

# 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: *Town of Spring Lake*

Approved/delegated program subject to reporting requirements:

Sedimentation/erosion control

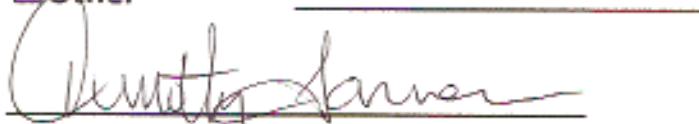
Stormwater

Water/sewer

Cross-connection

401 certifications

Other \_\_\_\_\_

  
Signature of report preparer

TIMOTHY GARNER  
STORMWATER ADMINISTRATOR

1/14/2015  
Date

**Name of local government unit: [Town of Spring Lake]**

*\*\*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: [Town of Spring Lake]**

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:**

No job titles within the Town of Spring Lake currently contain "engineer" in the title. Future job title changes will not include "engineer" unless either the job requires a PE license or the individual in the position currently holds a PE license.

Plan review procedures have been amended to provide an applicant with comments listed in separate sections for the following:

- 1) Amendments/changes required by regulatory requirements with reference to specific language of the requirement.
- 2) Recommended/suggested changes that are not required for approval per regulatory requirements with stated reasons. Language included that the recommendations/suggestions in this section are not required for final approval.

Staff has established a list of consulting professional engineers in the area to be provided to applicant with disclaimer that The Town of Spring Lake does not endorse any individual on the list. Professional engineers can request that their name be added or removed at any time.

Draft policy language adopted in response to this legislation is attached for reference.

Town of Spring Lake  North Carolina	ADMINISTRATIVE POLICY		SUBJECT: Policy for Request of Informal Review of Engineered Plan for Water/Sewer/Stormwater
	Number 30	Revisions 1	Manager Approval Date
	Supersedes NEW	Effective Date	Page 1 of 3

### **30.0 FORWARD**

This policy is intended to provide procedures to allow submitters of engineered plans for water, sewer and stormwater to request an informal review of submitted plans in accordance with Section 29 of the North Carolina General Assembly Session Law 2014-120: Regulatory Reform Act of 2014.

### **30.1 COVERAGE**

This Administrative policy shall remain in effect until such time that it is altered, modified, or rescinded by the Town Manager, or appealed or altered by North Carolina General Statutes.

### **30.2 ALTERNATIVE DESIGNS**

1. Regulatory submittal including a design or practice sealed by a Professional Engineer but not included in the Town of Spring Lake's existing guidance, manuals, or standard operating procedures, this review will first be conducted by the reviewing employee's supervisor.
2. In the case of the Town of Spring Lake, being a delegated unit of local government, this review may be reviewed by the delegating or approving State agency.
3. If this initial review was not conducted by a Professional Engineer, then the Submitting Party may request review by:
  - a) a Professional Engineer on the staff of the Town of Spring Lake or;
  - b) the delegating or approving State agency. If the Town of Spring Lake or delegating or approving State agency does 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 Town of Spring Lake. The Town of

Spring Lake may charge the Submitting Party for the costs of the review by the consulting Professional Engineer.

4. Nothing in this policy or S.L. 2014-120 is intended to limit the authority of the Town of Spring Lake to make a final decision with regard to a Regulatory Submittal following the reviews described in therein.

### **30.3 DISAGREEMENT RESOLUTION**

1. 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 Town of Spring Lake 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.
  - a) Submitting Party must address specifics of disagreement in writing. This letter should be addressed to the Utilities Director.
  - b) The Utilities Director will review the complaint and respond in writing within five (5) working days with a response of either (i) supporting objection(s) or (ii) supporting Reviewer's requests for revisions or additional information. This response, if negative, shall contain the specifics as to appeal.
  - c) Should the Submitting Party disagree with the Utility Director's decision, an appeal may be submitted to the Town of Spring Lake's delegating or approving State agency.
2. Nothing in this policy or 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.

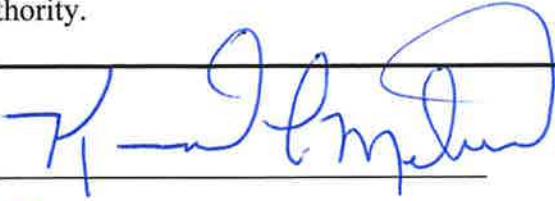
### **30.4 DEFINITIONS**

1. Professional engineer. – A person who has been duly licensed as a professional engineer by the Board established by the State of North Carolina.
2. 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 from the Department of Environment and Natural Resources or the Department of Health and Human Services.
3. 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 from the Department of

Environment and Natural Resources or the Department of Health and Human Services.

4. Submitting Party. – The person submitting the Regulatory Submittal to the Regulatory Authority.

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Manager's Signature: 

Date: 1 | 8 | 2015