

Report to the Environmental Review Commission

Pursuant to S.L. 2014-120, Sec. 29 REFORM AGENCY REVIEW OF ENGINEERING WORK

January 14, 2015

Name of Local Government Unit: *Ashe County*

Approved/delegated program subject to reporting requirements:

☐ Sedimentation/erosion control

☐ Stormwater

☐ Water/sewer

☐ Cross-connection

☐ 401 certifications

☒ Other **Type program name**

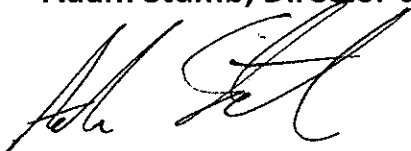
Water Supply Watershed Protection Ordinance

Type name of person preparing report

Adam Stumb, Director of Planning

Type date

1/8/2015



***Submit this report electronically to Mariah Matheson, Commission Assistant,
Environmental Review Commission, at Mariah.Matheson@ncleg.net.***

Name of local government unit: Ashe County

*****Please attach any written procedures that may have been developed to implement the provisions of this law.*****

☒ Check to indicate that this plan review program implemented procedures whereby plan reviewers distinguish between plan changes that are required by statutory or other legal authority and those that the reviewer offers as suggestions for improvement. Refer to S.L. 2014-120, Section 29.(b)(1) for further details about this requirement.

☒ Check to indicate that this plan review program identifies the statutory or regulatory authority for any revisions or requests for additional information that are required by the program in order to grant the requested plan permit, approval, or license. Refer to S.L. 2014-120, Section 29.(b)(2) for further details about this requirement.

☒ Check to indicate that this plan review program implemented procedures for local governments to follow when (1) a Professional Engineer submits a sealed design or practice that is not in the local government's guidance, manuals, or standard operating procedures, and (2) the submitting Professional Engineer requests additional internal review of that design or practice. Refer to S.L. 2014-120, Section 29.(c)(1) for further details about this requirement.

☒ Check to indicate that this plan review program established a procedure whereby the plan reviewer's supervisor OR the approving/delegating state agency can provide further review and oversight of these design details. Refer to S.L. 2014-120, Section 29.(c)(1) for further details about this requirement.

☒ Check to indicate that this plan review program either employs a Professional Engineer who can conduct further review of these innovative designs, or maintains a list of consulting Professional Engineers of the local government unit's choice that may conduct this review, if requested by and paid for by the submitting Professional Engineer. Refer to S.L. 2014-120, Section 29.(c)(1) for further details about this requirement.

☒ Check to indicate that this plan review program established an informal internal process to address disputes when a plan reviewer identifies a change to the plans as being "required" under a specific, identified legal authority. Refer to S.L. 2014-120, Section 29.(c)(2) for further details about this requirement.

☒ Check to indicate that this plan review program discontinued use of the word “engineer” in the job titles of all program employees whose responsibilities include review of plans in affected programs, *unless* those employees hold Professional Engineer licenses. Refer to S.L. 2014-120, Section 29.(h) for further details about this requirement.

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☒ Check to indicate that this plan review program reviewed the titles of all employees conducting plan reviews for this program. Refer to S.L. 2014-120, Section 29.(h)(1) for further details about this requirement.

☒ Check to indicate that this plan review program proposed revisions to those employees’ job titles in order to eliminate use of the word “engineer” when publicly identifying those employees, if those employees do not hold Professional Engineer licenses. Refer to S.L. 2014-120, Section 29.(h)(2) for further details about this requirement.

Additional information:

Ashe County Procedure:

Implementation of Session Law 2014-120, Section 29 for review of engineering work under Water Supply Watershed Protection Ordinances

1. Required vs suggested changes. When reviewing and responding to submitted plans the plan reviewer shall indicate whether requests for revisions or additional information are recommendations or are required by ordinance or statute. If the requests for revisions or additional information are required by ordinance or statute, the plan reviewer shall cite the legal authority. If the applicant wishes to dispute that a request for revision or additional information is required, he/she may appeal to the Director of Planning. The applicant may appeal the decision of the Director to the Board of Adjustment if appropriate.
2. Innovative designs submitted by a Professional Engineer (PE). If a PE submits a sealed design or practice that is not in the County's guidance, manuals, or standard operating procedures, the PE may request additional submittal review if the PE is not satisfied with initial review. The submitting PE may choose between the following two (2) options: (a) that the additional review be completed by appropriate personnel of the NC Department of Environment and Natural Resources; or (b) that the additional review be completed by a private PE of Ashe County's choosing, at the expense of the submitting PE. Option (b) as described assumes that neither the initial County-employed plan reviewer nor his/her supervisor is a PE. If the initial reviewer is a PE, then (a) is the only option for further review. If the initial reviewer is not a PE, but the supervisor is, then the supervisor shall conduct the further review in lieu of a private PE. Following any reviews, the Planning Department retains the final decision-making authority regarding submittals. The applicant may appeal the decision of the Director to the Board of Adjustments.
3. List of Engineers. The Planning Department shall maintain a list of qualified private Professional Civil Engineers.
4. Job Titles. "Engineer" shall not appear in any Ashe County Planning Department job title unless the employee is a PE.