

# **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: *Town of Butner***

**Approved/delegated program subject to reporting requirements:**

☒ **Water Supply Watershed**

☒ **Stormwater**

☒ **Falls New Development Requirements**

☐ **On-site Wastewater System Permitting**

**Report prepared by:**

***Melissa Hodges***

***January 12, 2015***

**Signature of report preparer** *Melissa Z. Hodges* **Date** *January 12, 2015*

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

**Name of local government unit: *Town of Butner***

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

☒ Town of Butner is in compliance with S.L. 2014-120, Section 29.(b)(1), requiring that the plan review program implement 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. The plan review checklist in use (attached) makes this distinction.

☒ Town of Butner is in compliance with S.L. 2014-120, Section 29.(b)(2), requiring that the plan review program identify 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. The Town's review letter to Submitting Parties, a template of which is attached, complies with the requirement.

☒ Town of Butner is in compliance with S.L. 2014-120, Section 29.(c)(1), requiring that the plan review program implement 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. The Town has included an administrative procedure for PE review of an innovative practice submittal as part of the overall review procedures (attached). This process is an interim measure adopted by staff for compliance and may be subject to Board review to the extent required.

☒ Town of Butner is in compliance with S.L. 2014-120, Section 29.(c)(1), requiring that the plan review program establish a procedure whereby the plan reviewer's supervisor OR the approving/delegating state agency can provide further review and oversight of these design details. The Town will transfer innovative practice submittals to the State for further review and oversight. The Town has included an administrative procedure for state agency review of an innovative practice submittal as part of the overall review procedures (attached). This process is an interim measure adopted by staff for compliance and may be subject to Board review to the extent required.

☒ Town of Butner is in compliance with S.L. 2014-120, Section 29.(c)(1), requiring that the 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. The Town holds a contract with a private firm providing stormwater utility management, including professional engineering services. No additional list of PEs is required.

☒ Town of Butner is in compliance with S.L. 2014-120, Section 29.(c)(2), requiring that the plan review program establish 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. The Town has

included an internal, informal administrative procedure for addressing disputes as part of the overall review procedures (attached). This process is an interim measure adopted by staff for compliance and may be subject to Board review to the extent required.

☒ Town of Butner is in compliance with S.L. 2014-120, Section 29.(h), requiring that the 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. The Town does not include the term ‘engineer’ in any titles not held by Professional Engineers.

☒ Town of Butner is in compliance with S.L. 2014-120, Section 29.(h)(1), requiring that the plan review program review the titles of all employees conducting plan reviews for this program. The Town does not include the term ‘engineer’ in any titles not held by Professional Engineers.

☒ Town of Butner is in compliance with S.L. 2014-120, Section 29.(h)(2), requiring that the plan review program propose 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. No title revisions are necessary.

**Additional information:**

See attached documentation for:

- A. Review letter template (S.L. 2014-120, Section 29.(b)(1))
- B. Administrative procedures for innovative submittal, oversight review, and informal review (S.L. 2014-120, Section 29.(b)(1), (c)(1), (c)(2))

**Name of local government unit: Town of Butner**

Attachment A. Review letter template

Date

Name of Official

Jurisdiction

Address 1

Address 2

Reference: Stormwater Management – (1st) Review

Project Name: \_\_\_\_\_

Jurisdiction: \_\_\_\_\_

Basin: \_\_\_\_\_

Stimmel Project #13-045

Dear Name:

Stimmel Associates received a transmittal on Date containing stormwater plans and calculations for a project entitled Name of Project located on \_\_\_\_\_ in the Jurisdiction. We performed a stormwater review and have determined the project **is/ is not** in compliance with the Water Supply Watershed WS-IV (15A NCAC 02B .0216), Falls Lake Stormwater Rules (15A NCAC 02B .0277) and Neuse River Basin Riparian Buffer Rules (15A NCAC 02B .0233 and .0242) or local zoning ordinance.

The following revisions or requests for additional information are required in order to approve the project under statute or regulation:

Falls Lake Comments (Citation)

1. [Comments related to 15A NCAC 02B .0277 in this section]

Neuse River Buffer Comments (Citation)

1. [Comments related to 15A NCAC 02B .0277 in this section]

Water Supply Watershed Comments (Citation)

1. [Comments related to 15A NCAC 02B .0216 in this section]

Local Ordinance Comments (Citation)

1. [Comments related to local zoning requirements in this section]

North Carolina Best Management Practices Manual (Citation)

1. [Comments related to compliance with provisions of NC BMP manual in this section]

Universal Stormwater Management Program (Citation)

1. [Comments related to compliance with USMP in this section]

The following revisions or requests for additional information are recommended for implementation but are not required in order to approve the project under statute or regulation:

1. [Comments without citation in this section]
2. Example comment: "The proposed land disturbance is 11,970sf. Disturbing 12,000sf or more of land will require a revised stormwater submittal and that submittal may require a stormwater BMP's be constructed to comply with the Rules. This may require significant changes to the site plan as currently submitted. Recommend the Owner take adequate measures during construction to ensure the land disturbance threshold isn't exceeded."

