

Surface Water Regulations

Other Related Statutes

Steve Reed

Water Projects Section

North Carolina Division of Water Resources

State Regulations

- State Environmental Policy Act
- Division of Environmental Health Approval
- Section 401 Water Quality Certification
- Dam Safety Law

State Environmental Policy Act

- Required if...
 - Public monies
 - State action needed
 - Significant Impact

Division Of Environmental Health Approval

- Required if the withdrawal is to serve a public water supply

Section 401 Water Quality Certificate

- Required if a Section 404 permit under the federal Clean Water Act is needed, or
- In licensing a hydroelectric project

Dam Safety Permit

- Required if...
 - The dam is 15 feet or more high, and
 - Storage capacity of 10 acre-feet or more
 - Failure could result in loss of life or property

Determining Minimum Flow Requirements

- Quality of Aquatic Habitat
- Size of Stream
- Physiogeographic Region

Federal Regulations

- Section 404 of the Clean Water Act
- Federal Power Act

Section 404: Clean Water Act

- Required for withdrawals which includes placement of any structure in a stream.

Federal Power Act

- Federal Energy Regulatory Commission (FERC) licenses hydroelectric projects
- License articles can require...
 - releases for instream flows
 - restrictions on peak power production
- License amendments may be required for water withdrawals from hydropower reservoirs.