

Report to the Environmental Review Commission

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

January 15, 2017

Name of Local Government Unit: *New Hanover County*

Approved/delegated program subject to reporting requirements:

☒ Sedimentation/erosion control

☒ Stormwater

☐ Water/sewer

☐ Cross-connection

☐ 401 certifications

☐ Other *Type program name*



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County Engineer, New Hanover County

signed January 13, 2017

***Report is being submitted electronically to Mariah Matheson, Commission Assistant,
Environmental Review Commission, at Mariah.Matheson@ncleg.net.***

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*****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.

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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.

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Additional Information:

During the period of January 15, 2016 through January 14, 2017, New Hanover County:

1. Did not have to utilize the informal review process.
2. Did not have any projects that requested additional internal reviews.
3. Did not have any disputes involving changes requested.

The following procedures remained in effect:

Standard processes for permit review and all other engineering related matters within New Hanover County are managed by the New Hanover County Engineering Department. The New Hanover County Engineering Department has a staff of eight personnel including the County Engineer and Chief Project Engineer, both positions are held by engineers licensed as Professional Engineers in the State of North Carolina. The Chief Project Engineer reports directly to the County Engineer and reviews all stormwater plans submitted by Professional Engineers within the unincorporated area of the county under the New Hanover County Stormwater Management Ordinance. New Hanover County also administers a local program for Sedimentation and Erosion Control within the unincorporated area and the City of Wilmington. The Sediment and Erosion Control Program is managed by the Soil Erosion Specialist, a position held by a licensed Certified Professional in Erosion and Sediment Control (CPESC) that reports directly to the County Engineer. The Soil Erosion Specialist reviews all plans to ensure compliance with the New Hanover County Sediment and Erosion Control Ordinance. Matters relating to engineering calculations are referred to the County Engineer for review. All ordinances and policies were reviewed to ensure compliance with S.L. 2014-120, Sec. 29 Reform Agency Review of Engineering Work. **To fulfill Requirement 4.: All staff with "Engineer" in their title are licensed Professional Engineers within the State of North Carolina.**

Review of engineering work within New Hanover County regarding stormwater control is regulated by a Stormwater Management Ordinance and Stormwater Design Manual that were adopted on September 5, 2000. The New Hanover County Stormwater Ordinance specifies the limits of the County review. Per Section 23-436 of the Stormwater Ordinance: "Limitation of County review. The review of the application and supporting documents by the County shall determine if the request submittal is complete and in accordance with the requirements of the ordinance from which the article is derived. Nothing in the review shall create additional duties on the part of the County that are the responsibilities of the owner and the design professional." The Stormwater Design Manual is intended to "set forth performance, design and construction standards for stormwater management systems, the plan submittal requirements of New Hanover County, and design procedures for use by the designer. The methods and procedures presented are intended to simplify the design and review process for residential and commercial stormwater management systems in New Hanover County." Per Section 10.2 of the Stormwater Design Manual: "Designer Methods. The designer is not required to use the methods presented; however, the methods, tables, figures, and procedures described in this manual will be used by the County to review and issue decisions concerning stormwater management systems being proposed." **To fulfill Requirement 2.: Per Section 10.4 of the Stormwater Design Manual: "...It is intended that the performance of the designed stormwater management system is the control. The County Engineer will consider innovative systems submitted with sufficient documentation."** Upon completion, it is up to the design professional to certify that the work has been completed in accordance with the latest New Hanover County Ordinances and Storm Water Design Manual.

Review of engineering work within New Hanover County regarding sedimentation and erosion control is regulated by the New Hanover County Sedimentation and Erosion Control Ordinance. **To fulfill Requirement 3.: The County Engineer can be requested by the reviewer or the applicant to review any plans and calculations as required. Applicants can appeal any decision made regarding sedimentation and erosion control plans and request a hearing.** The County Engineer will conduct the hearing and make a recommendation to the Board of County Commissioners. The Board of County Commissioners will then render a decision. The decision of the Board of County Commissioners can be appealed to the State Sedimentation Control Commission as provided in G.S. 113A-61(c) and 15 NCAC 4B.0018(b).

Standard scope of review for permits and plans within New Hanover County includes reviewing the application and supporting documents. For stormwater permitting, per Section 23-435 of the Stormwater Ordinance: "County review. The application and supporting documents shall be reviewed by the County. Upon satisfactory review of the application form and supporting documents whereby the County finds that the application and supporting documents are consistent with the requirements of the ordinance from which this article is derived, the County will issue an authorization-to-construct." For sedimentation and erosion control permit review, New Hanover County must meet the requirements for a local sediment and erosion control program as set forth in G.S. 113A-60. **To fulfill Requirement 1: Staff does not request revisions that exceed statutory or rulemaking requirements when evaluating such permits and plans. Staff does review the content of the submittal and may request additional information when needed to adequately make a determination that the plan meets all requirements of the statutes.**

New Hanover County has Professional Engineers on staff along with internal processes and procedures already in place. New Hanover County reviews all submitted applications and plans to ensure compliance with the requirements of current ordinances and continues to seek improvements in the procedures used to review work completed by Professional Engineers. When staff evaluates a procedure or ordinance and determines that improvements can be made, a revision is brought forward to the Board of County Commissioners for consideration. New Hanover County is fortunate to have an experienced and dedicated staff that includes Professional Engineers. As of 2016, the New Hanover County Engineering Department has begun offering training and professional development sessions to licensed Professional Engineers and Professional Land Surveyors to instruct them on the New Hanover County Stormwater Ordinance as well as the New Hanover County Sediment and Erosion Control Ordinance to facilitate the submission of plans and specifications.