative codes. The Central Office staff serves as the lead on the majority of the applications, and is responsible for completion of all additional information requests and drafting the permit. The Regional Office express member prepares a staff report based on their review of the application material and the results of the site visit, which is sent to the Central Office. Any inadequacies or concerns found during the review result in the Central Office preparing a written additional information request for the review meeting.

Review Meeting – The review meeting is a scheduled two weeks after submittal. The Applicant, licensed professionals, and other consultants must be present unless prior notification is given by APS Express Review staff. At the review meeting, the APS Express Review staff present a written request for additional information, and orally review this request with the Applicant. This process allows an open discussion of the project, and simple changes can be made to the package to alleviate concerns and correct deficiencies. Deficiencies that cannot be addressed in the review meeting must be submitted to the APS Express Review Program within 14 calendar days of the review meeting.

Additional Information Meeting(s) – Within seven days of submittal of all requested additional information and the associated fee, APS Express Review staff notify the Applicant if an additional information meeting is necessary. All consultants must be present unless the APS Express Review Program notifies the Applicant a consultant is not needed. This meeting follows the same format as the review meeting, and provides the Applicant 14 calendar days to provide the requested information and the additional information fee. Additional information meetings will continue until all of the APS Express Review Program's concerns are addressed.

Permit Drafting & Issuance – Permits are generally drafted within one to three business days after the final review meeting. The Applicant will receive an electronic draft permit, and will have three business days to provide their comments. Once the draft comment period has concluded, the permit is immediately submitted for signature.

Signatory authority has been delegated by the Division Director to the APS Land Application Unit supervisor. Prior to signature, the LAU supervisor reviews all draft permits and accompanying application materials for completeness. Supervisor review includes at a minimum verification that: 1) the application was complete; 2) applicable design criteria, rules, and statutes were reviewed and met; 3) Regional Office comments were included and their comments were addressed; 4) appropriate additional information requests were made and all additional information received was reviewed and included in the permit file; 5) existing historical files were reviewed when applicable; 6) DWQ Basinwide Information Management (BIMS) data base is updated completely and accurately; and 7) the permit follows the most recent permit shell, is complete, accurate, and consistent with other similar type permits. Once satisfied APS Express Review Program staff has made a thorough review of the application assuring all requirements have been met, the LAU supervisor signs and issues the permit on behalf of the Director.

Internal Evaluation of Express Review Permitting Process – Review of the APS Express Review permit files indicate all of the permits issued since December of 2003 followed the process outlined above. Additionally the file review showed that all of the issued permits were reviewed for completeness by the LAU Supervisor. In addition all of the permits were signed by either the LAU Supervisor, or by the Division Director (for permits that went to public hearing prior to being issued).

B. APS Standard Review Process

Internal evaluation of the APS Standard review process supports that appropriate structure and procedures are in place to assure that the process is efficient and effective. Internal review shows that the process contains three levels of review within the Division to assure completeness and consistency in review. Both peer and managerial review procedures are in place, and occur on all issued permits. Continued re-evaluation of permit application forms, guidance documents, and permit shells better ensure that the most up-to-date information is available to the Applicant, complete permit applications are received, and comprehensive permits are issued.

The APS Standard Review program is structured to ensure that a complete review of a project is completed by APS Staff in a timely manner and within the statutory requirements. APS Standard Review does not require the same meetings and steps that occur as part of the APS Express Review Program; however, each project undergoes review by both Central and Regional Office staff, in addition to a final review by the LAU supervisor. . Each of the major steps in the APS Standard Review permitting process is described in more detail below.

Pre-Application Review – Upon receipt of a permit application the APS Central Office staff pre-reviews the application for completeness. If deemed complete, APS staff notifies the Applicant that the application has been received, and sends a request to the appropriate Regional Office to review the application and conduct a site visit.

Site Visit – The site visit is scheduled by Regional Office staff as soon as is practical, and typically takes place within one month of receiving the application from the Central Office. Attendance at the site visit is not mandatory for the Applicant, however it is encouraged. Depending upon the nature of the project, attendance may be requested for some or all of the consultants.

Application Review – The same application review process as outlined in the APS Express Review process occurs as part of the APS Standard Review process, with the exception that application must be reviewed by the Division and a response provided to the applicant within 90 days of application submittal.

Additional Information Request(s) – Additional information requests are made by APS staff upon completion of the review of the submitted information. The Applicant is given 30 days to respond to the additional information request in accordance with 15A NCAC 02T .0107(e)(2). All additional information is reviewed by the Central and Regional Office's as applicable. If items have not been adequately addressed, additional information requests are made.

Permit Drafting & Issuance – Permits are generally drafted within one month of receiving all requested additional information. The Applicant may receive an electronic draft permit if requested or if the project is new or involves significant modifications. The applicant is typically given one week to provide comments on the draft permit. Once the draft comment period has concluded, the permit is submitted for signature.

