

Reclamation Manual

Directives and Standards

Subject:	Reclamation Standard Water-Related Contract Articles, Standard Article 19: Protection of Water and Air Quality
Purpose:	To provide the text of and requirements for the 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, <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.); and the Clean Water Act (33 U.S.C. § 1251, et seq.).
Approving Official:	Director, Policy and Administration
Contact:	Reclamation Law Administration Division (84-55000)

1. **Introduction.** In general, Standard Article 19 is required in contracts involving the operation of Federal facilities by either party for supplying water (see Paragraph 4.B. of PEC P10). 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 Bureau of Reclamation staff and officials involved in the contracting process, as defined at Paragraph 5.A. of PEC P10.
3. **Requirements and Responsibilities.** Reclamation staff and officials involved in the contracting process will include the text below in all contracts requiring Standard Article 19 under Paragraph 4.B. of PEC P10.

PROTECTION OF WATER AND AIR QUALITY¹

(a) The Contractor, without expense to the United States, will care for, operate and maintain transferred works in a manner that preserves the quality of the water at the highest feasible level as determined by the Contracting Officer.²

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).

² Omit this sentence from the contract if there are no transferred works.

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(b) The United States will care for, operate and maintain reserved works in a manner that preserves the quality of the water at the highest feasible level as determined by the Contracting Officer.³ The United 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.

(c) The Contractor will comply with all applicable water and air pollution laws and regulations of the United States [and the State of _____]; and will obtain all required permits or licenses from the appropriate Federal [, State, or local] authorities necessary for the delivery of water by the Contractor; and will 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 its Project Water Service Area.⁴

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

4. **Definitions.** See Paragraph 5 of PEC P10.
5. **Review Period.** The originating office will review this release every 4 years.

³ Omit this sentence from the contract if there are no reserved works.

⁴ Language appearing in brackets is alternate language for differing contract types. The bracketed phrases may be deleted from contracts with federally recognized Indian tribes.

RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: _____

Release No. _____

Ensure all employees needing this information are provided a copy of this release.

Reclamation Manual Release Number and Subject

Summary of Changes

NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.

Filing instructions

Remove Sheets

Insert Sheets

All Reclamation Manual releases are available at <http://www.usbr.gov/recman/>

Filed by: _____

Date: _____