

The **Contractor** is responsible for and shall indemnify and hold the **Owner** harmless for any sanitary sewer discharge to the environment due to a failure in the equipment and/or bypassing operation.

In the event of a sanitary sewer overflow, the **Contractor** shall contact the **Owner's** representative immediately. If there is a sanitary sewer discharge to the environment due to a failure in the equipment and/or bypassing operation, the Contractor shall reimburse the Owner all costs related in any way to compliance with laws, regulatory requirements, and/or court orders and decrees associated with the overflow or discharge event. The costs include but not limited to water quality monitoring, signage, cleanup, fines, legal fees, claims and reporting. In the event that the peak flows during the bypass pumping operation exceed the projected peak flow figures previously provided by the **Owner** and a sanitary sewer overflow event occurs when the **Contractor's** equipment is operating correctly, the **Contractor** will not be held liable for the sanitary sewer overflow or discharge.