Signatory authority has been delegated by the Division Director to the LAU supervisor. Prior to signature, all permits and accompanying applications materials are reviewed for completeness by the supervisor for the same items described above for the APS Express Review Program. Once satisfied that the reviewer has made a thorough review of the application to assure that all requirements have been met, the LAU supervisor or his designee signs and issues the permit on behalf of the Division Director.

Evaluation Item #2:

APS will provide a statistical analysis of the number of applications received and final permitting actions taken since December of 2003 for both APS Express and Standard Review applications using the parameters listed below:

- *Number of applications received*
- *Number of permits issued*
- *Percentage of applications resulting in issued permits*
- *Percentage of applications returned by the Division*
- *Percentage of applications withdrawn by the applicant*
- *Percentage of applications resulting in public hearings*
- *Average total review times, in-house processing times and out-of-house times*
- *Percentage of applications requiring additional information*
- *Average number of additional information items per application*

Since the first APS Express Review application was accepted in December of 2003, the APS Express Review Program has received 187 permit applications and the Standard Review Program has received 2,153 applications. In order to properly compare the two programs, renewal, renewal with modification and minor modification application types were not considered for this evaluation because APS Express Review deals solely with new projects and major modifications of existing permits. Removing these application types from consideration reduces the number of APS Standard Review program applications received to 547 since December of 2003.

The APS Express Review program has received 25.5% of the new and major modification permit applications since December of 2003.

For every application received by APS, a final permitting action is taken. An application may either be: returned for failing to provide additional information in the stipulated timeframe; withdrawn voluntarily by the Applicant; denied by the Division (note: no application in this data set has been denied); or issued as a non-discharge permit. Table 2.1 shows the breakdown of every APS Express and Standard Review new project and major modification application received since December of 2003, and Table 2.2 shows the percentage of each permit action taken. Review of the comparable percentages shows that there was no appreciable difference between the APS Express and Standard Review programs with regards to final permitting action taken. Please note some of the applications are currently under review, therefore their final status is pending.

Table 2.1 – Permitting Actions for APS Standard and Express Review Projects (December 2003 to Present):

Action	APS Standard Review			APS Express Review		
	New	Major Mod	Total	New	Major Mod	Total
Applications Received	300	247	547	117	70	187
Permits Issued	249	215	464	102	63	165
Applications Returned	27	13	40	6	5	11
Applications Withdrawn	12	6	18	7	2	9
Applications Under Review	12	13	25	2	0	2

Table 2.2 – Percent Permitting Actions for Standard and Express Review Projects (December 2003 to Present):

Action	APS Standard Review			APS Express Review		
	New	Major Mod	Total	New	Major Mod	Total
Permits Issued	83.0%	87.0%	84.8%	87.2%	90.0%	88.2%
Applications Returned	9.0%	5.3%	7.3%	5.1%	7.1%	5.9%
Applications Withdrawn	4.0%	2.4%	3.3%	6.0%	2.9%	4.8%
Applications Under Review	4.0%	5.3%	4.6%	1.7%	0.0%	1.1%

The minor differences in the percentages shown in Table 2.2 are likely from the fact that the Applicant in the APS Express Review Program have invested a higher application and additional information fees, therefore they are more diligent in complying with the stipulated deadlines and requirements to assure that their permit can be issued. For the same reason Applicants in the Express Review Program may be more likely to withdraw their project when they are unable to meet stipulated deadlines to avoid additional fees.

Another metric to be evaluated is the percentage of APS Express and Standard Review applications that had public hearing requests and subsequently went to hearing. Of the 187 APS Express Review applications received, six projects had public hearing requests, of which five public hearings were held. During that same timeframe, one APS Standard Review application had one public hearing.

Table 2.3 – Applications Resulting in Public Hearing (December 2003 to Present):

Action	APS Standard Review	APS Express Review
	Total	Total
Applications Received	547	187
Public Hearing Requested	1	5
% Public Hearing Requested	0.002%	2.7%

A majority of the six public hearing requests in the APS Express Review Program were for facilities located in Chatham County, which was the site of a contentious dispute between citizens and their local government. This dispute resulted in nearly all Chatham County APS Express Review applications having public hearings. APS Express Review protocol dictates that if a public hearing is requested, the application is removed from the program and placed in the APS Standard Review process. This transfer is made because it is impossible for the public notification, hearing, comment and Division response process to occur in the rigid APS Express Review schedule.

As a response to initial public concerns with the APS Express Review Program, express review personnel developed an electronic mail list serve and website to notify all interested parties of pending APS Express Review projects. The website also included application information and review schedules, which in essence allowed full transparency of all APS Express Review projects to the public. This effort to ensure public transparency is likely the main reason why APS Express Review projects have had more public hearings than the APS Standard Review process, which, until recently, did not utilize any type of public notification process.

