

#### **15A NCAC 02K .0504 MONITORING OF MINIMUM FLOW REQUIREMENTS**

- (a) An owner of a dam with a minimum flow requirement greater than 1.0 cfs shall install, calibrate, and maintain one or more stream staff gages following procedures described in U.S. Geological Survey Water Supply Paper 2175, "Measurement and Computation of Streamflow." Plans for such gages shall be submitted to the Department for approval prior to installation. Staff gages shall be calibrated to indicate the water surface elevations which correspond to the required flows. Calibration shall be verified at least every two years. All initial calibration and re-calibration measurements, including field data, shall be provided to the Department within 30 days of completion.
- (b) If the minimum release from a dam is less than or equal to 1.0 cfs, then an accurately calibrated release mechanism such as a gate or pipe opening shall be acceptable in lieu of a staff gage. Plans for making the required release shall be submitted to the Department for review and approval prior to construction, repair, or modification of the dam.
- (c) An owner of a dam who does not comply with a minimum flow requirement may be required to install automated gaging which continuously monitors flow. Records from this type of gage shall be provided to the Department upon request, for the time period being investigated.
- (d) Minimum release requirements may be modified or suspended for a term determined by the Department for reasons including pre-scheduled maintenance or construction involving the dam. The Department must approve a written request for such a change in the minimum flow requirement prior to any change in the minimum release.
- (e) Reduction or cessation of the minimum flow as a result of emergency conditions or equipment failure shall not constitute a violation of the minimum flow requirement, so long as the event is reported to the Department within 48 hours. The Department may set forth a schedule for correcting the problem and restoring the required minimum flow. If the schedule is not met, and the problem continues to cause violation of the minimum flow requirement, then this violation may be subject to enforcement action.

*History Note: Authority G.S. 143-215.24; 143-215.25; 143-215.31; 143-215.32; 143-215.33; 143-215.36; Eff. December 1, 1994; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.*