

# **Appendix D**

## **Example Contract/Lease Language for BMP Implementation**



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### **Example Lease Language for Fixed Facilities**

Following is example language that can be inserted into municipal leases:

The \_\_\_\_\_ Regional Water Quality Control Board (RWQCB) has issued a permit that governs stormwater and non-stormwater discharges resulting from municipal activities performed by or for the City of \_\_\_\_\_. The RWQCB Permit is National Pollutant Discharge Elimination System (NPDES) Permit No. \_\_\_\_\_. Copy of the RWQCB Permit is available for review.

In order to comply with the Permit requirements, the City has developed Best Management Practices (BMPs) that parties leasing municipal owned properties must adhere to. These BMPs contain pollution prevention and source control techniques to minimize the impact of those activities upon dry-weather urban runoff, stormwater runoff, and receiving water quality.

Activities performed at the facility leased under this agreement shall conform to the Permit and BMPs, and must be performed as described within all applicable BMPs. The holder of this agreement shall fully understand the BMPs applicable to activities conducted at the facility leased under this agreement prior to conducting them and maintain copies of the BMPs at the leased facility throughout the agreement duration. The applicable BMPs are included as Exhibit \_\_\_ of this agreement.

Evaluation of activities subject to Permit performed at the facility leased under this agreement will be conducted by the city to verify compliance with BMP requirements and may be required through lessor self-evaluation as determined by the city.

### **Example Contract Language for Field Programs**

Following is example language that can be inserted into municipal field program contracts:

The \_\_\_\_\_ Regional Water Quality Control Boards (RWQCB) has issued a permit that governs stormwater and non-stormwater discharges resulting from areas owned and operated by the City of \_\_\_\_\_. The RWQCB Permit is National Pollutant Discharge Elimination System (NPDES) Permit No. \_\_\_\_\_. Copy of the RWQCB Permit is available for review.

In order to comply with the Permit requirements, the City has developed Best Management Practices (BMPs) that parties conducting the municipal activities must adhere to. These BMPs apply to any party conducting municipal activities and contain pollution prevention and source control techniques to minimize the impact of those activities upon dry-weather urban runoff, stormwater runoff, and receiving water quality.

Work performed under this CONTRACT shall conform to the Permit requirements, and BMPs, and must be performed as described within all applicable BMPs. The CONTRACTOR shall fully understand the BMPs applicable to activities that are being conducted under this CONTRACT prior to conducting them and maintain copies of the BMPs throughout the CONTRACT duration. The applicable BMPs are included as Exhibit \_\_\_ of this CONTRACT.

Evaluation of activities subject to BMPs performed under this CONTRACT will be conducted to verify compliance with BMP requirements and may be required through CONTRACTOR self-evaluation as determined by the city.