

ORIGINAL

SHEET NO. ACC-1

Original

EPCOR Water Arizona Inc.
(Name of Company)

Wastewater Districts
(Name of Service Area)

**RULES AND REGULATIONS
APPLICABLE TO
WASTEWATER SERVICE
OF
ALL WASTEWATER DISTRICTS
(INCLUDING BUT NOT LIMITED TO ARIZONA WASTEWATER DISTRICT AND LUKE 303 WASTEWATER DISTRICT)**

These rules and regulations have been authorized by the Arizona Corporation Commission ("ACC") and are the effective rules and regulations of the wastewater districts of EPCOR Water Arizona Inc. ("Utility") for which the ACC has issued authorized Certificates of Convenience and Necessity.

Services will be furnished in accordance with these rules and regulations and no officers, employee, or representative of EPCOR Water Arizona Inc. has any authority to write, alter, or amend these rules and regulations or any parts thereof in any respect.

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ISSUED BY: Sheryl L. Hubbard, Director, Regulatory & Rates
2355 W. Pinnacle Peak Road, Suite 300, Phoenix, AZ 85027

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DECISION #: 76528

Wastewater Districts
(Name of Service Area)

TABLE OF CONTENTS

<u>Rule No.</u>	<u>Section No.</u>	<u>Title of Page</u>	<u>A.C.C. Sheet No.</u>
1.		DEFINITIONS	5 - 6
2.		ESTABLISHMENT OF SERVICE	7 - 9
	A.	INFORMATION FROM NEW APPLICANTS	7
	B.	DEPOSITS	7 - 8
	C.	GROUND FOR REFUSAL OF SERVICE	8
	D.	SERVICE ESTABLISHMENTS, REESTABLISHMENTS, OR RECONNECTION CHARGE	8
	E.	TEMPORARY SERVICE	8-9
3.		MINIMUM CUSTOMER INFORMATION REQUIREMENTS	10
	A.	INFORMATION FOR RESIDENTIAL CUSTOMERS	10
	B.	INFORMATION REQUIRED DUE TO CHANGES IN TARIFFS	10
4.		SERVICE CONNECTIONS	11
	A.	PRIORITY AND TIMING	11
	B.	CUSTOMER PROVIDED FACILITIES	11
	C.	CUSTOMER PROVIDED EQUIPMENT, SAFETY AND OPERATION	11
	D.	EASEMENTS AND RIGHTS-OF-WAY	11
5.		COLLECTION MAIN EXTENSION AGREEMENTS	12 - 13
	A.	GENERAL REQUIREMENTS	12
	B.	MINIMUM WRITTEN AGREEMENT REQUIREMENTS	12 - 13
	C.	MAIN EXTENSION REQUIREMENTS	13
	D.	RESIDENTIAL SUBDIVISION DEVELOPMENT AND PERMANENT MOBILE HOME PARKS	13
	E.	OWNERSHIP OF FACILITIES	13
6.		PROVISION OF SERVICE	14 - 15
	A.	UTILITY RESPONSIBILITY	14
	B.	CUSTOMER RESPONSIBILITY	14
	C.	CONTINUITY OF SERVICE	14
	D.	SERVICE INTERRUPTION	14 - 15
	E.	CONSTRUCTION STANDARDS	15
7.		BILLING AND COLLECTION	16 - 17
	A.	FREQUENCY	16
	B.	MINIMUM BILL INFORMATION	16

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(Name of Company)

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(Name of Service Area)

TABLE OF CONTENTS (Continued)

<u>Rule No.</u>	<u>Section No.</u>	<u>Title of Page</u>	<u>A.C.C. Sheet No.</u>
7.		BILLING AND COLLECTION (continued)	16 - 17
	C.	BILLING TERMS	16
	D.	APPLICABLE TARIFFS, PREPAYMENT, FAILURE TO RECEIVE, COMMENCEMENT DATE, TAXES	16 - 17
	E.	INSUFFICIENT FUNDS (NSF) CHECKS	17
	F.	LATE PAYMENT PENALTY	17
8.		TERMINATION OF SERVICE	18 - 20
	A.	NONPERMISSIBLE REASONS TO DISCONNECT SERVICE	18
	B.	TERMINATION OF SERVICE WITHOUT NOTICE	18
	C.	TERMINATION OF SERVICE WITH NOTICE	18 - 19
	D.	TERMINATION NOTICE REQUIREMENTS	19
	E.	TIMING OF TERMINATIONS WITH NOTICE	19
	F.	LANDLORD/TENANT RULE	19 - 20
9.		ADMINISTRATIVE AND HEARING REQUIREMENTS	21 - 23
	A.	CUSTOMER SERVICE COMPLAINTS	21
	B.	NOTICE BY UTILITY OF RESPONSIBLE OFFICER OR AGENT	21
	C.	TIME-FRAMES FOR PROCESSING APPLICATIONS FOR CERTIFICATES OF CONVENIENCE AND NECESSITY	21 - 22
	D.	ACCOUNTS AND RECORDS	22
	E.	MAPS	23
	F.	VARIATIONS, EXEMPTIONS OF COMMISSION RULES AND REGULATIONS	23
	G.	PRIOR AGREEMENTS	23
10.		USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS	24 - 57
	A.	PURPOSE AND POLICY	24
	B.	DEFINITIONS	24 - 30
	C.	INDUSTRIAL WASTE DISCHARGE REQUIREMENTS	30 - 35
	D.	MAINTENANCE OF FACILITIES	35
	E.	MANHOLES	35
	F.	TESTS AND ANALYSES	36
	G.	INDUSTRIAL DISCHARGE SERVICE AGREEMENT	36
	H.	PRETREATMENT PROGRAM ENFORCEMENT AND RESPONSE GUIDELINES	36 - 37
	I.	PUBLICATION OF NONCOMPLIANCE LIST	38
	J.	LIABILITY OF USER	38
	K.	INSPECTION AND MONITORING	38
	L.	ACCESS TO INFORMATION AND CONFIDENTIALITY	38 - 39
10.		EXHIBIT A: Industrial Discharge Service Agreement	40 - 57

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Original

SHEET NO. ACC-4

Wastewater Districts
(Name of Service Area)

PRELIMINARY STATEMENT

These Rules and Regulations are designed to govern the collection and treatment of sewage in such a manner as will secure to each customer the greatest practical latitude in the utilization of service, consistent with good service to himself and other customers, and with safety to all the public and EPCOR Water Arizona Inc.'s employees.

These Rules and Regulations are on file with the Arizona Corporation Commission of the State of Arizona, and copies are available at all EPCOR Water Arizona Inc. offices. They are a part of every contract for service and govern all classes of service, except where specific provisions in contracts or schedules modify same. All prior rules, customs or alleged understandings are hereby rescinded. These rules and regulations are available for review by any customer, at any office of EPCOR Water Arizona Inc.

Rates for wastewater service or other services rendered are those on file with the Arizona Corporation Commission and are available at the offices of the District providing wastewater service.

