



# PEER REVIEW PROGRAM MANUAL

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## PEER REVIEW PROGRAM

The Department of Permitting Services' (DPS) Peer Review Program offers owners and developers the opportunity to reduce the time necessary for DPS to approve a plan without compromising the code compliance or quality of the plans, by allowing them to contract, at their own expense, the services of Peer Reviewers. Owners and developers in Montgomery County may retain services of a DPS certified Peer Reviewer for sediment control, stormwater management and right of way projects which require permitting by the DPS Land Development Division.

Land Development certified Peer Reviewers must demonstrate significant experience and knowledge with Montgomery County's sediment control/stormwater management and public right of way code requirements and practices. Relevant experience must include successful project design submissions to DPS within the last 10 (ten) years. Although not required, it is preferred that Peer Review candidates possess a Maryland professional engineers' license.

### 1. OVERVIEW

Montgomery County offers a Peer Review Program through the DPS to provide an option for developers and owners (hereinafter referred to as the Applicant) to accelerate reviews of construction plans. Peer Reviewers are certified in the following disciplines:

- Engineered Sediment Control/Stormwater Management Plans
- Engineered Public Right of Way Plans (Grading, Paving and Storm Drainage)

Detailed in this Peer Review Manual (hereinafter referred to as Manual) are established policies and procedures, qualifications, and quality control and assurances for a certified Peer Reviewer to provide plan review services for DPS applicants.

Those who wish to be Peer Review certified or who have questions about the program should address all correspondence to:

#### **Peer Review Coordinators:**

Mark Etheridge, Engineered Sediment Control and Stormwater Management Plans

[Mark.Etheridge@montgomerycountymd.gov](mailto:Mark.Etheridge@montgomerycountymd.gov)

240-777-6338

Atiq Panjshiri, Engineered Public Right of Way Plans

[Atiq.Panjshiri@montgomerycountymd.gov](mailto:Atiq.Panjshiri@montgomerycountymd.gov)

240-777-6352

### 2. AUTHORITY

The Peer Review program is administered by the DPS Director or designee and supported by the Peer Review Coordinators. The Director is charged with the administration and enforcement of applicable codes within Montgomery County to ensure safe, sound and accessible site improvements, environmental site protection and conformity to other local, state and federal laws and regulations, as related to permit processing and plan review for construction.

DPS retains the sole authority to render all code interpretations and to adopt policies and procedures to clarify the application of the code provisions.

DPS is responsible for final review and approving all plans, including those reviewed by a Peer Reviewer. DPS does not negotiate service costs, nor is it responsible for costs associated with additional work due to a Peer Reviewer's errors or omissions. In the event it is determined that a Peer Reviewer is repeatedly not performing in a manner that will ensure an acceptable level of compliance with applicable codes, or misrepresenting their authority, certification(s) or abilities, DPS reserves the sole right to terminate that Peer Reviewer's participation in the program.

### 3. PEER REVIEW COORDINATOR RESPONSIBILITIES

The Peer Review Coordinators are responsible for:

- Receiving and reviewing all correspondence related to the program
- Documenting all records related to Peer Reviewer applicants such as original applications, certification letters, evaluations/orientation/training, and inadequate performance
- Recommending approval or denial of Peer Review candidates or revocation of a Peer Reviewer's certification, and preparing Peer Review Certification Letters for Director's approval
- Monitoring review timelines and the number of review cycles for Peer Reviewed projects from date of submission to DPS through plan approval
- Maintaining communication with certified Peer Reviewers regarding code, policy or procedural changes

### 4. PEER REVIEWER RESPONSIBILITIES

The Peer Reviewer is responsible for:

- Obtaining all required training/orientation and attending meetings to obtain updates to become and remain a certified Peer Reviewer
- Receiving plans directly from the design professional and or applicant
- Reviewing all plans and associated documents to ascertain conformance with applicable codes and design standards
- Sending reviewed design plans with comments to the applicant's design professional in an organized and clear fashion
- Reviewing noting corrections, and recommending final design plans for acceptance by the design professional
- Answering questions and addressing issues regarding code compliance posed by the design professional or applicant
- Meeting agreed upon deadlines established by the Peer Reviewer and the design professional or applicant

## 5. PEER REVIEWER CERTIFICATION

Peer Reviewer certifications will be granted to individuals, not business entities. Those seeking certification must first complete an application and submit it to one of the Peer Review Coordinators via email. The application must include a copy of the candidate's resume including experience and educational background. After review and acceptance of a candidate's minimum qualifications, along with successful completion of the required evaluation/orientation/training, an individual may be certified as a Peer Reviewer.

