

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 Salisbury, NC*

Approved/delegated program subject to reporting requirements:

☐ Sedimentation/erosion control

☒ Stormwater

☒ Water/sewer

☒ Cross-connection

☐ 401 certifications

☐ Other

Wendy G. Brindle, PE

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January 14, 2015

1-14-15

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

Name of local government unit: City of Salisbury, NC

****SEE 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.

Additional information: SEE ATTACHED



December 1, 2014

REGULATION: Reform Agency Review of Engineering Work

CITATION: Session Law 2014-120, Senate Bill 734

SUBJECT: 1) **Informal Internal Review**, upon request of Submitting Party
2) **Remedy Procedure for Disagreement** between City of Salisbury Reviewer and the Submitting Party

Innovative Design Review

The City of Salisbury uses the most recent edition of the following codes and standards for all development plan review and permitting applications:

- The City of Salisbury Uniform Construction Standards
- The City of Salisbury Land Development Ordinance
- The City of Salisbury Code of Ordinances
- All North Carolina DENR Regulations
- All FEMA Regulations

Should a Regulatory Submittal include a design or practice sealed by a Professional Engineer but not included in the City of Salisbury's existing codes and standards, the review will first be conducted by or under the charge of a Professional Engineer in the City of Salisbury's Engineering Department. In the case of the City of Salisbury, being a delegated unit of local government, this review may be reviewed by the delegating or approving State agency.

If the initial review was not conducted by a Professional Engineer, then the Submitting Party may request review by (i) a Professional Engineer(s) on the staff of the City of Salisbury or (ii) the delegating or approving State agency. If the City of Salisbury or the delegating or approving State agency does not employ a Professional Engineer qualified and competent to perform the

CITY OF SALISBURY

P.O. BOX 479, SALISBURY, NORTH CAROLINA 28145-0479

review, it may provide for review by a consulting Professional Engineer mutually agreed upon by the City of Salisbury and the Submitting Party. The City of Salisbury may charge the Submitting Party for any costs associated with the review performed by the consulting Professional Engineer.

Nothing in S.L. 2014-120 is intended to limit the authority of the City of Salisbury to make a final decision with regard to a Regulatory Submittal following the reviews described therein.

Dispute Resolution

The following outlines procedures for resolution of disagreement between the reviewer of the Regulatory Submittal and the Submitting Party regarding whether the statutory or regulatory authority identified by the City of Salisbury for revisions or requests for additional information designated as "required" under the procedures set forth in accordance with Section 29(b) of Session Law 2014-120 justifies a required change:

1. Submitting party must address specifics of disagreement in writing. This letter should be addressed to the City Engineer.
2. The City Engineer will review the complaint and respond in writing within five (5) business days with a response of either (i) supporting objections(s) or (ii) supporting Reviewer's requests for revisions or additional information. This response, if negative, shall contain the specifics as to appeal.
3. Should the Submitting Party disagree with the City Engineer's decision, an appeal may be submitted to the City of Salisbury's delegating or approving State agency.

Nothing in Section 29(c) of S.L. 2014-120 shall limit or abrogate any rights available under Chapter 150B of the General Statutes to any Submitting Party.

Sincerely,



Wendy G. Brindle, PE
City Engineer
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