

**JOINT ENVIRONMENTAL COMMITTEE OF THE  
AMERICAN COUNCIL OF ENGINEERING COMPANIES/NORTH CAROLINA  
AND PROFESSIONAL ENGINEERS OF NORTH CAROLINA**

August 16, 2005

Members, Professional Engineers of North Carolina  
111 North Boylan Avenue  
Raleigh, North Carolina 27603-1422

**RE: Work Product Quality  
NC Division of Land Resources, Land Quality Section**

Ladies and Gentlemen:

On behalf of the ACEC/PENC Environmental Committee, Land Quality and Stormwater Subcommittees, we are writing to inform you of recommendations resulting from meetings and discussions involving our committee members regarding work product quality concerns expressed by staff of the North Carolina Div. of Land Resources, Land Quality Section.

This discussion was prompted by comments made by commissioners at a NC Sedimentation Control Commission meeting regarding the high rate of plan disapprovals reported and the implied lack of quality control employed by the engineering community. At that meeting, our representative vowed to investigate this matter further with PENC and LQS staff and report back to the commission.

After inquiring with LQS staff about statistics supporting the disapproval rate and determining that none were readily available, it was agreed that a meeting of PENC representatives with LQS regional engineers and program specialists would provide an appropriate forum for discussion of problems often encountered by the section with plan submittals. On December 7, 2004, a task force comprised of five members of PENC and/or the ACEC/PENC Environmental Committee attended a gathering of the designated LQS staff and engaged in a productive discussion where both sides' interests and concerns were expressed. All three DLR programs were discussed (erosion and sediment control, dam safety and mining). The meeting minutes are attached.

Following the meeting with the Land Quality Section on December 7, 2004, PENC (Chris Brown, Past President) offered its support in addressing their concerns through the following:

- Education, Seminars, Articles;
- Liaison with NCBEES Exec. Director Andrew Ritter; and
- Potential Legislative Lobbying.

In follow-up discussions with our task force, it was agreed that some combination of rewards and sanctions would have the best chance of improving the current situation. The following summarizes some of the suggestions for that approach:

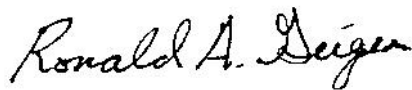
- Ask Andrew Ritter to meet with LQS to clarify what qualifies for enforcement by the board and what does not;
- Support fees for excessive repeat submittals;
- Support designer certification with a fast track incentive (i.e. certification qualifies designer to submit a fast track permit application);
- Encourage the SCC and LQS staff with regard to their reluctance to take complaints to the NCBEES or to design firm principals;
- Promote designer education using such means as: 1) establishing a list server for design firm principals to provide timely updates and information about this issue, 2) ask PENC to promote LQS designer training, and 3) ask PENC to develop educational materials, seminars and articles on the subject areas; and
- Approach LQS and request that they assign a representative to our task force (Gray Hauser, PE was mentioned).

No official actions have been taken on these recommendations with the exception of the first (David Evans of NCBEES spoke to the LQS in April about professional competence, evidence needs, etc.). We welcome your suggestions and request that you conform to the rules of professional conduct (21-56.0701), seek basic or advanced training on these topics, and take these matters seriously in the performance of your projects. Our reputation as a group suffers when the actions of a few fall below our sworn obligations and accepted standards.

Sincerely,



Mark A. Taylor, PE, CPESC  
Member, ACEC/PENC Environ. Committee  
PENC Rep, NC Sedimentation Control Commission



Ronald A. Geiger, PE  
Chair, ACEC/PENC Environ. Committee

- C: J.D. Solomon, Jr., PE (PENC President)  
Chris Brown, PE (PENC Past President)  
Judy Wesseman, PE (PENC Executive Director)  
David Pond, PE (ACEC/NC President)  
Andrew Rodak, PE (Chair, ACEC/PENC Stormwater & Land Resources Subcomm.)  
Scott Whalen, PE (Past Chair, ACEC/PENC Stormwater & Land Resources Subcomm.)  
Andrew Ritter, Executive Director, NC Bd. Of Examiners for Engineers & Surveyors  
Kyle R. Sonnenberg, Chair, NC Sedimentation Control Commission