

**G.S. 150B-21.3A Report for 15A NCAC 02K, DAM SAFETY**

Agency - Environmental Management Commission

Comment Period - January 19 - March 26, 2024

Date Submitted to APO - September 26, 2024

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
SUBCHAPTER 2K DAM SAFETY	SECTION .0100 GENERAL PROVISIONS	15A NCAC 02K .0103	PURPOSE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0104	DEFINITIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0105	CLASSIFICATION OF DAMS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0200 OBTAINING APPROVAL FOR DAM CONSTRUCTION: REPAIR OR REMOVAL	15A NCAC 02K .0201	APPLICATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0202	CERTIFICATE OF APPROVAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0203	PROFESSIONAL ENGINEER REQUIREMENTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0204	INVESTIGATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0205	SPILLWAY DESIGN	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0206	CONDUITS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0207	SEEPAGE CONTROL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0208	STRUCTURAL STABILITY AND SLOPE PROTECTION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0209	DESIGN LIFE OF A DAM AND RESERVOIR	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0210	SEDIMENT CONTROL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0211	WASTE TREATMENT AND MINE REFUSE DAMS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0212	ADDITIONAL DESIGN REQUIREMENTS	Readopted Eff. December 1, 2018	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0213	CONSTRUCTION SCHEDULE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0214	PROPOSED CHANGES IN DESIGN	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0215	AS BUILT PLANS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0216	ENGINEER'S CERTIFICATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		15A NCAC 02K .0217	AUTHORITY FOR INSPECTION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0219	ACCEPTABLE DESIGN: PROCEDURES AND TECHNICAL REFERENCES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0220	GRANTING OF FINAL APPROVAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0221	DELEGATION OF AUTHORITY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0222	APPLICATION PROCESSING FEES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0223	DAM HEIGHT AND STORAGE DETERMINATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0224	ADDITIONAL REQUIREMENTS FOR DAMS THAT IMPOUND COAL COMBUSTION RESIDUALS	Eff. January 1, 2019	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .0300 INSPECTIONS: DAM SAFETY ORDERS</b>	15A NCAC 02K .0301	INSPECTION BY THE DEPARTMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0302	DAM SAFETY ORDERS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .0500 - MINIMUM STREAM FLOWS TO MAINTAIN AQUATIC HABITAT</b>	15A NCAC 02K .0501	DEFINITIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0502	REQUIRED MINIMUM FLOW FOR DAMS (NOT SMALL HYDRO PROJECTS)	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0503	REQUIRED MINIMUM FLOW FOR SMALL HYDROELECTRIC PROJECTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02K .0504	MONITORING OF MINIMUM FLOW REQUIREMENTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.	Necessary	No		Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt