

SUBCHAPTER XI-B—AGING
INFRASTRUCTURE

§ 510. Definitions

In this subchapter:

(1) Inspection

The term “inspection” means an inspection of a project facility carried out by the Secretary—

(A) to assess and determine the general condition of the project facility; and

(B) to estimate the value of property, and the size of the population, that would be at risk if the project facility fails, is breached, or otherwise allows flooding to occur.

(2) Project facility

The term “project facility” means any part or incidental feature of a project, excluding high- and significant-hazard dams, constructed under the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)¹.

(3) Reserved works

The term “reserved works” mean² any project facility at which the Secretary carries out the operation and maintenance of the project facility.

(4) Secretary

The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) Transferred works

The term “transferred works” means a project facility, the operation and maintenance of which is carried out by a non-Federal entity, under the provisions of a formal operation and maintenance transfer contract.

(6) Transferred works operating entity

The term “transferred works operating entity” means the organization which is contractually responsible for operation and maintenance of transferred works.

(7) Extraordinary operation and maintenance work

The term “extraordinary operation and maintenance work” means major, non-recurring maintenance to Reclamation-owned or operated facilities, or facility components, that is—

(A) intended to ensure the continued safe, dependable, and reliable delivery of authorized project benefits; and

(B) greater than 10 percent of the contractor’s or the transferred works operating entity’s annual operation and maintenance budget for the facility, or greater than \$100,000.

(Pub. L. 111–11, title IX, §9601, Mar. 30, 2009, 123 Stat. 1346.)

¹So in original. Probably should be another closing parenthesis before the final period.

²So in original. Probably should be “means”.

Editorial Notes

REFERENCES IN TEXT

Act of June 17, 1902 (32 Stat. 388, chapter 1093), referred to in par. (2), is popularly known as the Reclamation Act and is classified generally to chapter 12 (§371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

§ 510a. Guidelines and inspection of project facilities and technical assistance to transferred works operating entities

(a) Guidelines and inspections

(1) Development of guidelines

Not later than 1 year after March 30, 2009, the Secretary in consultation with transferred works operating entities shall develop, consistent with existing transfer contracts, specific inspection guidelines for project facilities which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such project facilities were to fail.

(2) Conduct of inspections

Not later than 3 years after March 30, 2009, the Secretary shall conduct inspections of those project facilities, which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such facilities were to fail, using such specific inspection guidelines and criteria developed pursuant to paragraph (1). In selecting project facilities to inspect, the Secretary shall take into account the potential magnitude of public safety and economic damage posed by each project facility.

(3) Treatment of costs

The costs incurred by the Secretary in conducting these inspections shall be non-reimbursable.

(b) Use of inspection data

The Secretary shall use the data collected through the conduct of the inspections under subsection (a)(2) to—

(1) provide recommendations to the transferred works operating entities for improvement of operation and maintenance processes, operating procedures including operation guidelines consistent with existing transfer contracts, and structural modifications to those transferred works;

(2) determine an appropriate inspection frequency for such nondam project facilities which shall not exceed 6 years; and

(3) provide, upon request of transferred work operating entities, local governments, or State agencies, information regarding potential hazards posed by existing or proposed residential, commercial, industrial or public-use development adjacent to project facilities.

(c) Technical assistance to transferred works operating entities

(1) Authority of Secretary to provide technical assistance

The Secretary is authorized, at the request of a transferred works operating entity in proximity to an urbanized area, to provide