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RULE NO. 1
DEFINITIONS

In this Article, unless the context otherwise requires, the following definitions shall apply:

1. "Advance in aid of construction." Funds provided to the Utility by the applicant under the terms of a collection main extension agreement the value of which may be refundable.
2. "Applicant." A person requesting the Utility to supply sewer service.
3. "Application." A request to the Utility for sewer service, as distinguished from an inquiry as to the availability or charges for such service.
4. "Arizona Corporation Commission." The regulatory authority of the state of Arizona having jurisdiction over public service corporations operating in Arizona.
5. "Billing month." The period between any two regular billings -- approximately 30-day interval.
6. "Billing period." The time interval between two consecutive billings.
7. "Collection main." A sewer main of the Utility from which service collection lines are extended to customers.
8. "Commodity charge." The unit of cost per billed discharge as set forth in the Utility's tariffs.
9. "Contributions in aid of construction." Funds provided to the Utility by the applicant under the terms of a collection main extension agreement and/or service connection tariff the value of which are not refundable.
10. "Customer." The person or entity in whose name service is rendered, as evidenced by the signature on the application or contract for that service, or by the receipt and/or payment of bills regularly issued in his name regardless of the identity of the actual user of the service.
11. "Customer charge." The amount the customer must pay the Utility for the availability of sewer service, excluding any amount of discharged, as specified in the Utility's tariffs.
12. "Day." Calendar day.
13. "Minimum charge." The amount the customer must pay for the availability of sewer service, including an amount of discharge, as specified in the Utility's tariffs.
14. "Permanent customer." A customer who is a tenant or owner of a service location who applies for and receives sewer service.
15. "Permanent service." Service which, in the opinion of the Utility, is of a permanent and established character. The use of sewer service may be continuous, intermittent, or seasonal in nature.
16. "Person." Any individual, partnership, corporation, governmental agency, or other organization operating as a single entity.

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EPCOR Water Arizona Inc.
(Name of Company)

Wastewater Districts
(Name of Service Area)

- 17. "Point of collection." The point where pipes owned, leased, or under license by a customer (i.e., a Service Line, as defined herein) connect to the Utility's collection main.
- 18. "Premises." All of the real property and apparatus employed in a single enterprise on an integral parcel of land undivided by public streets, alleys or railways.
- 19. "Residential subdivision development." Any tract of land that has been divided into six or more contiguous lots for use in the construction of residential buildings or permanent mobile homes for either single or multiple occupancies, and meets the definition of the term "subdivision" as defined in the Arizona Revised Statutes §32-2101.
- 20. "Residential use." Service to customers discharging sewage for domestic purposes.
- 21. "Rules." The regulations set forth in the tariffs which apply to the provision of sewage service.
- 22. "Service area." The territory in which the Utility has been granted a Certificate of Convenience and Necessity and is authorized by the Commission to provide sewer service.
- 23. "Service establishment charge." The charge as specified in the Utility's Schedule of Rates which covers the cost of establishing a new account.
- 24. "Service line (or Service Collection Line)." A sewer line that transports sewage from a customer's premises to a point of collection (normally a collection main) of the Utility's.
- 25. "Service reconnect charge." The charge as specified in the Utility's tariffs which must be paid by the customer prior to reconnection of sewer service each time the sewer service is disconnected for nonpayment or whenever service is discontinued for failure otherwise to comply with the Utility's fixed rules.
- 26. "Service reestablishment charge." A charge as specified in the Utility's tariffs for service at the same location where the same customer had ordered a service disconnection within the preceding 12-month period.
- 27. "Sewage." Ground garbage, human or animal excretions, and other domestic, commercial or industrial waste normally disposed of through a sanitary sewer system.
- 28. "Single family dwelling." A house, an apartment, a mobile home permanently affixed to a lot, or any other permanent residential unit which is used as a permanent home.
- 29. "Tariffs." The documents filed with the Commission which list the services and products offered by the sewer company and which set forth the terms and conditions and a schedule of the rates and charges for those services and products.
- 30. "Temporary service." Service to premises or enterprises which are temporary in character, or where it is known in advance that the service will be of limited duration. Service which, in the opinion of the Utility, is for operations of a speculative character is also considered temporary service.
- 31. "Utility." The public service corporation providing sewer service to the public in compliance with state law.

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DECISION # 76528

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Wastewater Districts
(Name of Service Area)

RULE NO. 2
Establishment of service

A. INFORMATION FROM NEW APPLICANTS

1. A Utility may obtain the following minimum information from each new applicant for service:
 - a. Name or names of applicant(s).
 - b. Service address or location and telephone number.
 - c. Billing address or location and telephone number, if different than service address.
 - d. Address where service was provided previously.
 - e. Date applicant will be ready for service.
 - f. Indication of whether premises have been supplied with Utility service previously.
 - g. Purpose for which service is to be used.
 - h. Indication of whether applicant is owner or tenant of or agent for the premises.
2. Each Utility may require a new applicant for service to appear at the Utility's designated place of business to produce proof of identity and sign the Utility's application form.
3. Where service is requested by two or more individuals the Utility shall have the right to collect the full amount owed to the Utility from any one of the applicants.

B. Deposits

1. A Utility may require a deposit from any new applicant for service.
2. The Utility shall issue a nonnegotiable receipt to the applicant for the deposit. The inability of the customer to produce such a receipt shall in no way impair his right to receive a refund of the deposit which is reflected on the Utility's records.
3. Interest on deposits shall be calculated annually at an interest rate filed by the Utility and approved by the Commission in a tariff proceeding. In the absence of such, the interest rate shall be 6%.
4. Interest shall be credited to the customer's bill annually.
5. Residential deposits shall be refunded within 30 days after:
 - a. 12 consecutive months of service without being delinquent in the payment of Utility bills provided the Utility may reestablish the deposit if the customer becomes delinquent in the payment of bills three or more times within a 12 consecutive month period.

