

# 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 Lenoir

Approved/delegated program subject to reporting requirements:

☐ Sedimentation/erosion control

☒ Stormwater

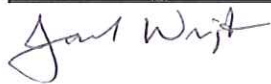
☐ Water/sewer

☐ Cross-connection

☐ 401 certifications

☐ Other Type program name

Jared Wright



January 12, 2015

Jan. 12, 2015

Submit this report electronically to Mariah Matheson, Commission Assistant,  
Environmental Review Commission, at [Mariah.Matheson@ncleg.net](mailto:Mariah.Matheson@ncleg.net).

Name of local government unit: City of Lenoir

*\*\*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.

Name of local government unit: City of Lenoir

☒ 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:**

The City of Lenoir administers the Phase II Stormwater Management Program for the co-permitted municipalities of Cajah's Mountain, Gamewell, Granite Falls, Hudson, Lenoir, and Sawmills in Caldwell County.

The City of Lenoir conducts all reviews of stormwater management plan submittals within the jurisdictions of each of the co-permitted municipalities.

The City of Lenoir is submitting this report for the Phase II Stormwater Management Program on behalf of the co-permitted municipalities operating under permit number NCS000474.

**\*\*City of Lenoir written operating procedures and list of Professional Engineers attached\*\***



**Plan Review Procedures for Review of  
Engineered Stormwater Management Plan Submittals  
Permit Number NCS000474**

Pursuant to S.L. 2014-120, Sec. 29 Reform Agency Review of Engineering Work

The procedures and conditions contained herein are applicable to plan submittals for projects located in the co-permitted municipalities of Cajah's Mountain, Gamewell, Granite Falls, Hudson, Lenoir, and Sawmills, in Caldwell County and subject to the conditions set forth in the Caldwell County Phase II Stormwater Ordinance. The City of Lenoir administers the Phase II Stormwater Management Program for the co-permitted municipalities and conducts all plan reviews for post-construction stormwater controls for projects within these jurisdictional areas.

*Pursuant to S.L. 2014-120, Sec. 29.(b)(1)*

While conducting reviews of post-construction stormwater management plan submittals, review officers will identify and differentiate between plan changes that are deemed necessary by statutory requirement or other legal authorities and plan changes that are suggestions for improvement but not required by a valid legal mechanism.

Notification of any required or requested plan modifications will be made to the submitting party in writing at such time as the review officer issues formal comments of the plan review.

*Pursuant to S.L. 2014-120, Sec. 29.(b)(2)*

During the course of any post-construction stormwater management plan review, when deficiencies, errors, or omissions in the plan submittal are noted by the review officer and will result in delay of permit issuance, the required revision(s) or request(s) for additional information will be accompanied by citation of the supporting statutory or regulatory authorities warranting such revisions.

At such time the review officer issues formal written comments of the plan review to the submitting party, any required revisions or requests for additional information will be accompanied by a reference to the statutory or regulatory authorities warranting such revisions.

*Pursuant to S.L. 2014-120, Sec. 29.(c)(1)*

The City of Lenoir has adopted the North Carolina State Stormwater BMP Manual to function as the Design Manual for post-construction stormwater management control devices. In the event a plan is submitted for review and permitting by a qualified Professional Engineer that does not meet requirements or design guidance contained in the BMP Manual, the submitting party may request additional review by the review officer's supervisor, the City of Lenoir Planning

Director; the delegating state agency, the North Carolina Department of Environment and Natural Resources, Division of Land Quality; or a qualified Professional Engineer of the reviewing agency's choice. The submitting party will be responsible for any and all fees that may result from a review by a third party. A list of participating Professional Engineers is maintained by the City of Lenoir Stormwater Administrator.

In an effort to expedite the review process, during the pre-submittal consultation the submitting party may notify the reviewing agency of the proposed design and request supplemental and/or additional review.

*Pursuant to S.L. 2014-120, Sec. 29.(c)(2)*

During the course of a plan review where the review officer has identified deficiencies, errors, or omissions in the plan and appropriately cited the supporting statutory or regulatory authorities requiring plan modification, the submitting party may request additional review and/or interpretation of requirements by the review officer's supervisor, the City of Lenoir Planning Director; the delegating state agency, the North Carolina Department of Environment and Natural Resources, Division of Land Quality; or a qualified Professional Engineer of the reviewing agency's choice. The submitting party will be responsible for any and all fees that may result from a review by a third party. A list of participating Professional Engineers is maintained by the City of Lenoir Stormwater Administrator.

In the event of a dispute between the review officer and the submitting party regarding required plan modifications, the submitting party may, after receiving written notification of the required changes from the review officer, request additional review. Any such request should be made in writing to the review officer. In an effort to expedite the plan review, requests for additional review should be made at the earliest reasonable date following the submitting party's receipt of the review officer's comments.

*Pursuant to S.L. 2014-120, Sec. 29.(h)*

N/A

*Pursuant to S.L. 2014-120, Sec. 29.(h)(1)*

The City of Lenoir has reviewed the working titles of all employees conducting plan reviews for the Phase II Stormwater Management Program.

*Pursuant to S.L. 2014-120, Sec. 29.(h)(2)*

N/A

## Stormwater Plan Review

### List of Plan Review Professional Engineers

Pursuant to S.L. 2014-120, Sec 29 "Reform Agency Review of Engineering Work"

Firm	Contact	Address	Phone	Email
McGill Associates	Andy Lovingood, PE	1240 19th Street Lane NW Hickory, NC 28601	828.328.2024	<a href="mailto:andy.lovingood@mcgillengineers.com">andy.lovingood@mcgillengineers.com</a>
West Consultants, PLLC	Todd Poteet, PE	405 Soth Sterling Street Morganton, NC 28655	828.433.5661	<a href="mailto:tpoteet@west-consultants.com">tpoteet@west-consultants.com</a>
The Wooten Company	Clarence Lockamy, PE	1430-B Old Lenoir Road NW Hickory, NC 28601	828.322.5533	<a href="mailto:clockamy@thewootencompany.com">clockamy@thewootencompany.com</a>
Wright and Associates	Miles Wright, PE	4190 Highway 16 South Newton, NC 28658	828.465.2205	<a href="mailto:miles@wrightandassociates.us">miles@wrightandassociates.us</a>