

# Operation, Maintenance, and Inspection of Practices

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Updated July 1, 2016

The preparation and implementation of operation and maintenance plans is critical to ongoing performance of practices installed with State funds and is required for applicable BWSR grant programs. Minor maintenance needs can quickly become major, costly maintenance problems if left untreated. Periodic site inspections by qualified technical staff are necessary to ensure operation and maintenance is implemented effectively. This document provides general requirements for operation, maintenance, and inspections of practices and projects installed with State funds.

## *Preparation of Operation and Maintenance Plans*

Qualified technical staff must prepare an operation and maintenance (O&M) plan specific to the site and project constructed. The plan should be prepared prior to project installation and reviewed by both the land occupier and contractor. O&M plans should:

- Detail the O&M activities that are likely to be required for the project;
- Identify O&M needed for the watershed contributing to the project;
- Specify how and when to accomplish all activities;
- Identify the inspection schedule required; and
- Specify contact information should questions or issues arise.

In some circumstances, a party other than the land occupier may be designated as responsible for operation and maintenance. In these cases, additional contracts or agreements may be required. Refer to grant program specific requirements or the grant agreement for more information.

## *Operation and Maintenance Responsibilities*

The project contractor is responsible for installing a conservation practice that fully conforms to the design standards and specifications. Typically, the contractor's responsibility for operation and maintenance during construction terminates when work has been completed and accepted by the contracting officer - generally the land occupier based on advice by the technical assistance provider.

Under certain circumstances, such as a factory warranty on an electric motor for an agricultural waste system, the contractor's liability for operation and maintenance may be extended for a specified number of months or years beyond the date of certification of practice completion.

When work on the project has been completed and accepted, responsibility for financing and performing operation and maintenance moves to the land occupier. The land occupier should inspect the practice on a regular basis and perform the designated activities as required by the operation and maintenance plan.

If there is a malfunction or failure of the practice or project, the land occupier should immediately notify the organization providing State funding for the practice or project. Responsibility for malfunctions and failures will vary depending on the reason for and extent of the issue. For projects with a conservation practice contract, see the information and steps for contract non-compliance in the Contracts with Land Occupiers section.

Effective July 1, 2016

Should the land occupier fail to maintain installed practices during their effective life according to the operation and maintenance plan, the land occupier may be liable to the State of Minnesota for up to one hundred fifty percent (150%) of the financial assistance received to construct, install, or otherwise establish the practice.

### *Practice Site Inspections*

Qualified technical staff shall confirm that the operation and maintenance plan is being followed and the project has not been altered or removed, by conducting periodic site inspections. The inspection schedule should be identified in the operation and maintenance plan. Inspections are to:

- Verify that all components of the practice, including upland protection or contributing watershed treatment, remain in place and are in good repair; and
- Identify repairs necessary in accordance with the operation and maintenance plan; and
- Identify further assessment or action needed if necessary repairs are beyond the scope of the operation and maintenance plan.

Practice site inspections are generally required to be completed at a *minimum* of one year after completion, then at 33 percent and 66 percent intervals, and at the next to last year of the effective life of the project. However, the frequency of actual inspections should be specific to the site, project installed, and findings on previous inspections. In addition, inspections should be performed on a case-by-case basis, such as after storms producing unusually heavy runoff or possibly if property ownership changes. For a conservation practice with a minimum effective life of ten years, the end of the first, third, and ninth years following the certified completion is recommended. For capital improvement projects having a minimum effective life of 25 years, inspection at approximately the end of the first, eighth, seventeenth and twenty-fourth years following certified completion is a recommended minimum. For non-structural land management practices, inspections are to be completed annually or as identified in specific program policies.

The findings of site inspections should be documented and this documentation kept in the project file. Documenting inspections over time is important for identifying compliance and/or non-compliance with the operation and maintenance plan, as well as for verifying the practice is meeting its intended purpose. An example practice site inspection form is available.

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#### *Summary of changes for FY17:*

- ADDED language regarding inspection of non-structural land practices