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DECISION NO. 76528

EPCOR Water Arizona Inc.
(Name of Company)

Wastewater Districts
(Name of Service Area)

- b. Upon discontinuance of service when the customer has paid all outstanding amounts due the Utility.
- 6. A separate deposit may be required for each service installed.
- 7. The amount of a deposit required by the Utility shall be determined according to the following terms:
 - a. Residential customer deposits shall not exceed two times the average residential class bill as evidenced by the Utility's most recent annual report filed with the Commission.
 - b. Nonresidential customer deposits shall not exceed 2 1/2 times that customer's estimated maximum monthly bill.
- 8. The Utility may review the customer's discharge after service has been established and adjust the deposit amount based upon the customer's actual discharge.
- 9. Upon discontinuance of service, the deposit may be applied by the Utility toward settlement of the customer's bill.
- C. Grounds for refusal of service.**
A Utility may refuse to establish service if any of the following conditions exist:
 - 1. The applicant has an outstanding amount due for the same class of utilities services with the Utility, and the applicant is unwilling to make arrangements with the Utility for payment.
 - 2. A condition exists which in the Utility's judgment is unsafe or hazardous to the applicant, the general population, or the Utility's personnel or facilities.
 - 3. Refusal by the applicant to provide the Utility with a deposit.
 - 4. Customer is known to be in violation of the Utility's tariffs filed with the Commission or of the Commission's rules and regulations.
 - 5. Failure of the customer to furnish such funds, service, equipment, and/or rights-of-way necessary to serve the customer and which have been specified by the Utility as a condition for providing service.
- D. Service establishments, re-establishments or reconnect charge**
 - 1. A Utility may make a charge as approved by the Commission for the establishment, reestablishment, or reconnection of Utility service.
 - 2. For the purpose of this rule, service establishments are where the customer's facilities are ready and acceptable to the Utility and do not require construction on the part of the Utility.
- E. Temporary service**
 - 1. Applicants for temporary service may be required to pay the Utility, in advance of service establishment, the estimated cost of installing and removing the facilities necessary for furnishing sewer service.
 - 2. Where the duration of service is to be less than one month, the applicant may also be required to advance a sum of money equal to the estimated bill for service.

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Original

SHEET NO. ACC-9

EPCOR Water Arizona Inc.
(Name of Company)

Wastewater Districts
(Name of Service Area)

3. Where the duration of service is to exceed one month, the applicant may also be required to meet the deposit requirements of the Utility.

4. If at any time during the term of the agreement for service the character of a temporary customer's operations changes so that in the opinion of the Utility the customer is classified as permanent, the terms of the Utility's main extension rules shall apply.

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EPCOR Water Arizona Inc.
(Name of Company)Wastewater Districts
(Name of Service Area)**RULE NO. 3**
MINIMUM CUSTOMER INFORMATION REQUIREMENTS**A. INFORMATION FOR RESIDENTIAL CUSTOMERS**

1. Each Utility shall make available upon customer request not later than 60 days from the date of request a concise summary of the rate schedule applied for by such customer. The summary shall include the following:
 - a. Monthly minimum or customer charge, identifying the amount of the charge and the specific amount of minimum discharge included in the minimum charge, where applicable.
 - b. Rate calculation, including where applicable, computations based upon seasonal or annual water usages.
2. The Utility shall to the extent practical identify the tariff most advantageous to the customer and notify the customer of such prior to service commencement.
3. In addition, a Utility shall make available upon customer request not later than 60 days from the date of request a copy of the Commission's rules and regulations governing:
 - a. Deposits
 - b. Terminations of service
 - c. Billing and collection
 - d. Complaint handling.
4. Each Utility shall inform all new customers of their rights to obtain the information specified above.

B. INFORMATION REQUIRED DUE TO CHANGES IN TARIFFS

1. Each Utility shall transmit to affected customers by the most economic means available a concise summary of any change in the Utility's tariffs affecting those customers.
2. This information shall be transmitted to the affected customer within 60 days of the effective date of the change.

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**RULE NO. 4
SERVICE CONNECTIONS**

A. PRIORITY AND TIMING

1. After an applicant has complied with the Utility's application and deposit requirements and has been accepted for service by the Utility, the Utility shall schedule that customer for service connection.
2. Service connections shall be scheduled for completion within five working days of the date the customer has been accepted for service, except in those instances when the customer requests service connection beyond the five working day limitation.
3. When the Utility has made arrangements to meet with a customer for service establishment purposes and the Utility or the customer cannot make the appointment during the prearranged time, the Utility shall reschedule the connection to the satisfaction of both parties.
4. For the purposes of this rule, establishment of service takes place only when the customer's facilities are ready and acceptable to the Utility.

B. CUSTOMER PROVIDED FACILITIES

1. An applicant for service shall be responsible for the installation of all plumbing up to the applicant's property line. In addition, the applicant is responsible for the proper grade or leveling of the sewer connection so that it conforms with the collection system of the Utility.
2. Funds collected for service connections may be nonrefundable contributions to the Utility.

C. CUSTOMER PROVIDED EQUIPMENT, SAFETY AND OPERATION. Each customer shall be responsible for maintaining all equipment and facilities using or used for Utility services located on his side of the point of collection in safe operating condition.

D. EASEMENTS AND RIGHTS-OF-WAY

1. Each customer shall grant adequate easement and right-of-way satisfactory to the Utility to ensure that customer's proper service connection. Failure on the part of the customer to grant adequate easement and right-of-way shall be grounds for the Utility to refuse service.
2. When a Utility discovers that a customer or his agent is performing work or has constructed facilities adjacent to or within an easement or right-of-way and such work, construction or facility poses a hazard or is in violation of federal, state or local laws, ordinances, statutes, rules or regulations, or significantly interferes with the Utility's access to equipment, the Utility shall notify the customer or his agent and shall take whatever actions are necessary to eliminate the hazard, obstruction or violation at the customer's expense.

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RULE NO. 5
COLLECTION MAIN EXTENSION AGREEMENTS

A. GENERAL REQUIREMENTS

1. Each Utility entering into a main extension agreement shall comply with the provisions of this rule, which specifically defines the conditions governing collection main extensions.
2. Upon request by a potential applicant for a collection main extension, the Utility shall prepare, without charge, a preliminary sketch and rough estimate of the cost of installation to be paid by said applicant.
3. Any applicant for a collection main extension requesting the Utility to prepare detailed plans, specifications, or cost estimates may be required to deposit with the Utility an amount equal to the estimated cost of preparation. The Utility shall, upon request, make available within 90 days after receipt of the deposit referred to above, such plans, specifications, or cost estimates of the proposed collection main extension. Where the applicant accepts the plans and the Utility proceeds with construction of the extension, the deposit shall be credited to the cost of construction; otherwise the deposit shall be nonrefundable. If the extension is to include oversizing of facilities to be done at the Utility's expense, appropriate details shall be set forth in the plans, specifications and cost estimates.
4. Where the Utility requires an applicant to advance funds for a collection main extension, the Utility shall furnish the applicant with a copy of the extension tariff of the appropriate Utility prior to the applicant's acceptance of the Utility's extension agreement.
5. All collection main extension agreements requiring payment by the applicant shall be in writing and signed by each party before the Utility commences construction.
6. In the event the Utility's actual cost of construction is different from the amount advanced by the customer, the Utility shall make a refund to or collect additional funds from, the applicant within 120 days after the completion of the construction.
7. The provisions of this rule apply only to those applicants who in the Utility's judgment will be permanent customers of the Utility. Applications for temporary service shall be governed by the Commission's rules concerning temporary service applications.

