

## Terms of Use and Disclaimer for the International Stormwater BMP Database

The BMP Database (“Database”) was developed as an account of work sponsored by the Water Environment Research Foundation (WERF), the American Society of Civil Engineers (ASCE) / Environmental and Water Resources Institute (EWRI), the American Public Works Association (APWA), the Federal Highway Administration (FHWA), and U.S. Environmental Protection Agency (EPA) (collectively, the “Sponsors”). The Database is intended to provide a consistent and scientifically defensible set of data on Best Management Practice (“BMP”) designs and related performance. The Database structure and contents may be downloaded from the project website and used for the following purposes:

- Research and analysis related to BMP performance and costs, characterization of urban runoff, characterization of receiving water impacts, and characterization of the ability of BMPs to meet water quality goals or criteria.
- Use of database structure and/or data entry spreadsheets to track performance data for regional, state, watershed or local purposes or for subsequent upload to the International Stormwater BMP Database.

Any uses not specified above are considered a violation of Terms of Use unless special permission is obtained in writing from the Project Sponsors. If data entry spreadsheets, user’s guide, database structure or underlying data are adopted as-is or modified for use for the above purposes, the following citation shall be provided on all written or electronic documents:

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Although the individuals who completed the Database work on behalf of the Sponsors (“Project Team”) made an extensive effort to assess the quality of the data entered for consistency and accuracy, the Database information and/or any analysis results are provided on an “AS-IS” basis and use of the Database, the data information, or any apparatus, method, or process disclosed in the Database is at the user’s sole risk. The Sponsors and the Project Team disclaim all warranties and/or conditions of any kind, express or implied, including, but not limited to any warranties or conditions of title, non-infringement of a third party’s intellectual property, merchantability, satisfactory quality, or fitness for a particular purpose. The Project Team does not warrant that the functions contained in the Database will meet the user’s requirements or that the operation of the Database will be uninterrupted or error free, or that any defects in the Database will be corrected.

UNDER NO CIRCUMSTANCES, INCLUDING CLAIMS OF NEGLIGENCE, SHALL THE SPONSORS OR THE PROJECT TEAM MEMBERS BE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, OR CONSEQUENTIAL DAMAGES INCLUDING LOST REVENUE, PROFIT OR DATA, WHETHER IN AN ACTION IN CONTRACT OR TORT ARISING OUT OF OR RELATING TO THE USE OF OR INABILITY TO USE THE DATABASE, EVEN IF THE SPONSORS OR THE PROJECT TEAM HAVE BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

The Project Team's tasks have not included, and will not include in the future, recommendations of one BMP type over another. However, the Project Team's tasks have included reporting on the performance characteristics of BMPs based upon the entered data and information in the Database, including peer reviewed performance assessment techniques. Use of this information by the public or private sector is beyond the Project Team's influence or control. The intended purpose of the Database is to provide a data exchange tool that permits characterization of BMPs solely upon their measured performance using consistent protocols for measurements and reporting information. The Project Team does not endorse any BMP over another and any assessments of performance by others should not be interpreted or reported as the recommendations of the Project Team or the Sponsors.

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