

### **15A NCAC 01W .0103 APPLICATION REVIEW AND LOAN ELIGIBILITY**

(a) The Division shall review an application submitted that complies with Rule .0102 of this Section and determine whether the loan is eligible for approval. The Division may determine that the loan is not eligible for approval, that the loan is eligible for the amount requested, or that the loan is eligible for a portion of the amount requested. In making the determination for loan approval and the amount approved, the Division may consider the following criteria:

- (1) the information submitted in the application;
- (2) the remaining amount of loan funds available;
- (3) the location of the UST system within the affected areas as defined in S.L. 2024-53, with priority given to the areas with the greatest impacts from Hurricane Helene;
- (4) whether the costs included in the scope of work are significantly different from a range of expected or reasonable costs for such work, as determined by the Division;
- (5) federal disaster relief or private insurance reimbursement received for Hurricane Helene response prior to submittal of the application;
- (6) the level of need for other submitted applications under review by the Division that have not yet been awarded pursuant to S.L. 2024-53, s. 4C.8.(h);
- (7) the type of work included in the scope of work, with funding priority given to the specific examples of repairs and testing listed in the definition of emergency services in S.L. 2024-53, s. 4C.8.(b); and
- (8) the operational status of the UST system and the status of the scope of work submitted.

(b) If the Division determines that the loan is eligible for approval, either for the requested amount or a portion of the requested amount, the Division shall send the applicant a letter of intent to award the loan in accordance with S.L. 2024-53, s. 4C.8.(i) with a copy of the loan agreement developed in accordance with Rule .0104 of this Section within 60 days after receipt of the application. Within 30 days after the offer is issued, the recipient shall:

- (1) accept the offer by executing a loan agreement in accordance with Rule .0104(c) of this Section and returning it to the Division; or
- (2) provide a written response to the Division rejecting the offer.

(c) If the applicant has not accepted or rejected the offer in accordance with Paragraph (b) of this Rule within 30 days after the offer is issued, the Division may rescind the offer to award the loan by providing written notice to the applicant. The awarding of new loans shall cease on June 30, 2028.

(d) If the Division determines that the loan is not eligible for approval because it does not comply with S.L. 2024-53 or the rules of this Subchapter, the Division shall send the applicant a letter via certified mail outlining the reasons that the applicant is not eligible within 60 days after receipt of the application.

(e) If the applicant disagrees with the Division's determination, the applicant may elect to submit an informal appeal to the Division supplying additional supporting information. The appeal must be submitted within 30 days of the date the Division issued the notification of the Division's determination. The Division shall review the additional information and shall issue a final written agency decision via certified mail. Pursuant to S.L. 2024-53, s. 4C.8.(h), the Division's determination of need is conclusive.

*History Note: Authority S.L. 2024-53, s. 4C.8.(l);  
Emergency Adoption Eff. February 14, 2025;  
Temporary Adoption Eff. April 8, 2025;  
Eff. November 1, 2025.*