B. MINIMUM WRITTEN AGREEMENT REQUIREMENTS

1. Each collection main extension agreement shall, at a minimum, include the following information:
 - a. Name and address of applicant(s)
 - b. Proposed service address or location
 - c. Description of requested service
 - d. Description and sketch of the requested main extension
 - e. A cost estimate to include materials, labor, and other costs as necessary
 - f. Payment terms
 - g. A clear and concise explanation of any refunding provisions, if appropriate

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SHEET NO. ACC-13

Wastewater Districts
(Name of Service Area)

- h. The Utility's estimated start date and completion date for construction of the collection main extension
2. Each applicant shall be provided with a copy of the written collection main extension agreement.
- C. MAIN EXTENSION REQUIREMENTS** Each main extension tariff shall include the following provisions:
1. A maximum footage and/or equipment allowance to be provided by the Utility at no charge. The maximum footage and/or equipment allowance may be differentiated by customer class.
 2. An economic feasibility analysis for those main extensions which exceed the maximum footage and/or equipment allowance. Such economic feasibility analysis shall consider the incremental revenues and cost associated with the main extension. In those instances where the requested main extension does not meet the economic feasibility criteria established by the Utility, the Utility may require the customer to provide funds to the Utility, which will make the main extension economically feasible. The methodology employed by the Utility in determining economic feasibility shall be applied uniformly and consistently to each applicant requiring a main extension.
 3. The timing and methodology by which the Utility will refund any advances in aid of construction as additional customers are served off the main extension. The customer may request an annual survey to determine if additional customers have been connected to and are using service from the main extension. In no case shall the amount of the refund exceed the amount originally advanced.
 4. All advances in aid of construction shall be noninterest bearing.
 5. If after five years from the Utility's receipt of the advance, the advance has not been totally refunded the advance shall be considered a contribution in aid of construction and shall no longer be refundable.
- D. RESIDENTIAL SUBDIVISION DEVELOPMENT AND PERMANENT MOBILE HOME PARKS.** Each Utility shall submit as a part of its main extension tariff separate provisions for residential subdivision developments and permanent mobile home parks.
- E. OWNERSHIP OF FACILITIES.**
Any facilities installed hereunder shall be the sole property of the Utility.

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RULE NO. 6
PROVISION OF SERVICE

A. UTILITY RESPONSIBILITY

1. Each Utility shall be responsible for the safe conduct and handling of the sewage from the customer's point of collection.
2. The Utility may, at its option, refuse service until the customer has obtained all required permits and/or inspections indicating that the customer's facilities comply with local construction and safety standards.

B. CUSTOMER RESPONSIBILITY

1. Each customer shall be responsible for maintaining all facilities on the customer's premises in safe operating condition and in accordance with the rules of the state Department of Health.
2. Each customer shall be responsible for safeguarding all Utility property installed in or on the customer's premises for the purpose of supplying Utility service to that customer.

C. CONTINUITY OF SERVICE. Each Utility shall make reasonable efforts to supply a satisfactory and continuous level of service. However, no Utility shall be responsible for any damage or claim of damage attributable to any interruption or discontinuation of service resulting from:

1. Any cause against which the Utility could not have reasonably foreseen or made provision for, i.e., force majeure
2. Intentional service interruptions to make repairs or perform routine maintenance
3. Any temporary overloading of the Utility's collection or treatment facilities.

D. SERVICE INTERRUPTION

1. Each Utility shall make reasonable efforts to reestablish service within the shortest possible time when service interruptions occur.
2. Each Utility shall make reasonable provisions to meet emergencies resulting from failure of service, and each Utility shall issue instructions to its employees covering procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of service.
3. In the event of a national emergency or local disaster resulting in disruption of normal service, the Utility may, in the public interest, interrupt service to other customers to provide necessary service to civil defense or other emergency service agencies on a temporary basis until normal service to these agencies can be restored.
4. When a Utility plans to interrupt service for more than four hours to perform necessary repairs or maintenance, the Utility shall attempt to inform affected customers at least 24 hours in advance of the scheduled date and estimated duration of the service interruption. Such repairs shall be completed in the shortest possible time to minimize the inconvenience to the customers of the Utility.

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SHEET NO. ACC-15

Wastewater Districts
(Name of Service Area)

5. The Commission shall be notified of interruptions in service affecting the entire system or any major division thereof. The interruption of service and cause shall be reported within four hours after the responsible representative of the Utility becomes aware of said interruption by telephone to the Commission and followed by a written report to the Commission.

E. **CONSTRUCTION STANDARDS.** The design, construction and operation of all sewer plants shall conform to the requirements of the Arizona Department of Health Services or its successors and any other governmental agency having jurisdiction thereof. Phase construction is acceptable.

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**RULE NO. 7
BILLING AND COLLECTION**

- A. FREQUENCY.** Each Utility shall bill monthly for services rendered.
- B. MINIMUM BILL INFORMATION.** Each bill for residential service will contain the following minimum information:

1. Billed discharge, where applicable
2. Utility telephone number
3. Amount due and due date
4. Customer's name
5. Service account number, if available
6. Past due amount, where appropriate
7. Adjustment factor, where applicable
8. Other approved tariff charges.

C. BILLING TERMS

2. All bills for Utility services are due and payable no later than 10 days from the date the bill is rendered. Any payment not received within this time-frame shall be considered past due.
3. For purposes of this rule, the date a bill is rendered may be evidenced by:
 - a. The postmark date
 - b. The mailing date.
3. All past due bills for Utility services are due and payable within 10 days. Any payment not received within this time-frame shall be considered delinquent.
4. All delinquent bills for which payment has not been received within five days shall be subject to the provisions of the Utility's termination procedures.
5. All payments shall be made at or mailed to the office of the Utility or to the Utility's duly authorized representative.

D. APPLICABLE TARIFFS, PREPAYMENT, FAILURE TO RECEIVE, COMMENCEMENT DATE, TAXES

1. Each customer shall be billed under the applicable tariff indicated in the customer's application for service.
2. Each Utility shall make provisions for advance payment for sewer services.
3. Failure to receive bills or notices which have been properly placed in the United States mail shall not prevent such bills from becoming delinquent nor relieve the customer of his obligations therein.
4. Charges for service commence when the service is installed and connection made, whether used or not.

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Wastewater Districts
(Name of Service Area)

5. In addition to the collection of regular rates, each Utility may collect from its customers a proportionate share of any privilege, sales or use tax, or other imposition based on the gross revenues received by the Utility.

E. INSUFFICIENT FUNDS (NSF) CHECKS

1. A Utility shall be allowed to recover a fee, as approved by the Commission for each instance where a customer tenders payment for Utility service with an insufficient funds check.
2. When the Utility is notified by the customer's bank that there are insufficient funds to cover the check tendered for Utility service, the Utility may require the customer to make payment in cash, by money order, certified check, or other means which guarantee the customer's payment to the Utility.
3. A customer who tenders an insufficient check shall in no way be relieved of the obligation to render payment to the Utility under the original terms of the bill nor defer the Utility's provision for termination of service for nonpayment of bills.

