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REG. no. 199 of 21 February 2003: Regulations governing internal quality control to comply with the Act relating to river systems and ground water

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Regulations governing internal quality control to comply with the Act relating to river systems and ground water

Section 1. Purpose

These regulations shall ensure a systematic implementation of measures so that requirements specified in or pursuant to the Water Resources Act will be met.

Section 2. Scope

These regulations apply for

- a) watercourse structures that require a licence pursuant to the Water Resources Act with regulations, Act no. 3 of 15 March 1940 relating to watercourses, cf. section 66, paragraph 2 of the Water Resources Act, and Act no. 17 of 14 December 1917 relating to regulations of watercourses,

- b) power plants that utilise these regulations,
- c) watercourse structures encompassed by the regulations no. 1271 of 15 December 2000 concerning the safety and supervision of watercourse structures, and
- d) groundwater works that require a licence pursuant to the Water Resources Act.

Section 3. Definitions

In these regulations

- a) *internal quality control* means systematic measures that ensure that the responsible entity plans, builds and operates its watercourse structures and/or groundwater works in accordance with requirements specified in or pursuant to the Water Resources Act,
- b) *the entity responsible* for watercourse structures and/or groundwater works is the owner of the watercourse structures and/or groundwater works. In response to an application, NVE may authorise someone other than the owner to be the responsible entity if there are special grounds for so doing. The owner and the entity that assumes responsibility must have entered into a written agreement that governs the relationship between them.

Section 4. Internal quality control

Installations and measures that are covered by section 2 must undergo internal quality control in accordance with these regulations.

Internal quality control shall be adapted to the undertaking's type, activities, risk factors and size to the extent that is necessary in order to comply with requirements specified in or pursuant to the Water Resources Act.

Internal quality control entails that the undertaking shall:

- 1) see that the Acts and regulations that apply to the undertaking are available and have an overview of requirements specified in or pursuant to the Water Resources Act,
- 2) have an overview of the undertaking's watercourse structures and/or groundwater works, including up to date main drawings with the main data,
- 3) see that the employees have the knowledge and skills that are necessary to ensure that

the watercourse structures and/or groundwater works and its operation meet the requirements specified in or pursuant to the Water Resources Act, and help ensure that comprehensive knowledge and experience are utilised,

- 4) set measurable criteria for the internal quality control of installation and works,
- 5) have an overview of the undertaking's organisation, including the way in which the qualified personnel are organised with responsibility, tasks and authority for meeting requirements specified in or pursuant to the Water Resources Act,
- 6) make and record the registrations that the undertaking deems necessary in order to document that the undertaking is run in accordance with requirements in Acts, regulations, licences and rules for reservoir operation. The length of time that the registrations shall be accessible to the regulatory authorities shall be clearly stated.
- 7) survey hazards and problems and on this basis evaluate risk and possible measures to reduce the risk factors and check to see that necessary contingency plans have been drawn up pursuant to section 38 of the Water Resources Act,
- 8) survey particular problem areas that may arise in connection with the natural environment and landscape, cultural environment and cultural monuments during the planning, construction and operation of watercourse structures and/or groundwater works,
- 9) implement routines for the nonconformance procedures and preventive and corrective measures,
- 10) perform systematic monitoring and review of the internal quality control in order to ensure that it functions as intended, e.g. internal audits.

Section 5. Documentation

The internal quality control shall be documented in the form and to the extent that is necessary on the basis of the undertaking's type, activities, risk factors and size.

Documentation that derives from requirements in or pursuant to the Water Resources Act, e.g. instructions, permits, authorisations and certificates, shall be included in the internal quality control.

Written documentation in accordance with these regulations shall at least cover the requirements for the undertaking that derive from section 4, paragraph 3, subsection 3 up to and including subsection 10.

Section 6. *Regulatory authorities*

NVE supervises compliance with these regulations.

Section 7. *Exemptions*

In individual decisions or regulations, NVE may grant exemptions from these regulations when there are special grounds for so doing.

Section 8. *Coercive fines*

In order to ensure that provisions in these regulations or in decisions in accordance with these regulations are implemented, the water authorities can impose coercive fines payable to the Norwegian state on the entity responsible for the installation in accordance with section 60 of the Water Resources Act.

Section 9. *Penalties*

The entity responsible for watercourse structures and/or groundwater works that wilfully or negligently violates provisions in these regulations will be punished with fines or imprisonment in accordance with section 63 of the Water Resources Act.

Section 10. *Fees*

NVE may collect fees to cover the costs of the supervision of compliance with these regulations.

For monitoring the provision in regulations no. 1271 of 15 December 2000 concerning the safety and supervision of watercourse structures, the fee is set on the basis of the consequences of failure, height and reservoir volume of a dam. For minor dams or watercourse structures other than dams, minimum rates may be set.

For environmental inspections when monitoring installations in connection with power production, the fee is set on the basis of the mean annual production in the power plant. For minor installations, minimum rates can be set.

For installations that are not related to power production, standard fees can be set.

Section 11. *Entry into force*

These regulations enter into force immediately.

An undertaking that is covered by the regulations governing the safety and supervision of watercourse structures and subsidiary regulations must carry out internal quality control that ensures that requirements specified in these regulations will be met from the date for entry into force.

All other watercourse structures and/or groundwater works that are covered by section 2 must carry out this internal quality control no later than 1 January 2005.