

PLANNING & INSPECTIONS DEPARTMENT
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December 1, 2014

PERMITTEES: Persons Submitting a Regulatory Submittal to Orange County (Regulatory Authority)

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 Orange County Reviewer and the Submitting Party

To Whom It May Concern:

In accordance with Session Law 2014-120, Orange County is establishing the following:

Novel Design Review

Should a Regulatory Submittal include a design or practice sealed by a Professional Engineer but not included in the Orange County's existing guidance, manuals, or standard operating procedures, this review will first be conducted by the reviewing employee's supervisor. In the case of Orange County, being a delegated unit of local government, this review may be reviewed by the delegating or approving State agency.

If this initial review was not conducted by a Professional Engineer, then the Submitting Party may request review by (i) a Professional Engineer on the staff of the Orange County or (ii) the delegating or approving State agency. If the Orange County 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 Orange County. Orange County may charge the Submitting Party for the costs of the review by the consulting Professional Engineer.

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

Disagreement 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 Orange County 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 Division Supervisor.
2. The Division Supervisor 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.
3. Should the Submitting Party disagree with the Division Supervisor's decision, an appeal may be submitted to Orange County's delegating or approving State agency.

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

Sincerely,
Howard W. Fleming, Jr., PE
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