

# **Report to the Environmental Review Commission**

## **Pursuant to S.L. 2014-120, Sec. 29 REFORM AGENCY REVIEW OF ENGINEERING WORK**

**December 19, 2014**

**Orange Water and Sewer Authority: Public, Non-profit  
Water, Wastewater and Reclaimed Water Authority**

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

☐ Sedimentation/erosion control

☐ Stormwater

☒ Water/sewer

☒ Cross-connection

☐ 401 certifications

☐ Other

  
\_\_\_\_\_  
Todd Spencer, P.E.

**Engineering Manager – System Development**

12/19/14  
\_\_\_\_\_  
Date

***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: Orange Water and Sewer Authority**

***\*\*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: Orange Water and Sewer Authority

☒ 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.

\* - We did not propose any revisions to employees' job titles as we do not believe there currently exists any misidentification or misrepresentation of these positions to the public.

**Additional Information:**

Attached and included herewith are the following supplemental documents:

- Orange Water and Sewer Authority - Response and Implementation of Procedures
- Orange Water and Sewer Authority - Informal Internal Review and Appeal Form



## **Orange Water and Sewer Authority**

### **Response and Implementation of Procedures to Address S734 [Ratified], Section 29 Reform Agency Review of Engineering Work - Initial Report**

**The Orange Water and Sewer Authority engineering department staff review extensions of public water and sanitary sewer mains within its distribution and collection system to ensure compliance with the standards, specifications, policies, and procedures of OWASA and laws of the State of North Carolina. This involves communicating with and providing plan review comments and correspondence with developers, engineers, Towns and other entities. Once the submitting party satisfactorily addresses regulatory review comments, acquires necessary approvals and permits, OWASA staff will issue a permit to construct the utility improvements.**

#### **Section 29.(b) Standardization and Review of Regulatory Review Process:**

(1). Regulatory review comments provided during review of submittals already distinguishes between what are comments that are ‘recommendations or suggestions’ and those that are mandatory. In such cases, verbiage in the review comments includes a statement such as: ‘We recommend’ or ‘we suggest’ as opposed to ‘you are required to’. Action taken: continue to distinguish between comments that are ‘recommendations or suggestions’ and those that are mandatory requirements.

(2). Regulatory review comments provided during review of submittals already cites the regulatory authority for any requirement OWASA staff may impose needed to gain approval. In such cases, verbiage in the review comments will identify the OWASA standard and specification, adopted board policy, or State regulatory requirement that mandates such. Action taken: continue to cite and identify regulatory authority for any requirement OWASA staff may impose necessary to gain approval.

#### **Section 29.(c) Informal Review Process:**

(1). There is currently an informal review process in place for reviewing a design sealed by a Professional Engineer when that design or practice is not defined in OWASA standards, specifications, policies or guidelines. Staff employee (Engineering Associate – Plan Review) designated to review plans will forward design or process to supervisor (Engineering Manager – System Development) who is a licensed Professional Engineer. Engineering Manager will conduct review and render decision. Action taken: None needed.

(2). There is currently an informal review process in place for 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. Staff employee (Engineering Associate – Plan Review) designated to review plans will review with supervisor (Engineering Manager – System Development). OWASA staff (Engineering Associate – Plan Review and Engineering Manager – System Development )will meet with submitting party to review and discuss. Following this meeting, and after consideration of the request and all relevant facts, OWASA will render a decision. Action taken: Engineering Staff have developed an *Informal Internal Review and Appeal* form that will allow for appeal consistent with NCGS 130A-343, Section 29.(c.)).

SECTION 29.(e) Procedure to Develop List of Consulting Professional Engineers. OWASA maintains on staff a licensed Professional Engineer to serve in this role and perform any such review. Action taken: None needed.

SECTION 29.(h) Review of Working Job Titles.

Employees at OWASA with regulatory review roles:

- Engineering Manager – System Development: Todd Spencer, P.E. - licensed professional engineer – supervises, manages and oversees review work performed by Associates
- Engineering Associate – Plan Review: Nick Parker – performs general plan review
- Engineering Associate – Capital Improvement Program: Darren Berger – performs general plan review

Action taken: None needed. There are no revisions proposed to any of these working job titles. There is no misidentification or misrepresentation to the public for either of the two Associate positions. These positions titles do not designate nor infer either to be an Engineer but rather an Associate. The Engineering Manager – System Development is currently a licensed professional engineer.

**Orange Water & Sewer Authority  
Engineering and Planning Department**

**Informal Internal Review and Appeal Form (NCGS 130A-343, Section 29.(c.))**

To: \_\_\_\_\_

From: \_\_\_\_\_

Date: \_\_\_\_\_

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

Project Location: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Phone: (    ) \_\_\_\_\_

Engineer: \_\_\_\_\_ Phone: (    ) \_\_\_\_\_

Nature of Appeal (Check all that apply):

- ☐ OWASA Specification(s)
- ☐ NCDENR DWR Specification
- ☐ OWASA Ordinance
- ☐ OWASA Administrative Guide
- ☐ Other

Description of Issue:

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OWASA Staff Member(s) consulted: \_\_\_\_\_

Decision/Result:

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Rendered By: \_\_\_\_\_

Position Title: \_\_\_\_\_

Date: \_\_\_\_\_