DPS reserves the right to deny certification to any individual who does not meet the minimum qualifications. If a certification is denied, the candidate may not request certification in the program for at least one (1) year from the date of denial.

Evidence of minimum qualifications include:

- Knowledge of relevant Montgomery County codes and policy for sediment control and stormwater management or public right-of-way as applicable
- Experience as a plans designer or reviewer with at least 5 (five) years of relevant work experience in Montgomery County within the last 10 (ten) years, including successful project design submissions to DPS within the last 10 (ten) years.

Other requirements include:

- Proof of relevant experience that includes the applicant's resume and list of recent projects
- Successful completion of DPS training/orientation
- Demonstration of the ability to review plans for code compliance. This will include performing a review of a sample plan to identify deficiencies and the omission of information needed to perform a complete review
- Executed Indemnification and Acknowledgement Form

A Peer Reviewer certification may be revoked if the Peer Review Coordinator finds the services provided by the Peer Reviewer are/were not performed in a manner to ensure compliance with all applicable County codes. If a certification is revoked, the Peer Reviewer may not request re-certification in the program for at least one (1) year from the date of revocation.

## 6. PEER REVIEW CANDIDATE'S APPLICATION REVIEW

After receipt of the candidate's application, the Peer Review Coordinator will determine within 10 (ten) business days whether the applicant meets the minimum qualifications of a Peer Reviewer. The application will be denied if there is evidence of the following:

- False or misleading information is contained in the application
- Required information is omitted

- Applicant's experience and/or knowledge is insufficient

If the candidate's application is approved, they will be notified, and the Peer Review Coordinator will schedule the required evaluation/training with the candidate.

## 7. EVALUATION/TRAINING

Once DPS has approved a candidate's application, the candidate will be further evaluated, and if successful, will then receive training.

### **Evaluation**

- Candidate will be contacted by the Peer Review Coordinator(s)
- Candidate will be provided questions related to public right-of-way or sediment control/stormwater management to measure the candidate's ability to review for code compliance
- Candidates will be asked to review one (1) or more plans to determine their ability to identify plan deficiencies and provide comments
- If successful, the candidate will then be approved as a Peer Reviewer

### **Training**

- Peer Review Coordinators will provide very general training related to the review of plans for code compliance in Montgomery County
- Peer Reviewers will be provided access to County maps (GIS, MC Atlas, Storm-Net, etc.)
- Peer Reviewers will be provided resource materials to include documentation, design guidelines, manuals and links to DPS web site pages or the web sites of outside agencies

## 8. CERTIFICATION IS NON-TRANSFERABLE

Peer Reviewer certifications cannot be re-assigned or transferred to another individual.

## 9. APPLICANT/DEVELOPER RESPONSIBILITIES

If an applicant chooses to use the services of a Peer Reviewer:

- All fees and costs related to the services of a Peer Reviewer must be agreed upon and negotiated directly with the Peer Reviewer
- The Peer Reviewer's fee must be paid directly to the Peer Reviewer
- DPS permitting fees will remain the same, regardless of whether the services of a Peer Reviewer are used
- The applicant and Peer Reviewer will mutually agree on services, including fees and expected timelines for review cycles performed by the Peer Reviewer. These fees and timelines are not applicable to DPS
- The applicant and Peer Reviewer will determine the means and methods for coordination

of plans between design professional and the Peer Reviewer

- The Peer Reviewer will not have access to the DPS ePlans system to perform the peer review

## 10. SUBMISSIONS TO DPS

Once the applicant or their design professional determine the plans are adequate for County review, a permit application and plans must then be formally submitted to DPS. The submission must include a Notice of Peer Review.