The next evaluation item relates to the processing times and additional information requests for APS Express and Standard Review applications. By its very nature, APS Express Review takes a significantly shorter amount of time from application to permit issuance than the APS Standard Review process. On average, an APS Express Review application is issued approximately 56 days after receipt, and an APS Standard Review application is issued in approximately 151 days (See Table 2.4 below).

Table 2.4 – Processing Times for APS Standard and Express Review Issued Permits (December 2003 to Present):

Time	APS Standard Review			APS Express Review		
	New	Major Mod	Average	New	Major Mod	Average
In-House Review (days)	112.2	105.7	109.2	32.1	29.2	31.0
Additional Information Response Time (days)	47.8	35.2	42.0	26.5	22.5	25.0
Total Review (days)	159.9	141.0	151.2	58.6	51.7	55.9

Note: Additional Information Response Time represents the time spent waiting on the Applicant to provide additional information.

In accordance with 15A NCAC 02T .0107, the APS Standard Review process has 90 days to determine if an application is complete, and the Applicant has 30 days to provide the requested information. In addition, pursuant to 15A NCAC 02T .0108(a), a final permitting action for all application shall be taken within 90 days following receipt of a complete application.

Conversely, the APS Express Review Program has 14 days to determine if an application is complete, the Applicant has 14 days to provide any requested information, and then APS Express Review staff has 7 days to evaluate submitted additional information. These requirements, in addition to the fact every APS Express Review application has a pre-review process, a submittal meeting, a review meeting and potentially an additional information meeting with the Applicant and their consultants, all within 35 days of application, practically ensures the APS Express Review process is quicker than the APS Standard Review process.

As part of the evaluation, APS Express Review Staff analyzed the number of additional information requests and total number of additional questions asked for each of express review and standard review project. Table 2.5 shows a comparison of additional information requests made by the express review staff and standard review staff for new projects.

Table 2.5 – Comparison of APS Standard vs. Express Review Additional Information Requests (New Projects [†]):

Program	Applications	Total Add Info Requests	Total Add Info Questions	Average Questions per Add Info	Average Questions per Project	Average Add Info Requests per Project
Standard	46	39	618	15.9	13.4	0.85
Express	101	158	5,289	33.5	52.4	1.56

[†] This sample includes new APS Standard and Express Review projects received since December of 2003.

Historically, the APS Express Review Program has received a greater percentage of larger, more complicated projects. While the increased number of additional information requests and number of total questions asked can be partially contributed to the complexity of the permit applications, it can be argued that the effect of requiring face to face meetings, closer interaction between Central and Regional Office personnel, and shorter review times ensure that a project is kept fresh in the reviewer’s minds, receives a more closely scrutinized review for compliance with all administrative codes and General Statutes, while at the same time guaranteeing a shorter time from application acceptance to permit issuance than the APS Standard Review process.

Evaluation Item #3

APS will solicit an external peer review by canvassing licensed professionals (e.g., Professional Engineers, Licensed Soil Scientists and Licensed Hydrogeologists) who have participated in both the APS Express Review Program and the APS Standard Review process. This information shall be obtained using an online survey designed to acquire external feedback regarding the effectiveness, thoroughness, fairness and general comparisons of the APS Express and Standard Review processes. This survey shall also be designed to identify strengths and weaknesses in both programs so that review procedures can be adjusted if necessary in an effort to improve customer satisfaction and the quality of application submittals.

Summary of results from the APS Permitting Survey

Introduction:

In May of 2010, the Aquifer Protection Section conducted a survey of licensed professionals who have participated in the role of consultant in both the APS Express Review Program and the APS Standard Review Program since December of 2003. Participants consisted of Professional Engineers, Licensed Soil Scientists, and Professional Geologists. The goal of the survey was to obtain objective external feedback regarding the effectiveness, thoroughness, fairness and general comparisons of the APS Express Review and APS Standard Review processes. In an effort to obtain the most honest feedback possible, the survey was conducted online and responses to the survey were anonymous. The survey was designed to identify strengths and weaknesses in both programs, so that review procedures can be adjusted if necessary to improve customer satisfaction and overall program effectiveness.

A total of 125 individuals were polled and 35 completed surveys were submitted, equating to a participation rate of approximately 28%. A summary of the survey questions and results is provided below. The complete survey response and raw data results are attached as Appendix I – “Aquifer Protection Section Permitting Survey Results” of this report.