No land disturbance, development or redevelopment of any kind shall occur until a Stormwater Management Permit is issued regardless if NCDENR – Land Quality has issued an erosion control permit.

Please give me a call if you have any questions.

Sincerely yours:

Kelway L. Howard III, P.E.

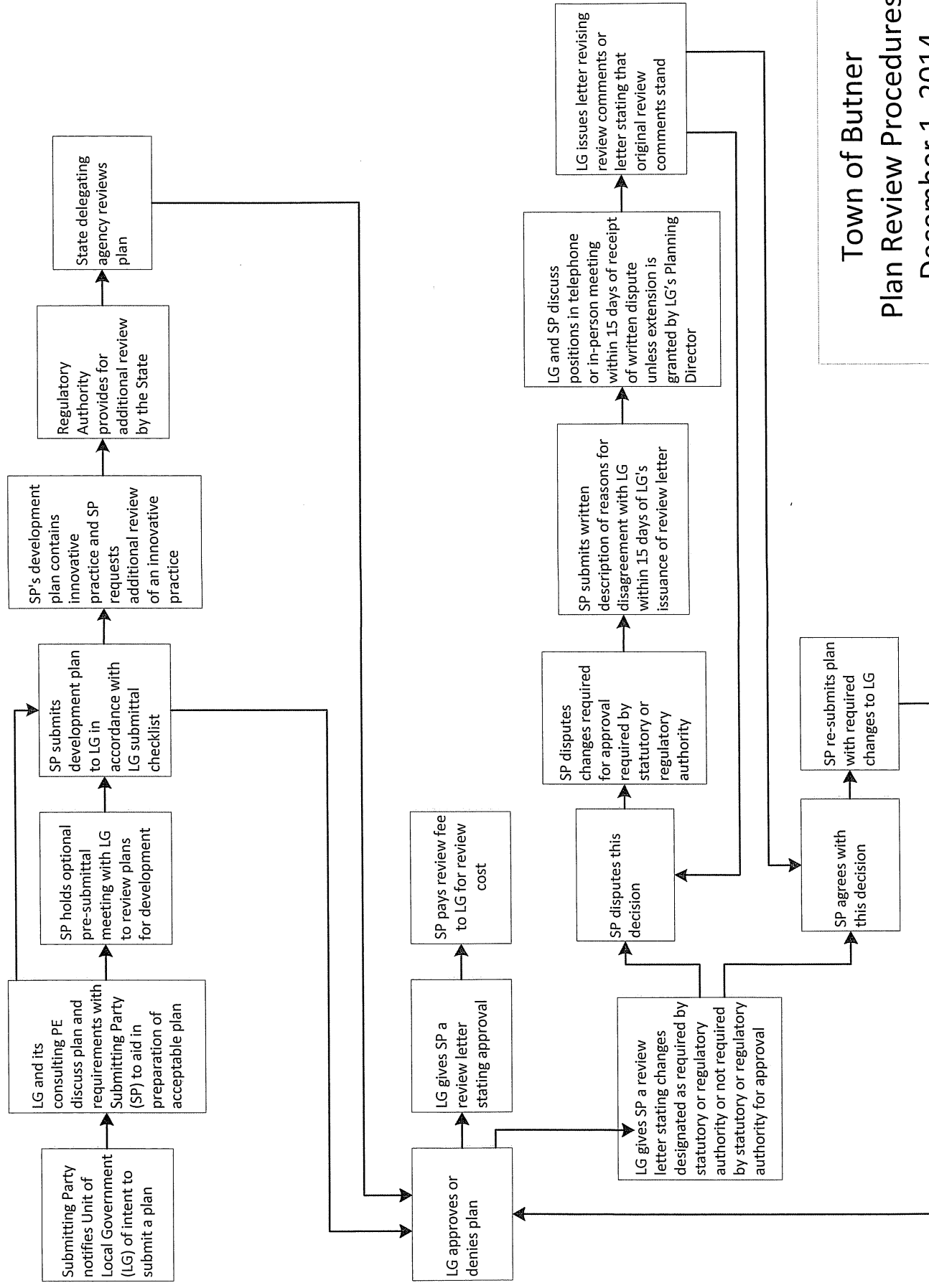
Stimmel Associates, P.A.

Partner/Senior Project Manager

Cc: Henrietta Locklear, Stormwater Utility Service Manager (Raftelis Financial Consultants)

**Name of local government unit: Town of Butner**

Attachment B. Review procedures for innovative submittal, oversight, and informal review



Town of Butner  
Plan Review Procedures  
December 1, 2014