

Reclamation Manual

Directives and Standards

Subject:	Reclamation Standard Water-Related Contract Articles, Standard Article 21: Clean Air and Water
Purpose:	To provide requirements for the content and application of Standard Article 21: Clean Air and Water (Standard Article 21), 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, as amended (42 U.S.C. § 7401, et seq.); the Clean Water Act, as amended (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 21 and addresses related requirements. Paragraph 6 of PEC P10 indicates which contracts require Standard Article 21. In general, Standard Article 21 is required in contracts under which the contractor constructs facilities with Federal funds or is responsible for the operation and maintenance of Federal facilities. It is not normally required in contracts for purchases or involving bid offers of less than \$100,000. However, contracts associated with facilities that have been the subject of convictions under the Clean Air Act or the Clean Water Act require Standard Article 21 regardless of bid amount. Standard Article 21 addresses the contractor's responsibilities for compliance with identified sections of the Clean Air Act and Clean Water Act and other related authorities, defines key terms, and requires the contractor to include the same article in subcontracts.
- 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 21 under Paragraph 6 of PEC P10.
- 3. Definitions.** See Paragraph 3 of PEC P10.
- 4. Responsibilities.** See Paragraph 4 of PEC P10.

Reclamation Manual

Directives and Standards

5. Text of Standard Article 21.

CLEAN AIR AND WATER¹

(a) The Contractor agrees as follows:

(1) To comply with all the requirements of section 114 of the Clean Air Act, as amended (42 U.S.C. § 7414), and section 308 of the Clean Water Act (33 U.S.C. § 1318), relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in those sections, and all applicable regulations and guidelines issued thereunder.

(2) That no portion of the work required by this contract will be performed in a facility listed on the Environmental Protection Agency List of Violating Facilities on the date when this contract was executed unless and until the Environmental Protection Agency eliminates the name of such facility or facilities from such listing.

(3) To use its best efforts to comply with clean air standards and clean water standards at the facility where the contract work is being performed.

(4) To insert the substance of the provisions of this article into any nonexempt subcontract, including this subparagraph (a)(4).

(b) The following definitions apply for purposes of this article:

(1) The term "Clean Air Act" means the Act enacted by Pub. L. 88-206 of Dec. 17, 1963, and amendments thereto, as codified at 42 U.S.C. § 7401, et seq.

(2) The term "Clean Water Act" means the Act enacted by Pub. L. 92- 500 of Oct. 18, 1972, and amendments thereto, as codified at 33 U.S.C. § 1251, et seq.

¹Approved 01/76; reviewed 11/84; 04/01; 01/02; 04/10.

Reclamation Manual

Directives and Standards

(3) The term “clean air standards” refers to all enforceable rules, regulations, guidelines, standards, limitations, orders, controls, prohibitions, and other requirements which are contained in, issued under, or otherwise adopted pursuant to the Clean Air Act or Executive Order 11738, an applicable implementation plan as described in section 110 of the Clean Air Act (42 U.S.C. § 7410), an approved implementation procedure or plan under subsection 111(c) or subsection 111(d) of the Clean Air Act (42 U.S.C. § 7411(c) or (d)), or an approved implementation procedure under subsection 112(d) of the Clean Air Act (42 U.S.C. § 7412(d)).

(4) The term “clean water standards” refers to all enforceable limitations, controls, conditions, prohibitions, standards, and other requirements which are promulgated pursuant to the Clean Water Act or contained in a permit issued to a discharger by the Environmental Protection Agency or by a state under an approved program, as authorized by section 402 of the Clean Water Act (33 U.S.C. § 1342), or by local government to ensure compliance with pretreatment regulations as required by section 307 of the Clean Water Act (33 U.S.C. § 1317).

(5) The term “comply” refers to compliance with clean air or water standards. It also refers to compliance with a schedule or plan ordered or approved by a court of competent jurisdiction, the Environmental Protection Agency, or an air or water pollution control agency in accordance with the requirements of the Clean Air Act or Clean Water Act and regulations issued pursuant thereto.

(6) The term “facility” means any building, plant, installation, structure, mine, vessel or other floating craft, location, or site of operations owned, leased, or supervised by a contractor or subcontractor to be utilized in the performance of a contract or

Reclamation Manual

Directives and Standards

subcontract. Where a location or site of operations contains or includes more than one building, plant, installation, or structure, the entire location or site shall be deemed to be a facility except where the Director, Office of Federal Activities, Environmental Protection Agency, determines that independent facilities are collocated in one geographical area.