Summary of Results:

Questions #1 & 2: Rate your experience with the following items as related to the APS Express Review Program and the APS Standard Review process as either: Poor, Average, Good, or Excellent:

- **Clear application requirements**
- **Communication with reviewers**
- **Thoroughness of review**
- **Technical knowledge/professionalism of reviewers**
- **Clear/correct permit product**
- **Questions answered accurately/quickly**
- **Review process completed in a reasonable timeframe**

The majority of responders ranked the APS Express Review Program as “Good” or “Excellent” in all categories. The majority of responders ranked the APS Standard Review process as “Average” or “Good” in all categories. As might be expected, the most significant difference was shown to be the timeframe for completing review. The APS Express Review process provides expedited review times and requires strict adherence to pre-determined deadlines for both the reviewer(s) and the applicants; thus allowing for more timely permitting actions.

The next largest area of difference can be seen in the areas of communication with reviewers and accurate/quick response to questions. These differences are also inherent in the nature of the APS Express Review procedures. Since the APS Express Review Program has dedicated staff devoted to express projects, limits the number of projects accepted, and requires face-to-face meetings during the review process; APS Express Review staff is better equipped to provide focused attention on projects and promotes regular interaction with the Applicant.

Some difference is also evident in the results for the areas of review thoroughness and technical knowledge/professionalism of reviewers. As mentioned above, the APS Express Review procedures allow for more focused attention on individual projects, thus promoting a thorough review. These differences can also be attributed to the fact that the engineers in the express Review Program are Advanced and Journey level positions, making them the most advanced engineers within the APS, and the many years of professional experience attained by most APS Express Review staff.

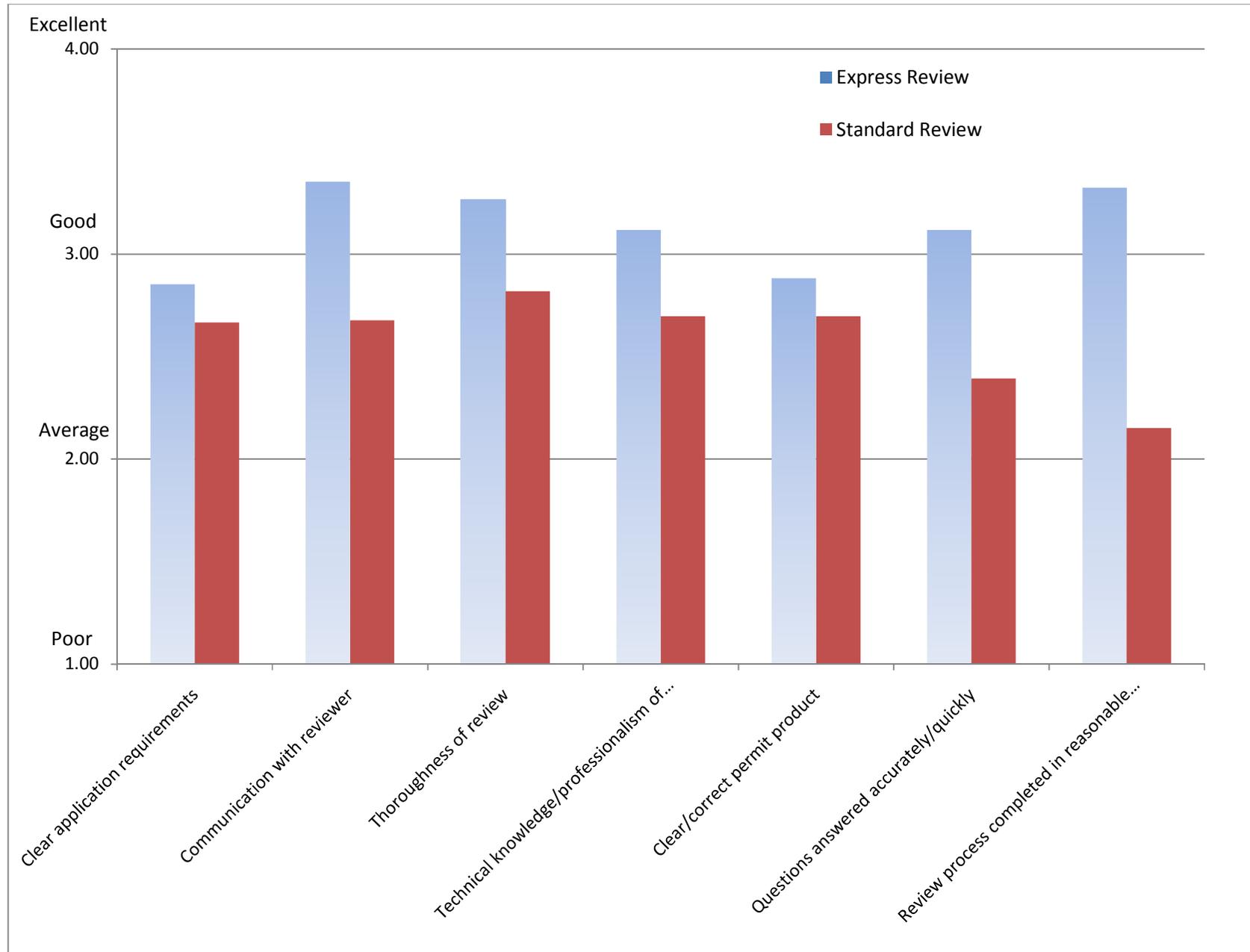
No significant difference was noted in the areas of application requirements, and clearness/correctness of permits issued.

