

CECW-E/CECW-O
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13 NOV 1992

MEMORANDUM FOR MAJOR SUBORDINATE COMMANDS AND DISTRICT
COMMANDS

SUBJECT: Policy Guidance Letter No. 39, Responsibilities of the Corps of Engineers and Local Sponsor to Ensure Safe Operation, Maintenance, Repair, Replacement and Rehabilitation for Flood Control and Multipurpose Dams Constructed Under the Provisions of PL 99-662

1. References:

a. Agreement Between The Department of the Army and the Metropolitan Water District of Salt Lake City and Salt Lake County, 10 June 1986.

b. Local Cooperation Agreement Between The Department of the Army and The Fresno Metropolitan Flood Control District, 1 August 1987.

c. Local Cooperation Agreement Among The Department of the Army, Orange County Flood Control District, San Bernardino County Flood Control District and Riverside County Flood Control and Water Conservation District and San Bernardino County Flood Control District in California, 14 December 1989.

d. Memorandum, CECW-LM, 28 August 1992, subject: New Model Project Cooperation Agreement (PCA) for Structural Flood Control.

2. Purpose: This Policy Guidance Letter provides guidance on policy and procedures for the turnover of completed dam projects to local sponsors. It also provides guidance to prepare the local sponsors for their responsibilities for operations, maintenance, repair, replacement and rehabilitation (OMRR&R) of dams for which the cost sharing provisions of PL 99-662 apply.

3. Background: As a result of the Water Resources Development Act of 1986, a number of flood control and multipurpose dams have been authorized subject to the provision that the local sponsor is responsible for OMRR&R. Guidance on local cooperation was published in ER 1165-2-131, 15 April 1989, Local Cooperation Agreements for New Start Construction Projects. Upon receipt of the notification of project completion, the local sponsor must comply with all State and Federal dam safety requirements in addition to the project OMRR&R requirements. In some cases, the sponsors for flood control dams have not been fully prepared to accept this responsibility.

4. Guidance:

a. It is essential that all project OMRR&R and dam safety requirements be identified and discussed with the local sponsor during the Feasibility phase. The sponsor must be made aware of the project design, the expected function of each project element, the requirements of operation, and all State and other Federal requirements. This includes compliance with State dam safety regulations as well as the sponsors' responsibilities for operation, maintenance, repair, replacement and rehabilitation. The sponsor should be briefed on the scope and schedule for the OMRR&R manual and be made aware of the sponsor's responsibilities for providing an adequate staff for project operation. The responsible commands should also identify the cost implications of ownership responsibilities in terms of a representative schedule of activities and costs to ensure a clear understanding by the sponsor.

b. A turnover plan that establishes responsibilities and a definite point for the turnover of the project to the sponsor should be documented in the IPMP/PMP and in the Feasibility Report. The turnover of the project to the sponsor will occur immediately after the first periodic inspection. The following items will be included in the turnover plan and be completed prior to project turnover:

(1) OMRR&R Manual.

(2) Initial dam safety training for the sponsor.

(3) The emergency identification, emergency operations and repair, inundation maps and the Federal portion of the notification sub-plans of the Emergency Action Plan (EAP).

(4) Instrumentation, monitoring and surveillance plans.

(5) Periodic inspection schedule.

(6) Appropriate review and certification by the State.

c. The Corps will be responsible to conduct and document the initial periodic inspection with participation by the sponsor. The sponsor will conduct all future periodic inspections with participation by a representative of the Corps. The responsible commands should monitor the performance of these projects by reviewing the yearly instrumentation records and by the observations of the representative participating in the scheduled inspections.

d. In the PED phase, the responsible commands should host the necessary meetings between the sponsor, the State, and other Federal agencies to refine all criteria and requirements of project design, construction and OMRR&R. At these meetings, the Corps design criteria and assumptions should be explained to the sponsor. As the project design develops and the OMRR&R manual is prepared, the sponsor should provide input and review the draft document. All operational requirements should be identified and the sponsor made aware of its responsibilities for providing an adequate operational and technical staff or appropriate engineering services contract for project security,

surveillance, formal periodic inspections, evaluation of performance data and timely remedial measures as required. As outlined in the turnover plan, the responsible command will prepare the identification, emergency operations and repair and notification sub-plans along with the inundation maps, while the sponsor will be responsible for coordinating and developing the evacuation sub-plan of the project EAP. The sponsor must be made aware that after transfer of the project, the Corps is in a supporting role with respect to dam safety and will only participate in inspections and review performance data.

e. In the construction phase, the responsible commands should schedule and coordinate visits to the site for the sponsor and State representatives to observe the construction of significant and critical features of the project. During these visits, the sponsor should be briefed on the construction records and reports. As outlined in the turnover plan, the sponsor will receive the as-built drawings, construction photographs and appropriate reports.

f. The guidance provided in this letter should be implemented to the maximum extent possible for the ongoing projects in references 1 a., b. and c. For new projects covered by reference 1 d. and enclosure 1, this guidance should be initiated in feasibility studies.

FOR THE COMMANDER:
Encl STANLEY G. GENEGA
Brigadier General (P), USA
Director of Civil Works