

Reclamation Manual

Directives and Standards

Subject:	Reclamation Standard Water-Related Contract Articles, Standard Article 19: Protection of Water and Air Quality
Purpose:	To provide requirements for the content and application of Standard Article 19: Protection of Water and Air Quality (Standard Article 19), for the benefit of supporting general policy and specific requirements set forth in Reclamation Manual Policy PEC P10, <i>Reclamation Standard Water-Related Contract Articles</i> (PEC P10).
Authority:	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, et seq.); the Clean Water Act (33 U.S.C. § 1251, et seq.).
Approving Official:	Director, Policy and Administration
Contact:	Water and Environmental Resources Division, 84-55000

1. **Introduction.** This Directive and Standard provides the text for Standard Article 19 and addresses related requirements. Paragraph 6 of PEC P10 indicates which contracts require Standard Article 19. It is generally required in contracts involving the operation of Federal facilities by either party for supplying water. It states the parties' responsibilities relating to water quality and the contractor's responsibilities for complying with applicable water and air pollution laws and for obtaining any required permits or licenses.
2. **Applicability.** This Directive and Standard applies to Reclamation staff and officials involved in the contracting process, as defined at Paragraph 3.A. of PEC P10, for contracts requiring Standard Article 19 under Paragraph 6 of PEC P10.
3. **Definitions.** See Paragraph 3 of PEC P10.
4. **Responsibilities.** See Paragraph 4 of PEC P10.
5. **Text of Standard Article 19.**

PROTECTION OF WATER AND AIR QUALITY¹

(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

¹Approved 01/02. Article 19, as it appears herein, replaced the prior standard articles "Quality of Water" (approved 02/71 and reviewed 11/84), and "Water and Air Pollution Control" (approved 08/76 and reviewed 11/84).

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States does not warrant the quality of the water delivered to the Contractor and is under no 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.²

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

²The bracketed phrases may be deleted from contracts with federally recognized Indian tribes.