Overall ratings for each category are shown in Table 3.1 below, where: Poor = 1, Average = 2, Good = 3, Excellent = 4. A comparison of the category rankings are shown graphically in Figure 3.1 on the following page. Detailed response data is available in Appendix I of this report.

Table 3.1 – Overall Category Ratings:

Category	APS Express Review	APS Standard Review
Clear application requirements	2.85	2.67
Communication with reviewers	3.35	2.68
Thoroughness of review	3.26	2.82
Technical knowledge/professionalism of reviewers	3.12	2.70
Clear correct permit product	2.88	2.70
Questions answered accurately/quickly	3.12	2.39
Review process completed in reasonable timeframe	3.32	2.15

Figure 3.1 – Comparison of Category Rankings between APS Express and Standard Review Processes:



Question #3: Have you experienced any differences in application requirements, design standards, or rule interpretations between the APS Express Review Program and the Standard Review process? If so, please explain.

Differences that were noted in multiple responses are summarized in Table 3.2 below. A complete list of all responses to this item is included in Appendix I of this document.

Table 3.2 – Differences noted between APS Express and Standard Review Processes (24 total responses):

Category	Number of Responses
No differences experienced	8
Personnel skills/process efficiency	6
Differing interpretations rules/policies	4

Several respondents (6) noted a better experience in the areas of reviewer interest in projects, communication practices, professionalism, and overall efficiency with the APS Express Review Program.

A small number (4) of specific rule and/or policy interpretation differences were noted in the responses to this question. However, with one exception, the items described were differing interpretations between reviewers, but not differing interpretations between the APS Express and Standard Review Programs. The exception was a difference between compliance boundary interpretations where an APS Express Review project was required to submit more detailed site maps than had previously been required in prior APS Standard Review projects. This issue was evaluated within APS during the project review, and guidance was provided to all reviewers to make sure that consistent requirements were being implemented across both permitting programs.

Question #4: Please rank the following items in order of importance to you when submitting a permit application for review: Quick response from reviewers, Face to face meetings with reviewers, Technical knowledge of reviewers, and Thoroughness of review.

The overall review component deemed most important by survey participants when submitting a permit application for review was obtaining a quick response from reviewers. The APS Express Review Program is designed to provide expedited review times through dedicated staff, limiting the number of review tracks available, and adherence to pre-determined schedules and project milestones. The overall ranking results for the key review components polled are summarized in Table 3.3 below. This information will be useful to the APS for determination of priorities for improvements to both the APS Express and Standard Review procedures. Incorporation of more face to face meetings into the APS Standard Review process was a common recommendation throughout the survey as further discussed in subsequent sections of this summary. Raw scores for this item are available in Appendix I of this report.

Table 3.3 – Ranking of importance for key review components in permitting process:

Rank	Item	Average Ranking
1	Quick response from reviewers	2.03
2	Technical knowledge of reviewers	2.31
3	Face to face meetings with reviewers	2.72
4	Thoroughness of review	2.74

Question #5: Besides the expedited review times, in your opinion, what works well in the APS Express Review Program?

Items that currently work well in the APS Express Review Program were noted in multiple responses as summarized in Table 3.4 below. A complete list of all responses to this item is included in Appendix I.

Table 3.4 – Items that work well in the APS Express Review Program (29 total responses):

Category	Number of Responses
Face to face meetings	10
Professionalism/experience of reviewers	6
Advance schedules/set meeting dates	4
Good communication with staff	4
Quick response time	3
Consistency with rules/policies	2

Face to face meetings was the most popular response (10) for what works well in the APS Express Review Program. The submittal meetings were noted as providing a better understanding of the project and requirements through communication and thus promoting a thorough review and effective permit. The professionalism, qualifications, and working knowledge of the APS Express Review staff were also deemed to be key components of the program’s effectiveness.

Several respondents noted that advanced scheduling of milestones keep projects on track for both the project reviewers and the permit applicants. Good communication with staff, a quick response time, and the consistency of working with the same reviewers were also listed as favored procedures that are built in the APS Express Review process.

Question #6: What suggestions do you have for improvement of the APS Express Review Program?

Recommendations for improvements to the APS Express Review Program that were noted in multiple responses are summarized in Table 3.5 below. A complete list of all responses to this item is included in Appendix I of this document.

