

**Part 1A: Henderson County Department of Public Health Environmental Health Section
On Site Water Protection Program
Standardize Certain Regulatory Review Procedures**

Reference Session Law 2014-120, Section 29.(b).

Background: The HCDPH EHS staff acting as agents of DHHS DPH EHS reviews plan submittals for proposed residential and commercial septic systems that cannot achieve gravity fall from a proposed building/facility to a proposed septic system or for a Type of septic system permitted in accordance with TABLE V (a) in Rule .1961. The HCDPH EHS obtains technical assistance from the DHHS DPH EHS OSWPB when needed.

- I. Systems with design daily flows ≤ 3000 total gallons per day which do not require The State to review [15A NCAC 18A .1938(e)(f)]
 - A. Plan Review Guidelines are used to assure all needed information is in order and to assure compliance with 15A NCAC 18A and the conditions of the Improvement Permit
- II. Systems with design daily flows ≥ 3000 total gallons per day that require The State to review or that has been requested by HCDPH EHS for The State to review [15A NCAC 18A .1938(e)(f)]
 - B. Plan Review Guidelines are used to assure all needed information is in order and to assure compliance with 15A NCAC 18A, the conditions of the Improvement Permit, and/or as directed by The State in writing.

**Part 1B: Henderson County Department of Public Health Environmental Health Section
Food, Lodging, and Institutions Program
Standardize Certain Regulatory Review Procedures**

Reference Session Law 2014-120, Section 29.(b).

- I. Background: The HCDPH EHS reviews plan submittals for individually owned food establishments. The Food Protection and Facilities Branch of DHHS DPH EHS reviews plan submittals for prototype food establishments to be franchised in multiple counties. Plans for construction of public swimming pools are also reviewed by HCDPH EHS staff acting as agents of DHHS DPH EHS with technical assistance from the FPF staff. Plan review checklists are used to assure uniform review for compliance with the rules.
 - A. A Food Service Plan Review Application form and guidance document are provided to assure all needed information is in order for approval. A plan review checklist is used during review to assure compliance with the NC Food Code Manual and 15A NCAC 18A .2600.
 - B. A Public Swimming Pool Plan Review Checklist is used to check pool plans to assure all safety requirements and circulation system components are able to meet the water quality requirements and to assure compliance with 15A NCAC 18A .2500.

**Part 2: Henderson County Department of Public Health Environmental Health Section
Informal Internal Review Processes
and
Procedures to Develop and Maintain a List of Review Engineers**
Reference Session Law 2014-120, Section 29.(c).

I. Definitions

The following definitions apply throughout this document:

- A. Practice of Engineering. – As defined in G.S. 89C-3.
- B. Professional Engineer (PE). – As defined in G.S. 89C-3.
- C. Regulatory Authority. – The Department of Environment and Natural Resources, the Department of Health and Human Services, and 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 authority from the Department of Environment and Natural Resources or the Department of Health and Human Services.
- D. Regulatory Submittal. – An application or other submittal to a Regulatory Authority for a permit, license, or approval. In the case of a unit of local government, Regulatory Submittal shall mean an application or submittal submitted to a program approved by or delegated authority from the Department of Environment and Natural Resources or the Department of Health and Human Services.
- E. Submitting Party. – The person submitting the Regulatory Submittal to the Regulatory Authority.

II. Scope:

This guidance is applicable to Regulatory Submittals which may be submitted by an engineer or architect for food establishments or public swimming pools and may apply to plans submitted for institutions that provide health care, confinement or educational services. This guidance is also applicable to Regulatory Submittals which may be submitted by an engineer for on site waste water disposal systems.

- A. When plan approval is not granted on a submittal, the submitting party is notified of which rules are not met and what problems need to be corrected upon resubmittal.
- B. If resubmittal does not fully comply with the rules, the process of resubmittal may be repeated or notification will be given that the plans are not approved, what rules are not met, and what the formal appeals procedure is, explaining that there is a 30-day window for formal appeals.
- C. Differences of opinion regarding the interpretation of a rule may be resolved through an informal review as provided in rule 15A NCAC 18A .2676, and 15A NCAC 18A .1965 copies of which can be provided to Submitting Party upon request.

SL 2014-120 Report *Henderson County Environmental Health*

D. If the Submitting Party requests Informal Internal Review by a PE, the HCDPH EHS will follow the procedure described below:

III. Procedure For Developing and Maintaining a List of PEs for Informal Internal Reviews:

A. PEs for Informal Internal Reviews will be selected in accordance with Article 3D of Chapter 143 of the NC General Statutes (<http://www.ncbels.org/forms/minibrooksact.pdf>) including:

1. Announcing requirements for these engineering consultative services;
2. Selecting firms that are qualified to provide such services on the basis of demonstrated competency and qualification without regard to fee; and
3. Negotiating a contract.

B. The EHS will publish an announcement of the need for Consultative Services on its website and request that various professional engineer associations such as NCBELS, PENC, and NSPE post our intention to compile this list on their websites.

C. Draft a Request for Inclusion on the EH Section NCPE Informal Internal Review List for dissemination to the general professional engineer population. Using this form, respondents will provide:

1. Licensee's name;
2. NCPE license number;
3. Licensure field/area;
4. Contact information; and,
5. Years of experience designing food service facilities or public swimming pools or on site waste water disposal systems.

D. The protocol to review Requests for Inclusion will include:

1. Appropriate field of engineering expertise;
2. Benchmark minimum number of years engaged in this activity;
3. Benchmark minimum number of engineered designs approved.

E. The list will be finalized based on prequalification to do business in the state via the State of North Carolina Interactive Purchasing System.

IV. The EH Section will post the list of PEs approved for Informal Internal Review processes on its website and update it as appropriate.

**Part 3B: Henderson County Department of Public Health Environmental Health Section
Food, Lodging, and Institutions Program
Review of Working Job Titles**

Reference Session Law 2014-120, Section 29.(h).

- I. Review the Working Job Titles of every employee with job duties that include the review of Regulatory Submittals:
 - A. One position in the HCDPH EHS conducts reviews of food establishment plans to include those submitted by Engineers. This position description does not require that the employee be a licensed PE.

- II. Proposed working job title revision or other administrative measures:
 - A. The HCDPH EHS plans to retain the working title of Environmental Health Program Specialist for the position responsible for food establishment plan review.