

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 Kannapolis

Approved/delegated program subject to reporting requirements:

☐ Sedimentation/erosion control

☒ Stormwater

☐ Water/sewer

☐ Cross-connection

☒ 401 certifications

☒ Other **Watershed Development**

Type name of person preparing report

Wilmer Melton, Public Works Director

Type date

January 14, 2015

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

Name of local government unit: City of Kannapolis

*****Please attach any written procedures that may have been developed to implement the provisions of this law.** See additional information section and attachment***

☒ 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. NOT APPLICABLE TO KANNAPOLIS

Additional information:

The City of Kannapolis contracts with the engineering consulting firm of Alley, Williams, Carmen & King, Inc. to provide engineering review of plans submitted for site development, watershed development, stormwater management plans. Professional engineers with that firm provide all reviews on behalf of the City. The City has approved standards, details, and policies that govern City requirements for City maintained water, sewer, and storm drainage facilities. Our consultant uses these requirements and state minimum design criteria as the basis for their review. This arrangement has worked well for the City over the years and we have had consistent plan reviews with minimal complaints from the engineering community.

As a result of the requirements contained in S.L. 2014-120, Section 29, we have directed our consultant to provide the required comment language as a part of their future reviews. The City has always had an open door policy with respect to project issues and any design engineer has been welcomed to discuss with City management any plan review issues in the past and going forward.

The City does not currently have any employee with the job description of engineer except the designation of the City Engineer, who is the Professional Engineer with our consulting firm that serves the City.

Attached is a memo that ensures the provisions of S.L.2014, Section 29 are complied with until the Unified Development Ordinance can be revised to reflect the text in the new law.

In summary, we are of the opinion that with the directive provided to our consulting firm, the City of Kannapolis will be in compliance with the provisions of S.L.2014, Section 29.

Wilmer Melton, III – Director of Public Works



MEMORANDUM

January 13, 2015

TO: Michael Dodge, Stormwater Manager
Misty Lippard, City Engineer
Zac Gordon, Planning Director

FROM: Wilmer Melton, III
Director of Public Works

SUBJECT: Session Law 2014-120, Sec. 29,
REFORM AGENCY REVIEW OF ENGINEERING WORK

The following changes are to occur in the review process for Phase II Stormwater Permits and for projects located within a watershed regulated by N.C. Department of Health and Human Services (DHHS) until the ordinances and project review policies related to Stormwater Quality Management and Watershed Development can be revised to reflect the requirements created by Session Law 2014-120, Sec. 29, referred to as REFORM AGENCY REVIEW OF ENGINEERING WORK:

- Technical reviews of Stormwater Management Plans and Watershed Development plans will be performed by a consulting Professional Engineer hired by the City to review site plans for compliance. The review will list the name of the Professional Engineer responsible for the review.
- Review comments will include text to delineate if the comments are required to obtain the permit or if the comment is a suggestion or recommendation for consideration by the Submitting Party but that are not required in order to proceed with the permit, license, or approval.
- Comments required to be addressed for the issuance of a permit will have a reference to the statutory or regulatory authority for the requirement.

- Design of alternate devices, design, or practices sealed by a Professional Engineer but not included in the City's existing guidance, manuals, or standard operating procedures, shall be reviewed by a Professional Engineer hired by the City to review the alternate design or practices or by the State Agency that has delegated the review of the project to the community. The reviewer shall provide comments to the Stormwater Administrator and Planning Director concerning the adequacy of the proposed system or practice. If the alternate devices, design, or practices are accepted for use on the project, the Consulting Engineer or State Agency shall provide recommendations for the acceptance and operating conditions of the alternate devices, design, or practices. The Developer and/or Landowner shall be responsible for reimbursing the City for the cost associated with the review performed by the consulting Professional Engineer or State Agency.
- If the engineer for the Developer and/or Landowner does not agree with the Planning Director's or Stormwater Administrator's comments concerning the required plan revisions or the alternate design, then the Developer's and/or Landowner's engineer may request an informal review of the project design documents by the State Agency that has delegated the review of the project to the community. If DENR or DHSS do not employ a Professional Engineer qualified and competent to perform the review, it may provide for review by a consulting Professional Engineer selected from a list developed and maintained by the State Agency. The engineer for the Developer and/or Landowner is responsible for payment of any charges incurred for the costs of the informal review by a Professional Engineer.
- A disagreement between the plan reviewer and the engineer for the Developer and/or Landowner regarding whether the statutory or regulatory authority identified for revisions or requests for additional information designated as "required" under the procedures set forth in NC Session Law 2014-120 Section 29(b) justifies a required change.
- Nothing in this memo is intended to limit the authority of the Stormwater Administrator or Planning Director to make a final decision with regard to a plan submittal following the reviews listed above.
- Employees reviewing Stormwater Management Plans or Watershed Development plans shall not identify themselves as an engineer unless they have obtained registration as a Professional Engineer in the State of NC.