

# Reclamation Manual

## Directives and Standards

<b>Subject:</b>	Reclamation Standard Water-Related Contract Articles, Article 19: Protection of Water and Air Quality (All Federally Developed Water Supply or Constructed Programs)
<b>Purpose:</b>	To commit Reclamation's Standard Contract Article 19 to the Reclamation Manual, introduced by a brief description and direction regarding its use, for the benefit of making it easily accessible and promoting Reclamation-wide consistency in its use and content.
<b>Authority:</b>	The Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), and acts amendatory and supplementary thereto; the Clean Air Act (42 U.S.C. § 7401, <i>et seq.</i> ; the Clean Water Act (33 U.S.C. § 1251, <i>et seq.</i> ).
<b>Approving Official:</b>	Director, Office of Program and Policy Services
<b>Contact:</b>	Office of Program and Policy Services; Contract Services Office, 84-56000

1. **Protection of Water and Air Quality (All Federally Developed Water Supply or Constructed Programs).** This article states that the United States does not guarantee that the quality of water delivered under the contract will meet a specified standard, nor is it under any obligation to treat the water and that the contractor agrees to obtain all necessary Federal and state permits in accordance with applicable water and air pollution laws and will otherwise comply with those laws. The charts included in Reclamation Manual Policy PEC P10 specify which contract types require standard article 19.

2. **Reclamation Standard Contract Article 19.**

(All Federally Developed Water Supply or Constructed Programs)

PROTECTION OF WATER AND AIR QUALITY<sup>1</sup>

(a) Project facilities used to make available and deliver water to the Contractor shall be operated and maintained in the most practical manner to maintain the quality of the water at the highest level possible as determined by the Contracting Officer: *Provided, That* the United States does not warrant the quality of the water delivered to the Contractor and is under no

<sup>1</sup>Approved 01/02. This article replaces the "Quality of Water" article approved 2/22/71; reviewed 11/84 and the "Water and Air Pollution Control" article approved 8/24/76; reviewed 11/84.

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obligation to furnish or construct water treatment facilities to maintain or improve the quality of water delivered to the Contractor.

(b) The Contractor shall comply with all applicable water and air pollution laws and regulations of the United States [and the State of \_\_\_\_\_;] and shall obtain all required permits or licenses from the appropriate Federal, [State, or local] authorities necessary for the delivery of water by the Contractor; and shall be responsible for compliance with all Federal[, State, and local] water quality standards applicable to surface and subsurface drainage and/or discharges generated through the use of Federal or Contractor facilities or project water provided by the Contractor within the Contractor's Project Water Service Area.<sup>2</sup>

(c) This article shall not affect or alter any legal obligations of the Secretary to provide drainage or other discharge services.

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<sup>2</sup>For contracts with federally recognized Indian tribes the bracketed phrases may be deleted.