

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:

City of Charlotte Engineering Department,
Land Development Division

Approved/delegated program subject to reporting requirements:

☒ Sedimentation/erosion control

☒ Stormwater

☐ Water/sewer

☐ Cross-connection

☐ 401 certifications

☐ Other Type program name



Tommy L. Ferguson, PE

Signature of report preparer

January 14, 2015

Date

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

***Please attach any written procedures that may have been developed to implement the provisions of this law. ** ➔ SEE ATTACHMENTS AT END OF REPORT.*

Name of local government unit: City of Charlotte Engineering Dept., Land Development Division

☒ 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.

☒ 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.

ATTACHMENT #1: City of Charlotte Land Development Newsletter Article, December 2014:

SESSION LAW 2014-120, SECTION 29, "REFORM AGENCY REVIEW OF ENGINEERING WORK"

Session Law 2014-120, Section 29 ([link to full text of Law](#)) requires certain administrative changes be implemented by *any unit of local government operating a program (i) that grants permits, licenses, or approvals to the public and (ii) that is either approved by or delegated from the Department of Environment and Natural Resources or the Department of Health and Human Services.*

The following City Ordinances enforced by the Land Development Division are deemed to have been "*either approved by or delegated from*" NCDENR and thereby subject to the provisions of Section 29 of the Session Law:

- Post-Construction Stormwater Ordinance (City Code Chapter 18, Article IV)
- Soil Erosion and Sedimentation Control Ordinance (City Code Chapter 17)
- Zoning Ordinance Watershed Overlay Districts for Mountain Island Lake & Catawba River/Lake Wylie (City Code Appendix-A, Chapter 10, Part-5 & Part-6)

The following administrative changes have been implemented in response to the Session Law:

- 1) Per Section 29.(b) of the Session Law, the Land Development Division has adopted the following conventions for review comments:

- Review comments associated with the Post-Construction Stormwater Ordinance will begin with **"PCO"**
- Review comments associated with the Soil Erosion and Sedimentation Control Ordinance will begin with **"EC"**
- Review comments associated with the Zoning Ordinance Watershed Overlay Districts for Mountain Island Lake & Catawba River/Lake Wylie (City Code Appendix-A, Parts 5 & 6) will begin with **"WATERSHED"**
- All review comments are requirements unless the comment begins with **"RECOMMENDATION"**.

(Please note: The reference to a particular ordinance also includes by reference all adopted design manuals, administrative manuals, standard details and specifications.)

- 2) Per Section 29.(c) of the Session Law, the Land Development Division has established an Informal Review process with respect to the City Ordinances identified above for the following circumstances:

- *The inclusion in a Regulatory Submittal of a design or practice sealed by a Professional Engineer but not included in the Regulatory Authority's existing guidance, manuals, or standard operating procedures.*
- *A disagreement between the reviewer of the Regulatory Submittal and the Submitting Party regarding whether the statutory or regulatory authority identified by the Regulatory Authority for revisions or requests for additional information designated as "required" justifies a required change.*

Any Submitting Party desiring an Informal Review under the preceding circumstances should download the Informal Review Request form found on the Development Services web page ([link to web page, see "NEWS" section](#)) and email the completed form to David Weekly, PE, Land Development Division Manager.

- 3) Per Section 29.(h) of the Session Law, non-licensed plan review engineers in the Land Development Division will now use the Working Job Title "Plan Reviewer" in all public correspondence.

ATTACHMENT #2: REQUEST FOR INFORMAL REVIEW FORM:

REQUEST FOR INFORMAL REVIEW PER SESSION LAW 2014-120, SECTION 29.(c)

APPLICABILITY:

The informal review process specified by Session Law 2014-120 is applicable to Regulatory Authorities operating a local government program (i) that grants permits, licenses, or approvals to the public and (ii) that is either approved by or delegated from the Department of Environment and Natural Resources or the Department of Health and Human Services.

Only regulatory review requirements issued under authority granted by the following City of Charlotte Ordinances are eligible for the Informal Review Process specified by Session Law 2014-120:

- Post-Construction Stormwater Ordinance (City Code Chapter 18, Article IV)
- Soil Erosion and Sedimentation Control Ordinance (City Code Chapter 17)
- Zoning Ordinance Watershed Overlay Districts for Mountain Island Lake & Catawba River/Lake Wylie (City Code Appendix-A, Chapter 10, Part-5 & Part-6)

REQUIRED INFORMATION FROM THE “SUBMITTING PARTY”:

Date of Request:

Project Name:

Accela Record Number (if applicable):

Submitting Party Name:

Email address:

City Ordinance associated with Informal Review Request:

- ☐ Post-Construction Stormwater Ordinance
- ☐ Soil Erosion and Sedimentation Control Ordinance
- ☐ Zoning Ordinance Watershed Overlay District (Mountain Island Lake or Catawba River/Lake Wylie)

Circumstances associated with Informal Review Request:

Per Session Law 2014-120, Section 29.(c), the “Submitting Party” may request an informal review in each of the following circumstances:

- ☐ The inclusion in a regulatory submittal of a design or practice sealed by a Professional Engineer but not included in the Regulatory Authority’s existing guidance, manuals, or standard operating procedures.
- ☐ A disagreement between the reviewer of the Regulatory Submittal and the Submitting Party regarding whether the statutory or regulatory authority identified by the Regulatory Authority for revisions or requests for additional information designated as “required” justifies a required change.

Details of Request for Informal Review:

(Add pages and/or attachments as necessary to clearly describe request for informal review.)

Please email completed Request Form to:
David Weekly, PE (dweekly@charlottenc.gov)
Land Development Division Manager
City of Charlotte - Engineering & Property Management

ATTACHMENT #3: New Stamp to be Applied to Documents Containing Review Comments:

CITY OF CHARLOTTE REGULATORY AUTHORITY FOR CERTAIN REVIEW COMMENTS AND / OR APPROVAL REQUIREMENTS:

Session Law 2014-120, Section 29.(b) requires each Regulatory Authority to (i) identify the regulatory or statutory authority for certain review comments and (ii) to distinguish between "recommendations" and "requirements" for permit/plan approval. The Land Development Division of Engineering and Property Management has adopted the following conventions for review comments to comply with the Session Law:

- Review comments associated with the Post-Construction Stormwater Ordinance begin with "PCO:"
- Review comments associated with the Soil Erosion and Sedimentation Control Ordinance begin with "EC:"
- Review comments associated with the Zoning Ordinance Watershed Overlay Districts for Mountain Island Lake & Catawba River/Lake Wylie (City Code Appendix-A, Part-5 & Part-6) begin with "WATERSHED:"
- All review comments are requirements unless the comment begins with "RECOMMENDATION:"

(Please note the reference to a particular ordinance also includes by reference all adopted design manuals, administrative manuals, standard details and specifications.)