- At the time of submission, a permit number will be generated and filing fees must be paid. All relevant plans, documents and other records as appropriate must be provided to DPS by the design professional
- DPS will flag the submission as "Peer Reviewed" in our permitting system to track the number of DPS review cycles required and to gauge the quality of the peer review

## 11. PUBLIC RECORDS

Project plans, records, information, communications, including emails, documents developed or prepared and submitted to DPS are considered public records and subject to MPIA requests.

## 12. DUE DILIGENCE

Due diligence shall be exercised by the Peer Reviewer in the discharge of duties assigned by law and regulation. A Peer Reviewer shall refrain from any arbitrary or capricious actions that would unduly penalize or benefit the applicant whose project is part of Peer Review program. The Peer Reviewer shall abide by the highest ethical standards in the discharge of duties and adhere to the requirements of the County, State and/or Federal codes. The Peer Reviewer acknowledges that any abuse of the authority conferred to the Peer Reviewer by DPS may be subject to revocation of certification.

## 13. ACCESS TO THE PEER REVIEWER

The Peer Reviewer shall be accessible to the Peer Review Coordinator(s) during DPS core business hours, Monday through Friday between 7:30 am and 4:00 pm in the event review updates or other information is needed.

## 14. PERFORMANCE EVALUATION

DPS quality control methods are intended to promote the achievement of its mission to support safe, sound, and accessible construction practices and to give workable guidelines to ensure that Peer Reviewer services are performed in an appropriate, competent, and timely manner.

Once plans are formally submitted to DPS, the certified Peer Reviewer will be identified and

captured in the DPS permitting system. DPS will track the number of DPS review cycles required for a Peer Reviewed project. The quality of the peer review will be evaluated based on the number of *significant* items not identified by the Peer Reviewer.

During this stage of plan review, DPS will document substantially deficient plans which could impact the Peer Reviewer's overall evaluation and continued participation in the program.

## 15. GROUNDS FOR CERTIFICATION REVOCATION

The Peer Review Coordinator may revoke a Peer Reviewer's certification for the following, but not limited to, if the Peer Reviewer:

- Repeatedly provides grossly inadequate reviews without evidence of improvement in the quality and/or accuracy of their work
- Fails to consider or review all needed supporting plans, documents, reports, calculations and approvals from other County, State and Federal agencies as applicable
- Fails to attend DPS required trainings or meetings
- Obtains certification through fraud or misrepresentation
- Misrepresents services provided or to be provided
- Misrepresents DPS, its staff, the program and/or fails to meet the requirements, expectations and any other directives issued by DPS

## 16. FORMAL COMPLAINTS

Complaints against a Peer Reviewer may be filed with the DPS Director or their designee. The complaint must contain the following:

- Name and address of the project under review
- Name of the applicant
- Name, email and telephone number of the Peer Reviewer
- Detailed description of the complaint citing alleged violation of the Peer Review Program or violations of codes, policies, or procedures

The Director or their designee will investigate. The Peer Reviewer must respond to the complaint within ten (10) business days of receipt of the complaint, in writing, with a detailed response to the allegation(s).

The Director or their designee may:

- Determine the allegation(s) has no merit
- Require a meeting with involved parties
- Issue a written warning
- Suspend a Peer Reviewer for a specific period; or
- Revoke the Peer Reviewer's certification



The final decision must be determined within fifteen (15) business days after completion of the investigation. If certification is revoked, the Peer Reviewer may not re-apply for certification for at least one (1) year from revocation date.

## 17. PROGRAM REINSTATEMENT

To be eligible for reinstatement into the Peer Review Program, the candidate must complete the following after at least a one (1) year wait period:

- Submit a new application, along with an updated resume and an updated list of most recent projects
- Complete additional DPS required evaluation/training
- Satisfactorily review a minimum of two (2) test projects to demonstrate accurate application of County, State and Federal codes, as applicable