F. LATE PAYMENT PENALTY

1. Each Utility may include in its tariffs a late payment penalty tariff which may be applied to delinquent bills.
2. The amount of the late payment penalty shall be indicated upon the customer's bill when rendered by the Utility.
3. In the absence of an approved tariff, the amount of the late payment penalty shall not exceed 1-1/2% of the delinquent bill.

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Wastewater Districts
(Name of Service Area)

**RULE NO. 8
TERMINATION OF SERVICE**

A. NONPERMISSIBLE REASONS TO DISCONNECT SERVICE. A Utility may not disconnect service for any of the reasons stated below:

1. Delinquency in payment for services rendered to a prior customer at the premises where service is being provided, except in the instance where the prior customer continues to reside on the premises.
2. Failure of the customer to pay for services or equipment which are not regulated by the Commission.
3. Nonpayment of a bill related to another class of service.
4. Failure to pay for a bill to correct a previous underbilling due to a billing error if the customer agrees to pay over a reasonable period of time.
5. Disputed bills where the customer has complied with the Commission's rules and regulations.

B. TERMINATION OF SERVICE WITHOUT NOTICE

1. Utility service may be disconnected without advance written notice under the following conditions:
 - a. The existence of an obvious hazard to the safety or health of the consumer or the general population.
 - b. The Utility has evidence of fraud.
2. The Utility shall not be required to restore service until the conditions which resulted in the termination have been corrected to the satisfaction of the Utility.
3. Each Utility shall maintain a record of all terminations of service without notice. This record shall be maintained for a minimum of one year and shall be available for inspection by the Commission.

C. TERMINATION OF SERVICE WITH NOTICE

1. A Utility may disconnect service to any customer for any reason stated below provided the Utility has met the notice requirements established by the Commission:
 - a. Customer violation of any of the Commission's rules.
 - b. Failure of the customer to pay a delinquent bill for Utility service.
 - c. Failure to meet or maintain the Utility's credit and deposit requirements.
 - d. Failure of the customer to provide the Utility reasonable access to its equipment and property.
 - e. Customer breach of a written contract for service between the Utility and customer.

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Decision No. 76528

Wastewater Districts
(Name of Service Area)

f. When necessary for the Utility to comply with an order of any governmental agency having such jurisdiction.

2. Each Utility shall maintain a record of all terminations of service with notice. This record shall be maintained for one year and be available for Commission inspection.

D. TERMINATION NOTICE REQUIREMENTS

1. No Utility shall terminate service to any of its customers without providing advance written notice to the customer of the Utility's intent to disconnect service, except under those conditions specified where advance written notice is not required.

2. Such advance written notice shall contain, at a minimum, the following information:

a. The name of the person whose service is to be terminated and the address where service is being rendered.

b. The Commission rule or regulation that was violated and explanation thereof or the amount of the bill which the customer has failed to pay in accordance with the payment policy of the Utility, if applicable.

c. The date on or after which service may be terminated.

d. A statement advising the customer that the Utility's stated reason for the termination of services may be disputed by contacting the Utility at a specific address of phone number, advising the Utility of the dispute and making arrangements to discuss the cause for termination with a responsible employee of the Utility in advance of the scheduled date of termination. The responsible employee shall be empowered to resolve the dispute and the Utility shall retain the option to terminate service after affording this opportunity for a meeting and concluding that the reason for termination is just and advising the customer of his right to file a complaint with the Commission.

E. TIMING OF TERMINATIONS WITH NOTICE

1. Each Utility shall be required to give at least five days' advance written notice prior to the termination date.

2. Such notice shall be considered to be given to the customer when a copy thereof is left with the customer or posted first class in the United States mail, addressed to the customer's last known address.

3. If after the period of time allowed by the notice has elapsed and the delinquent account has not been paid nor arrangements made with the Utility for the payment thereof or in the case of a violation of the Utility's rules the customer has not satisfied the Utility that such violation has ceased, the Utility may then terminate service on or after the day specified in the notice without giving further notice.

F. LANDLORD/TENANT RULE. In situations where service is rendered at an address different from the mailing address of the bill or where the Utility knows that a landlord/tenant relationship exists and that the landlord is the customer of the Utility, and where the landlord as a customer would otherwise be subject to disconnection of service, the Utility may not disconnect service until the following actions have been taken:

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(Name of Company)

Wastewater Districts
(Name of Service Area)

1. Where it is feasible to so provide service, the Utility, after providing notice as required in these rules, shall offer the occupant the opportunity to subscribe for service in his or her own name. If the occupant then declines to so subscribe, the Utility may disconnect service pursuant to the rules.
2. A Utility shall not attempt to recover from a tenant or condition service to a tenant with the payment of any outstanding bills or other charges due upon the outstanding account of the landlord.

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Wastewater Districts
(Name of Service Area)

RULE NO. 9
ADMINISTRATIVE AND HEARING REQUIREMENTS

A. CUSTOMER SERVICE COMPLAINTS

1. Each Utility shall make a full and prompt investigation of all service complaints made by its customers, either directly or through the Commission.
2. The Utility shall respond to the complainant and/or the Commission representative within five working days as to the status of the Utility investigation of the complaint.
3. The Utility shall notify the complainant and/or the Commission representative of the final disposition of each complaint. Upon request of the complainant or the Commission representative, the Utility shall report the findings of its investigation in writing.
4. The Utility shall inform the customer of his right of appeal to the Commission should the results of the Utility's investigation prove unsatisfactory to the customer.
5. Each Utility shall keep a record of all written service complaints received which shall contain, at a minimum, the following data:
 - a. Name and address of the complainant
 - b. Date and nature of the complaint
 - c. Disposition of the complaint
 - d. A copy of any correspondence between the Utility, the customer, and/or the Commission. This record shall be maintained for a minimum period of one year and shall be available for inspection by the Commission.

B. NOTICE BY UTILITY OF RESPONSIBLE OFFICER OR AGENT

1. Each Utility shall file with the Commission a written statement containing the name, address (business, residence and post office) and telephone numbers (business and residence) of at least one officer, agent or employee responsible for the general management of its operations as a Utility in Arizona.
2. Each Utility shall give notice, by filing a written statement with the Commission, of any change in the information required herein within five days from the date of any such change.

C. TIME-FRAMES FOR PROCESSING APPLICATIONS FOR CERTIFICATES OF CONVENIENCE AND NECESSITY

1. This rule prescribes time-frames for the processing of any Application for a Certificate of Convenience and Necessity issued by the Arizona Corporation Commission pursuant to this Article. These time-frames shall apply to applications filed on or after the effective date of this rule.
2. Within 30 calendar days after receipt of an application for a new Certificate of Convenience and Necessity, or to amend or change the status of any existing Certificate of Convenience and Necessity, staff shall notify the

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DECISION #: 76528

EPCOR Water Arizona Inc.
(Name of Company)

Original

Wastewater Districts
(Name of Service Area)

applicant, in writing, that the application is either administratively complete or deficient. If the application is deficient, the notice shall specify all deficiencies.