Table 3.5 – Recommendations for improvement to the APS Express Review Program (29 total responses):

Category	Number of Responses
No changes needed	8
More involvement of regional office staff	5
More adherence to rules/less objectivism of reviewer	4
Fee adjustments	4
More flexibility for innovative designs	2

The most common recommendation for improvement of the APS Express Review Program was to incorporate more involvement of non-APS Express Review Regional Office staff in project reviews (5). The APS Express Review Program staff consists of two environmental engineers operating out of the Central Office, one hydrogeologist located in the Washington Regional Office, and one soil scientist located in the Raleigh Regional Office. Regional Office support is provided for each project via the soil scientist and/or the hydrogeologist that is exclusively assigned to the APS Express Review Program. In addition, APS staff in the appropriate Regional Office is provided with a project overview and the meeting schedule for every project upon acceptance into the APS Express Review Program. Regional Office staff is encouraged to participate in all APS Express Review projects based on their interest and desired level of involvement. However, in the past this has not always been possible due to scheduling conflicts and existing workloads. The APS will re-evaluate the need and look for more opportunities to increase Regional Office involvement in APS Express Review projects.

Multiple respondents expressed the desire for APS Express Review staff to incorporate less objectivism with regards to technical review of project designs and to adhere only to design criteria specified in rules. Many of the treatment and disposal system designs reviewed by APS Express Review staff are of a highly technical nature. At times, technical knowledge of the review engineers coupled with experience observing the effectiveness of similar technologies in the field may lead to comments or suggestions regarding feasibility of a design. When necessary, the goal of such discussions is to provide technical assistance and ensure that a workable and effective permit can be issued.

Several respondents suggested that APS Express Review fees be increased to provide more resources for additional staff and/or track availability, or that fees should be decreased to promote overall usage of the program. APS Express Review fees are evaluated on a periodic basis and adjusted when necessary based on multiple factors such as demand for the program and resources required for implementation. Maximum Fees are established by Statute. Currently APS express Review fees and additional information fees are less than the maximum allowed by statute.

Two respondents expressed the need for more flexibility for innovative designs to be incorporated into the APS Express Review process. In order to ensure that required deadlines can be met, the APS Express Review Program must require that projects accepted be of a straightforward nature, not consist of previously un-reviewed technologies, and not contain variances to design criteria, DWQ policies, General Statutes or administrative codes. Such projects are advised to apply through the APS Standard Review process. However, the APS Express Review Program routinely reviews projects of a complex and/or highly technical nature and encourages innovation when compliance with applicable rules can be clearly demonstrated.

Question #7: In your opinion, what works well in the APS Standard Review process?

Items that currently work well in the APS Standard Review Program that were noted in multiple responses are summarized in Table 3.6 below. A complete list of all responses to this item is included in Appendix I.

Table 3.6 – Items that work well in the APS Standard Review Program (25 total responses):

Category	Number of Responses
Good coordination with regional office	4
More time for meeting project deadlines	3
Lower fees	3
Clear rules/application requirements	3

Multiple (4) responders listed good coordination with APS Regional Office staff as a major item that works well within the APS Standard Review process. APS Standard Review procedures include Regional Office staff review for all new projects, modified projects, and permit renewals. This item was also identified as an area of suggested improvement for the APS Express Review Program (see Question #6) and will therefore be further evaluated by the APS for potential improvements.

Two areas that were also noted as positive aspects of the APS Standard Review process were the lower application fees and the additional time provided to meet project deadlines. Since permit applicants have both the APS Standard and Express Review Programs available, each project can be assessed on a case by case basis to determine which fee level and review schedule is feasible.

Three respondents listed clarity of rules and application requirements as a benefit of the APS Standard Review process. It should be noted that rules and application requirements for APS non-discharge projects are the same regardless of whether a project is processed through APS Standard or Express Review.

Question #8: What suggested improvements do you have for the APS Standard Review process?

Recommendations for improvements to the APS Standard Review process that were noted in multiple responses are summarized in Table 3.7 below. A complete list of all responses to this item is included in Appendix I.

Table 3.7 – Recommendations for improvement to the APS Standard Review Program (25 total responses):

Category	Number of Responses
Incorporate face to face meetings	7
Better communication from reviewers during process	5
Better consistency/adherence to rules	4
Faster review time	3
No changes needed	3

The most common recommendation for improvement of the APS Standard Review Program was to incorporate face-to-face meetings into the review process (7). Respondents expressed that having in person meetings upon project submittal and/or when additional information is needed would facilitate the reviewer's understanding of the project and improve efficiency through enhanced communication. The APS will further evaluate the potential for incorporating meetings into the APS Standard Review process in order to improve customer satisfaction and permitting efficiency.

Multiple responses also cited the need for better communication with reviewers during the APS Standard Review process, which is closely related to face to face meetings as discussed above. Responders expressed desire for more communication from the reviewer in order to provide updates and keep consultants/applicants abreast of necessary changes at interim periods throughout the review. The APS plans to further evaluate this item and to seek out ways to incorporate additional communication opportunities into the APS Standard Review process.

