How to Apply for an Approval to Breach a Dam

Determine if the proposed dam is jurisdictional under NC Dam Safety Law of 1967

- It is jurisdictional
  - Letter will be issued to classify the hazard and a STATE-ID
  - Submit an application to breach by following the Dam Safety Approval Application Checklist and per G.S. 143-215.28 and 15A NCAC 02K .0201 with a minimum application processing fee of $200.00 per G.S. 143-215.28A and 15A NCAC 02K .0222
  - If the submittal seems satisfactory, Approval to Breach is issued with any applicable stipulations
  - Within 30 days of completion, two (2) sets of “As-Built” record drawings (per 15A NCAC 02K .0215), Engineer of Record’s (EOR) Certification of completion report (per 15A NCAC 02K .0216), and any additional information, along with an additional application processing fee (per 15A NCAC 02K .0222)
  - (If the dam is determined to be Intermediate or High hazard after the breach or there is a plan of impounding or diverting again, an Emergency Action Plan (EAP) is also required (per Law) – NC Dam Safety recommends to plan an EAP as early as possible in case safety issues arise during construction)
  - “As-Built” Inspection is performed by the respective Regional Office staffs
  - Final Approval to Breach is issued by NCDEQ - Dam Safety (Given the type of breach, the status of operation may be considered as non-hazardous and the dam to be classified as Low – Exempt).

- It is NOT jurisdictional
  - Notice of Exemption will be issued and therefore Dam Safety Approval is NOT required for the proposed work (A field inspection may be conducted of the completed work by Regional Office staff. If the dam is determined to exceed statutory thresholds, the owner may be subject to enforcement action by the Division of Land Resources. Refer to G.S. 143-215.36 and 15A NCAC 02K .0302 for additional information regarding potential enforcement actions).