3. Staff may terminate an application if the applicant does not remedy all deficiencies within 60 calendar days of the notice of deficiency.
4. After receipt of a corrected application, staff shall notify the applicant within 30 calendar days if the corrected application is either administratively complete or deficient. The time-frame for administrative completeness review shall be suspended from the time the notice of deficiency is issued until staff determines that the application is complete.
5. Within 150 days after an application is deemed administratively complete, the Commission shall approve or reject the application.
6. For purposes of A.R.S. § 41-1072 et seq., the Commission has established the following time-frames:
 - a. Administrative completeness review time-frame: 30 calendar days,
 - b. Substantive review time-frame: 150 calendar days,
 - c. Overall time-frame: 180 calendar days.
7. If an applicant requests, and is granted, an extension or continuance, the appropriate time-frames shall be tolled from the date of the request during the duration of the extension or continuance.
8. During the substantive review time-frame, the Commission may, upon its own motion or that of any interested party to the proceeding, request a suspension of the timeframe rules.

D. ACCOUNTS AND RECORDS

1. Each Utility shall keep general and auxiliary accounting records reflecting the cost of its properties, operating income and expense, assets and liabilities, and all other accounting and statistical data necessary to give complete and authentic information as to its properties and operations.
2. Each Utility shall maintain its books and records in conformity with the NARUC Uniform Systems of Accounts for Class A, B, C and D Sewer Utilities.
3. A Utility shall produce or deliver in this state any or all of its formal accounting records and related documents requested by the Commission. It may, at its option, provide verified copies of original records and documents.
4. All utilities shall submit an annual report to the Commission on a form prescribed by it. The annual report shall be filed on or before the 15th day of April for the preceding calendar year. Reports prepared by a certified or licensed public accountant on the Utility, if any, shall accompany the annual report.
5. All utilities shall file with the Commission a copy of all reports required by the Securities and Exchange Commission.

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Decision No. 76528

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DECISION #: 76528

EPCOR Water Arizona Inc.
(Name of Company)

Wastewater Districts
(Name of Service Area)

E. MAPS.

All utilities shall file with the Commission a map or maps clearly setting forth the location and extent of the area or areas they hold under approved certificates of convenience and necessity, in accordance with the Cadastral (Rectangular) Survey of the United States Bureau of Land Management, or by metes and bounds with a starting point determined by the aforesaid Cadastral Survey.

F. VARIATIONS, EXEMPTIONS OF COMMISSION RULES AND REGULATIONS.

Variations or exemptions from the terms and requirements of any of the rules included herein (Title 14, Chapter 2, Article 6) shall be considered upon the verified application of an affected party to the Commission setting forth the circumstances whereby the public interest requires such variation or exemption from the Commission rules and regulations. Such application will be subject to the review of the Commission, and any variation or exemption granted shall require an order of the Commission. In case of conflict between these rules and regulations and an approved tariff or order of the Commission, the provisions of the tariff or order shall apply.

G. PRIOR AGREEMENTS.

The adoption of these rules by the Commission shall not affect any agreements entered into between the Utility and customers or other parties who, pursuant to such contracts, arranged for the extension of facilities in a provision of service prior to the effective date of these rules.

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Wastewater Districts
(Name of Service Area)**RULE NO. 10**
USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS**A. PURPOSE AND POLICY**

This Rule sets forth uniform requirements for industrial discharges into the sanitary sewer system, and also establishes a separate industrial discharge service agreement requirement for industrial users. Implementation of an industrial user pretreatment program is consistent with the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977 (Public Law 95-217) and the general pretreatment regulations contained in Title 40 of the Code of Federal Regulations, Part 403. This program is implemented in the Wastewater Districts to promote consistent application of pretreatment requirements among their customers.

B. DEFINITIONS

The following words when used in this Rule shall have the following meanings:

1. Approved Laboratory Procedures - The test procedures for the analysis of Pollutants as prescribed in 40 CFR Part 136, and amendments thereto that are performed by an environmental laboratory licensed by the state pursuant to A.R.S. Section 36-395. Alternative or additional validated analytical methods may be approved by the Utility consistent with the requirements of applicable federal regulations.
2. BOD (biochemical oxygen demand) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade, expressed in milligrams per liter.
3. Bypass - The intentional diversion of wastes from any portion of a treatment facility.
4. Categorical Standards - Those pretreatment standards specifying quantities or concentrations of Pollutants or Pollutant properties which may be discharged to a POTW by Industrial Users in specific industrial categories and which are published in 40 CFR Chapter 1, Subchapter N (parts 405-471).
5. CFR - Code of Federal Regulations.
6. COD (chemical oxygen demand) - The quantity of oxygen consumed from a chemical oxidation of inorganic and organic matter present in the water or wastewater, expressed in milligrams per liter.
7. Cooling Water - The wastewater discharged from any heat transfer system such as condensation, air conditioning, cooling or refrigeration.
8. Utility - EPCOR Water Arizona Inc.
9. Composite Sample - A combination of individual samples obtained at regular intervals over a specified time period no longer than twenty-four (24) hours. The volume of each individual sample shall be either proportional to the flow rate during the sample period (flow composite) or constant and collected at equal time intervals during the sample period (time composite) as set forth in the Industrial Discharge Service Agreement.

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Decision No. 76528DECISION #: 76528

Wastewater Districts
(Name of Service Area)

RULE NO. 10 (Continued)
USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS

- 10. Composite Sample Quality - The concentration of some parameter tested in a composite sample.
- 11. Daily Average Effluent Limitation - The maximum allowable concentration of a Pollutant in the Discharge as measured in a Representative Sample during a sampling day.
- 12. Discharge - The addition of any Sewage, Pollutant(s), water or any liquid from any sewer user into the Sewage Collection System.
- 13. Districts - All EPCOR ACC-authorized Wastewater Districts.
- 14. Domestic User - Any user who discharges only Domestic Wastewater.
- 15. Domestic Wastewater - Any water-borne wastes, derived from the ordinary living processes in a residential dwelling unit, of such character as to permit satisfactory disposal, without special treatment, by conventional POTW processes.
- 16. Facility - Any establishment or plant producing liquid waste, with or without suspended solids, required to be discharged into the Sewage Collection System.
- 17. Free Access - The ability of the Utility personnel to enter a User's Facility under safe and nonhazardous conditions with a minimum of delay to inspect any and all parts of the User's Facility.
- 18. Garbage - Solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.
- 19. Grab Sample - An individual sample collected in less than fifteen (15) minutes without regard for flow or time of day.
- 20. Grab Sample Quality - The concentration of some parameter tested in a Grab Sample.
- 21. Industrial Discharge - Any introduction into the Sewage Collection System of a non-domestic Pollutant which:
 - a. Is produced by a source which would be subject to any Categorical Standards or Pretreatment Requirements if such source were to be discharged to the POTW, or
 - b. Contains any substance or Pollutant for which a discharge limitation or prohibition has been established by any Categorical Standard or Pretreatment Requirement.
- 22. Industrial Discharge Service Agreement - The separate agreement required by this Rule between the Utility and an individual Industrial User specifying the terms and conditions under which the Industrial User may discharge Industrial Wastes into the Sewage Collection System.