Several participants noted a desire for faster review time within the Standard Review process. While the statutory review time within the APS Standard Review process is 90 days from receipt of a complete application, review times vary from project to project depending upon the size, complexity of design, and fluctuating staff workloads. The advantage of having both the APS Standard and Express Review Programs available is that time critical projects have the option of expedited review if so desired. The APS will continue to look for ways to streamline the APS Standard Review process and to provide timely reviews with the resources available.

Question #9: Other than the review schedules, have you experienced any other differences (not covered in the previous questions) between the APS Express Review Program and the Standard Review process?

The open-ended nature of this question produced a wide variation in responses (17 total responses received). The main differences noted between the two programs were: difference in review times, the face-to-face meetings in APS Express Review, and the different fee structure. These items have been discussed at length under Questions 4 through 8, above.

A complete list of all comments provided in response to this item is included in Appendix I of this document.

Question #10: Please provide any other comments or concerns that you have regarding the APS Express Review Program and/or the APS Standard Review process.

Again, the open-ended nature of this question also produced a wide variation in responses (18 total responses received). The majority of comments provided in response to this question were very positive in regards to both the APS Express Review and Standard Review Programs. Comments indicate that in general, the APS program as a whole is viewed as one of the more effective permitting programs within the Department of Environment and Natural Resources (DENR). Multiple responders expressed the position that the APS Express Review Program should be used as a model for other permitting programs throughout DENR. A complete list of all comments provided in response to this item is included in Appendix I of this document.

Evaluation Item #3 Conclusions:

Responses submitted generally indicate good overall customer satisfaction from licensed professionals that have participated in both the APS Express and Standard Review Programs. The APS Express Review Program obtained overall scores of “Good” or “Excellent” for all seven key component items included in the poll. The APS Standard Review process obtained overall scores of “Good” for five key components and “Average” for two key components included in the poll.

The survey indicated that no specific differences with regards to application requirements or design standards exist between the APS Express and Standard Review Programs. Several respondents note a more positive experience in the areas of reviewer interest/focus on project; professionalism; and overall efficiency within the APS Express Review Program. The overall review component deemed most important by the survey participants when submitting an application for review was obtaining a timely response from the reviewer.

Survey questions concerning the APS Express Review Program indicated that face-to-face meetings to discuss the project were the most frequently cited item that currently works well for that program. The most common recommendation for improvement of the APS Express Review Program was to incorporate more involvement of non-APS Express Review Regional Office staff in project reviews.

Survey questions concerning the APS Standard Review Program indicated that good coordination with Regional Office staff was the most frequently cited item that currently works well for that program. The most common recommendations for improvement of the APS Standard Review process were to incorporate face-to-face meetings into the review process and to provide more frequent interim communication from the reviewer during the review timeframe.

The majority of additional comments provided were positive in regards to both the APS Express and Standard Review Programs. Comments indicate that in general, the APS program as a whole is viewed as one of the more effective permitting programs within DENR. Multiple responders expressed the position that the APS Express Review Program should be used as a model for other permitting programs throughout DENR.

The APS will further evaluate all comments to the survey in their entirety with the goal of identifying and implementing process improvements to both the APS Standard and Express Review Programs.

Evaluation Item #4:

In order to provide a meaningful evaluation regarding compliance history, APS will analyze a subset of facilities that have comparable permit issue dates and permit types. A comparison of the number of inspections completed, Notices of Violation (NOVs) issued, and/or enforcement actions taken will be made to determine if any discrepancies exist between the two review processes.

All permitted non discharge facilities receive start-up inspections prior to operation and follow-up compliance inspections on a regular basis (typically once per year) regardless of whether the facility was permitted via express or standard review. Numerical data will be pulled from the Basinwide Information Management System (BIMS) regarding compliance inspections in order to evaluate the number of compliant and non-compliant facilities permitted through both the APS Express Review Program and the APS Standard Review process. Information on violations and other enforcement actions will also be quantified. Details to be provided regarding inspections, violations, and enforcement actions for both express review and standard review permits are listed below:

- *Number of inspections completed*
- *Total Notices of Violation (NOVs) issued*
- *Percentage of facilities with NOVs*
- *Percentage of facilities with enforcement cases*
- *Percentage of facilities placed under Special Order by Consent (SOC)*

An evaluation regarding number of inspections and resulting compliance status, notices of violations (NOVs) issued, enforcement actions, and Special Orders by Consent (SOCs) for new non-discharge projects permitted through both the APS Express and Standard Review Programs is presented below. This analysis focuses on new projects because of the difficulty in ascertaining whether or not compliance issues at previously existing facilities are directly related to the permit review process as opposed to other factors, such as operation and maintenance practices or construction methods.

