



1 Regulatory Authority. For purposes of this subdivision, "suggestions or  
2 recommendations by the Regulatory Authority" means comments made by  
3 the reviewer of the Regulatory Submittal to the Submitting Party that make a  
4 suggestion or recommendation for consideration by the Submitting Party but  
5 that are not required by the Regulatory Authority in order to proceed with  
6 the permit, license, or approval.

- 7 (2) With respect to revisions or requests for additional information that are  
8 required by the Regulatory Authority in order to proceed with the permit,  
9 license, or approval, the Regulatory Authority shall identify the statutory or  
10 regulatory authority for the requirement.

11 **SECTION 3.(a)** Informal Review. – No later than December 1, 2014, each  
12 Regulatory Authority shall create a process for each regulatory program administered by the  
13 Regulatory Authority for an informal internal review at the request of the Submitting Party in  
14 each of the following circumstances:

- 15 (1) The inclusion in a Regulatory Submittal of a design or practice sealed by a  
16 Professional Engineer but not included in the Regulatory Authority's existing  
17 guidance, manuals, or standard operating procedures. This review should  
18 first be conducted by the reviewing employee's supervisor or, in the case of a  
19 Regulatory Authority that is a unit of local government, either the reviewing  
20 employee's supervisor or the delegating or approving State agency. If this  
21 initial review was not conducted by a Professional Engineer, then the  
22 Submitting Party may request review by (i) a Professional Engineer on the  
23 staff of the Regulatory Authority or (ii) the delegating or approving State  
24 agency in the case of a Regulatory Authority that is a unit of local  
25 government. If the Regulatory Authority or delegating or approving State  
26 agency does not employ a Professional Engineer qualified and competent to  
27 perform the review, it may provide for review by a consulting Professional  
28 Engineer selected from a list developed and maintained by the Regulatory  
29 Authority. The Regulatory Authority may charge the Submitting Party for  
30 the costs of the review by the consulting Professional Engineer. Nothing in  
31 this subdivision is intended to limit the authority of the Regulatory Authority  
32 to make a final decision with regard to a Regulatory Submittal following the  
33 reviews described in this subdivision.
- 34 (2) A disagreement between the reviewer of the Regulatory Submittal and the  
35 Submitting Party regarding whether the statutory or regulatory authority  
36 identified by the Regulatory Authority for revisions or requests for  
37 additional information designated as "required" under the procedures set  
38 forth in Section 2 of this act justifies a required change.

39 **SECTION 3.(b)** Scope. – Nothing in this section shall limit or abrogate any rights  
40 available under Chapter 150B of the General Statutes to any Submitting Party.

41 **SECTION 3.(c)** Procedure to Develop List of Consulting Professional Engineers. –  
42 Regulatory Authorities shall develop formal written procedures to prepare and maintain a list of  
43 consulting Professional Engineers required pursuant to subdivision (1) of Section 3(a) of this  
44 act.

45 **SECTION 4.(a)** Pilot Study. – No later than March 1, 2015, the Department of  
46 Environment and Natural Resources shall complete a pilot study on the Pretreatment,  
47 Emergency Response and Collection System (PERCS) wastewater collection system permitting  
48 program and the stormwater permitting program and perform the following activities with the  
49 assistance and cooperation of the North Carolina Board of Examiners for Engineers and  
50 Surveyors and the Professional Engineers of North Carolina:

- 1 (1) Produce an inventory of work activities associated with the operation of each  
2 regulatory program.
- 3 (2) Determine the work activities identified under subdivision (1) of this section  
4 that constitute the Practice of Engineering.
- 5 (3) Develop recommendations for ensuring that work activities constituting the  
6 Practice of Engineering are conducted with the appropriate level of  
7 oversight.

8 **SECTION 4.(b)** Report. – The Department shall report the results of the pilot study  
9 to the Environmental Review Commission no later than April 15, 2015.

10 **SECTION 5.** Review of Working Job Titles. – No later than December 1, 2014,  
11 each Regulatory Authority and the Department of Transportation shall do the following:

- 12 (1) Review the Working Job Titles of every employee with job duties that  
13 include the review of Regulatory Submittals.
- 14 (2) Propose revisions to the Working Job Titles identified under subdivision (1)  
15 of this section or other administrative measures that will eliminate the public  
16 identification as "engineers" of persons reviewing Regulatory Submittals  
17 who are not Professional Engineers.

18 **SECTION 6.(a)** Initial Report. – Each Regulatory Authority shall report to the  
19 Environmental Review Commission prior to the convening of the 2015 Regular Session of the  
20 2015 General Assembly on implementation of the following, if applicable:

- 21 (1) The standardized procedures required by Section 2 of this act.
- 22 (2) The informal review process required by Section 3 of this act.
- 23 (3) The review of Working Job Titles required by Section 5 of this act.

24 **SECTION 6.(b)** Annual Report. – Beginning in 2016, each Regulatory Authority  
25 shall annually report to the Environmental Review Commission no later than January 15 on the  
26 informal review process required by Section 3 of this act. The report shall include the number  
27 of times the informal review process was utilized and the outcome of the review.

28 **SECTION 6.(c)** Annual Reporting Sunset. – Section 6(b) of this act expires on  
29 January 1, 2019.

30 **SECTION 7.** This act is effective when it becomes law.