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DECISION # 76528

Wastewater Districts
(Name of Service Area)**RULE NO. 10 (Continued)**
USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS

23. Industrial User - This term includes:
- A source of Industrial Discharge;
 - Any nonresidential user of the Sewage Collection System which discharges more than the equivalent strength of 25,000 gallons per day of domestic wastes.
 - Any Significant Industrial User;
 - A person who has control over the disposal of a waste as described in (a), (b) or (c) above; or
 - A person who has the right of possession and control over any property which produces a waste as described in (a), (b), (c) or (d) above.
24. Industrial Waste - Any liquid, free-flowing waste resulting from any Industrial or manufacturing process or from the development, recovery or processing of natural resources, with or without suspended solids, excluding Non-contact Cooling Water or other uncontaminated water.
25. Instantaneous Maximum Effluent Limitation - The maximum allowable concentration of a Pollutant in the Discharge at any time as measured in a Grab Sample. In determining compliance, Utility samples shall not be combined with non-Utility samples.
26. Interference - A Discharge which, alone or in conjunction with a Discharge or Discharges from other sources that:
- Inhibits or disrupts the POTW, its treatment processes, or operations, or its sludge processes, use or disposal; or
 - May cause a violation of any requirement of any environmentally related permit issued by a governmental entity to the Utility or permits issued to municipalities receiving sewage from the Utility; or
 - May prevent sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA) (including Title 11, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA); the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

National Pretreatment Standard - Any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. Section 1317(b) and (c)) which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

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Wastewater Districts
(Name of Service Area)

RULE NO. 10 (Continued)
USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS

27. Non-contact Cooling Water - Cooling Water that does not come into direct contact with any raw material, intermediate product, waste product or finished product.
28. NPDES Permit - A national pollutant discharge elimination system permit, issued by the EPA or authorized delegate, which imposes federal standards governing the quality of the treated effluent discharged from the POTW.
29. Oil and Grease - The measure of oil and grease content of a sample as determined by EPA Method 413.1, or other equivalent test method approved by the Utility.
30. Oil and Grease (TPH) - The measure of petroleum and mineral oil content of a sample as determined by EPA method 418.1, or other equivalent test method approved by the Utility.
31. Pass Through - A Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a Discharge or Discharges from other sources, is a cause of a violation of any requirement of the POTW NPDES Permit (including an increase in the magnitude or duration of a violation) or which causes or contributes to a violation of an applicable numeric or narrative water quality standard.
32. Person - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, municipality, Indian tribe, political subdivision of the state or federal governmental agency or any other legal entity, including their legal representatives, agents or assigns.
33. pH - The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.
34. Pollutant - Any dredged spoil, solid waste, incinerator residue, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, or industrial, municipal or agricultural wastes.
35. Pretreatment - The physical, chemical, biological or other treatment of any Industrial Wastes prior to Discharge to the POTW, for the purpose of:
 - a. Reducing the amount or concentration of any Pollutant;
 - b. Eliminating the Discharge of any Pollutant; or
 - c. Altering the nature of any Pollutant characteristic to a less harmful state.
36. Pretreatment Requirements - All of the duties or responsibilities imposed upon Industrial Users by this Rule.

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Wastewater Districts
(Name of Service Area)

RULE NO. 10 (Continued)
USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS

37. POTW (Publicly Owned Treatment Works) - The treatment works, including connecting sewer collection system not owned and/or operated by the Utility, which has agreed to provide the Utility with Wastewater collection, treatment and disposal services. For purposes of this rule, POTWs may include other interconnected municipalities.
38. Properly Shredded Garbage - Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-fourth of an inch in any dimension.
39. Representative Sample - A Composite Sample obtained by flow-proportional sampling techniques where feasible. Where flow-proportional sampling is infeasible, the Utility may allow or conduct composite sampling by time proportional techniques or by averaging one or more Grab Samples. "Representative Sample" does not include a composite sample comprised of both Utility and non-Utility samples.
40. Sewage - A combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be incidentally present.
41. Sewage Collection System - All the pipes and conveyances owned and/or controlled by the Utility that collects and/or transports sewage for disposal to the POTW or the Utility's treatment works.
42. Sewage Works - All facilities for collecting, pumping, treating, and disposing of Sewage, including the Sewage Collection System and the POTW, as defined herein.
43. Significant Industrial User - This term includes:
 - a. Users having Discharges subject to Categorical Standards; and
 - b. Any other User that:
 - i. discharges an average of twenty-five thousand (25,000) gallons per day or more of Industrial Waste to the Sewage Collection System;
 - ii. contributes Industrial Waste which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant(s); or
 - iii. regardless of customer classification, is designated by the Utility on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Requirement.
44. Significant Noncompliance - An Industrial User is in a state of Significant Noncompliance when violations meet one or more of the following criteria:

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RULE NO. 10 (Continued)
USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS

- a. Chronic violation of the discharge limits established by this Rule, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the Daily Average Effluent Limitation set forth in this Rule for the same pollutant;
 - b. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each Pollutant taken during a six-month period equal or exceed the product of the Daily Average Effluent Limitation set forth in this Rule multiplied by the applicable TRC (TRC= 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
 - c. Any other violation of a Pretreatment Requirement that the Utility determines has caused, alone or in combination with other Discharges, Interference, Pass Through, or endangerment to the health of Sewage Works personnel or general public;
 - d. Any Discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a Discharge;
 - e. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 - f. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - g. Failure to accurately report noncompliance; or
 - h. Any other violation or group of violations which the Utility determines will adversely affect the operation or implementation of the local pretreatment program.
46. Slug Discharge - Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill, surge-type discharge, or a non-customary batch discharge.
47. Standard Industrial Classification (SIC) - A coded classification of industries based upon economic activity developed by the U.S. Department of Commerce as published in the Standard Industrial Classification Manual, 1972, Office of Management and Budget.
48. Standard Methods - The procedure as described in the most current edition of Standard Methods for the Examination of Water and Wastewater published by the American Health Association, or the most current edition of Manual of Methods for Chemical Analysis of Water and Wastes published by the U.S. Environmental Protection Agency.