Inspections and Compliance Status:

The number of inspections completed and the resulting compliance determination (compliant vs. non-compliant) for all new APS non-discharge projects permitted since February of 2004 are shown in Table 4.1 below.

Table 4.1 – Inspections for New APS Express and Standard Review Projects Issued Since February 2004:

	APS Standard Review		APS Express Review	
	Number	Percentage	Number	Percentage
Inspections Completed	282	N/A	146	N/A
Compliant Inspections	247	87.6%	135	92.5%
Non-Compliant Inspections	35	12.4%	11	7.5%

Inspections performed at facilities permitted through the APS Express Review Program resulted in a slightly higher percentage of compliant inspections than inspections performed at facilities permitted through the APS Standard Review process. However the differences between the two are minor and no conclusions can be drawn on the effectiveness of either process based on this comparison.

Table 4.2 shows the number of new non-discharge facilities that were inspected from February 2004 to present for projects issued in both the APS Standard and Express Review Programs. Projects permitted in the APS Express Review process resulted in slightly higher compliance rates than those facilities permitted via the APS Standard Review process; however no conclusions can be drawn on the effectiveness of either permitting process based on this comparison.

Table 4.2 – Facility Compliance for New APS Express and Standard Review Projects Issued Since February 2004:

	APS Standard Review		APS Express Review	
	Number	Percentage	Number	Percentage
Permitted Facilities	249	N/A	102	N/A
Inspected Facilities (% based on # permitted facilities)	163	65.5%	62	60.9%
Non-Compliant Facilities (% based on # facilities inspected)	23	14.1%	5	8.1%

Notices of Violation (NOVs):

Table 4.3 shows the number of notices of violation (NOVs) issued to new non-discharge facilities that were permitted from February 2004 to present for projects through both the APS Standard and Express Review processes.

Table 4.3 – Notices of Violation for New APS Express and Standard Review Projects Issued Since February 2004:

	APS Standard Review		APS Express Review	
	Number	Percentage	Number	Percentage
Facilities	249	N/A	102	N/A
Notices of Violation (NOVs)	59	N/A	24	N/A
Facilities Receiving NOVs	43	17.3%	20	19.6%

This data shows that facilities permitted via the Express Review process had slightly higher percentages of NOVs issued. However, this metric is not necessarily representative of the APS Express and Standard Review processes, as NOVs may be issued for non-technical matters, such as failure to pay annual fees or provide the required non-discharge monitoring and land application reports. No conclusions can be drawn on the effectiveness of either permitting process based on this comparison.

Enforcement Actions/Special Order by Consent (SOC):

Of the 249 new permits issued via APS Standard Review during this time frame, five have undergone enforcement action. Of the 102 new permits issued via APS Express Review during this time frame, one has undergone enforcement action. This data shows that facilities permitted via the APS Express Review process had slightly higher percentages of NOVs issued. Two new facilities permitted via the APS Standard Review process has been placed under SOC since February of 2004, compared with zero facilities permitted via the APS Express Review program during the same time frame.

Overall Evaluation Conclusions:

The primary conclusion obtained from all four evaluation items is that the APS Express and Standard Review Programs are comparable in all measured metrics, and the only difference being that the total review times for APS Express Review projects is significantly lower than APS Standard Review projects. This key difference is inherent in the APS Express Review Program's nature.

The information obtained from the survey of licensed professionals who have participated in both the APS Express and Standard Review Programs provided some valuable suggestions on how to improve both review programs. Based on the provided feedback, the APS shall evaluate the following:

- APS staff will begin discussions with the APS Regional Office supervisors to determine a method to facilitate the involvement of non-express review Regional Office staff APS Express Review projects.
- APS Central and Regional Office staff will explore the concept of providing voluntary submittal, review and additional information meetings for all APS Standard Review projects. Conducting these meetings in no way shall guarantee a standard review time more stringent than that already incorporated into 15A NCAC 02T .0107 and .0108. However, the intent is to foster better communication and response time between APS Standard Review staff and the Applicant and their consultants. An intended side effect of making APS Standard Review staff available for voluntary meetings is that APS Standard Review processing times should decrease as a result of better professional rapport, technical understanding and rule interpretation by both parties.
- APS Central Office staff will continue working to improve APS Express and Standard Review project transparency by providing more information online for pending application requests. The APS anticipates this will reduce the amount of reviewer time spent fielding unnecessary requests, and will help improve non-discharge permit consistency.

Finally, this evaluation shows that the APS Express Review permitting process is an example of a highly efficient and effective permitting program that provides a valuable service to permit applicants seeking a thorough and timely review of their project. Internal data and process review indicates that the resulting quality of facilities permitted by the Express and Standard review processes are equal based on compliance history. Feedback from professional consultants supports that the APS Express Review Program is of superior quality and is an example of a successful permitting program.