

## **15A NCAC 02K .0202 CERTIFICATE OF APPROVAL**

- (a) Approval of construction, repair, alteration, or removal of a dam will be contained in a certificate called a "Certificate of Approval" to be issued by the Director. A Certificate of Approval is a letter from the Director constituting approval subject to written general stipulations and specific written stipulations deemed necessary by the Director on a case by case basis.
- (b) No construction shall be performed until the certificate is issued. The Certificate of Approval period shall be valid for the construction schedule specified in the approved final design report. Construction must commence within one year after the certificate is issued.
- (c) Notice by registered or certified mail shall be given to the Director at least 10 days before construction is commenced. When repairs are necessary to safeguard life and property, they may be started immediately; but the department shall be notified forthwith of the proposed repairs and of the work under way, and they shall be made to conform to its orders.
- (d) If construction does not commence within one year after the certificate of approval is issued, the certificate shall expire and a new application shall be submitted. Upon written application and for good cause shown, the Director may extend the time for commencing construction.
- (e) Certificates of Approval are revocable in the event that the terms of the certificate, including the written stipulations and those terms stated in G.S. 143-215.23, are violated or in the event that conditions develop during construction that are hazardous to life and property. If the certificate is revoked due to development of hazardous conditions, the Director will issue an order requiring the owner or owners of the dam to make at his or their expense maintenance, alterations, or removal as deemed necessary within a time limited by the order; provided, any dam covered by a certificate issued under this Rule is considered to be within the definition of dams in G.S. 143-215.25 and .0104 of this Subchapter.
- (f) Certificates of Approval are revocable in the event that the approved construction schedule is deviated from without prior written approval of a substitute construction schedule submitted in writing. Such approval of a substitute construction schedule shall be in the form of an Addendum to the Certificate of Approval to be issued by the Director.

*History Note: Authority G.S. 143-215.26,-27,-31;  
Eff. June 15, 1980;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.*