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Month Day Year

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ISSUED BY: Sheryl L. Hubbard, Director, Regulatory & Rates
2355 W. Pinnacle Peak Road, Suite 300, Phoenix, AZ 85027

EPCOR Water Arizona Inc.
(Name of Company)

Wastewater Districts
(Name of Service Area)

RULE NO. 10 (Continued)
USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS

- 49. Total Organic Carbon (TOC) - The total of all organic compounds expressed in milligrams per liter as determined by the combustion-infrared method prescribed by Approved Laboratory Procedures.
- 50. Total Suspended Solids (TSS) - Solids measured in milligrams per liter that either float on the surface of or are in suspension in water, Wastewater or other liquids and which are largely removable by a laboratory filtration device, as defined in the Standard Methods.
- 51. Upset - An exceptional incident in which there is unintentional and temporary noncompliance with Pretreatment Requirements because of factors beyond the reasonable control of the Industrial User, excluding noncompliance due to such factors as operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- 52. User - Any person, lot, parcel of land, building, premises, municipal corporation or other political subdivision that discharges, causes or permits the Discharge of Wastewater into the Sewage Collection System.
- 53. Wastewater - Any liquid or pollutant, including an Industrial Discharge, which is introduced into the Sewage Collection System from any source.
- 54. Zero Industrial Discharge User - A user that only discharges domestic wastewater or has no discharge, but has significant quantities of hazardous materials or high strength wastes which, if discharged, would be regulated by this rule. Such user may be regulated by requiring it to maintain zero discharge of industrial wastes, allowing only domestic wastewater to be discharged.

C. INDUSTRIAL WASTE DISCHARGE REQUIREMENTS

- 1. Except as provided herein, no Industrial User shall discharge or cause to be discharged any of the following described water or wastes to the Sewage Collection System:
 - a. Any storm water, surface water, ground water, roof run-off, subsurface drainage, Cooling Water or unacceptably treated Industrial Waste;
 - b. Any Discharge at a temperature greater than 150°F as measured at the point of entry into the Sewage Collection System or at a temperature which could inhibit biological activity, cause Interference of mechanical or biological treatment processes, or cause the temperature of the influent at the POTW to exceed 104°F;
 - c. Any gasoline, naphtha, fuel oil or other flammable or explosive liquid, solid, or gas;
 - d. Any Garbage other than Properly Shredded Garbage;

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Decision No. 76528

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EPCOR Water Arizona Inc.
(Name of Company)

Wastewater Districts
(Name of Service Area)

RULE NO. 10 (Continued)
USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS

- e. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, grit, such as brick, cement, carbides, or any other solids or viscous substances capable of causing obstruction to the flow in the Sewage Collection System or other Interference with the proper operation of the Sewage Works;
- f. Any water or Wastewater which contains a toxic, poisonous, or corrosive substance in sufficient quantities to cause or have the potential to cause interference with any Sewage treatment process, constitutes hazard to humans or animals, or creates any hazard in the receiving waters of the POTW;
- g. Any water or Wastewater containing any Pollutant released at a flow rate and/or Pollutant concentration that will cause Interference at the POTW or the Utility's treatment works;
- h. Any noxious or malodorous gas or substance capable of creating a public nuisance;
- i. Any waste which may contain more than one hundred (100) parts per million by weight of fats, oils, or grease in such quantities so as to require special handling;
- j. Any surface active chemical which would tend to lower the surface tension between liquids, such as between acid and water; any surface active agents used in detergents to cause lathering, the volume or concentration of which would cause excessive foaming in the Sewage Works;
- k. Any water or wastewater that causes a Pass-Through resulting in the POTW violating any NPDES Permit requirement or that causes an obstruction to the flow in the sewage collection system or other interference with the proper operation of the sewage works. Such wastes include petroleum oil, non-biodegradable cutting oil products, or mineral oil origin in amounts that will cause Interference or Pass Through;
- l. Any waste having a pH less than 5.0 or greater than 10.5 or having any corrosive or detrimental characteristics that may cause injury or damage to Wastewater treatment or maintenance personnel, structures, equipment, or other physical facilities of the Sewage Works.
- m. For significant industrial users, any water or Wastewater with Pollutant concentrations in excess of the following Daily Average Effluent Limitations (expressed in the total form unless otherwise stated; µg/l micrograms per liter, mg/l = milligrams per liter):

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Month Day Year

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Wastewater Districts
(Name of Service Area)

RULE NO. 10 (Continued)
USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS

PARAMETER	EFFLUENT LIMITATION (daily average)	PARAMETER	EFFLUENT LIMITATION (daily average)
Arsenic	1 00, µg/l	Mercury	4.6 µg/l
Boron	5600, µg/l	Nickel	5000 µg/l
Cadmium	47, µg/l	Oil & Grease (TPH)	100 mg/l
Chromium	1400, µg/l	Selenium	100 µg/l
Copper	1700, µg/l	Silver	500 µg/l
Cyanide	2000, µg/l	Sulfides	10.0 µg/l
Lead	500 µg/l	Zinc	5400 µg/l

In determining compliance with a daily average effluent limitation, Utility samples shall not be combined with non-Utility samples.

- n. When necessary in the opinion of the Utility, any Water or Wastewater with BOD or TSS concentrations in excess of the following limits:
 - a. 24-hour average 5-day BOD of 250 ml/l by weight; and
 - b. Instantaneous Maximum TSS content of 500 ml/l by weight.
- o. Any water or wastewater with pollutant concentrations in excess of the following instantaneous maximum effluent limitations (expressed in the total form unless otherwise stated; µG/L = Micrograms per Liter, mg/l = Milligrams per Liter):

PARAMETER	EFFLUENT LIMITATION (INSTANTANEOUS MAXIMUM)
Benzene	130 µG/L
Chloroform	420 µG/L
Cyanide (amenable to chlorination)	200 µG/L
Methylene Chloride	4,200 µG/L
Sulfides (dissolved)	0.5 MG/L
Tetrachloroethylene	530 µG/L
Trichloroethylene	700 µG/L

- p. Any of the following prohibited substances:

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Month Day Year

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Wastewater Districts
(Name of Service Area)

RULE NO. 10 (Continued)
USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS

- i. BHC – Alpha
- ii. BHC – Beta
- iii. BHC - Gamma (Lindane)
- iv. Chrysene
- v. Heptachlor
- vi. Heptachlor Epoxide
- vii. Phenanthrene
- viii. Polychlorinated Biphenyl Compounds

- q. Any water added for the purpose of diluting a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Daily Average Effluent Limitation or other limit established by this Rule.
 - r. Any waste requiring an excessive quantity of chlorine or other chemical compound used for disinfection purpose which would result in an excess of 0.05 mg/l residual at the headworks of the POTW or the Utility's treatment works.
 - s. Any waste or dye producing excessive discoloration of Wastewater or POTW's or the Utility's treatment works effluent.
 - t. Any quantities of radioactive material wastes.
 - u. Any substance which creates a fire or explosive hazard in the POTW or the Utility's treatment works, including but not limited to Discharges with a closed-cup flashpoint of less than 140°F or 60°C as determined by the Pensky-Martens Standard D-93-79 or D-93-80, or the Setaflash Standard D-3278-78, or an equivalent test method approved pursuant to 40 CFR §§ 260.20 and 260.21.
 - v. Any hauled wastes, including Industrial Wastes.
2. Industrial users are required to meet all applicable local, state, and federal discharge limits for any regulated Pollutant. Upon the effective date of any federal categorical pretreatment standards, as published in 40 CFR Chapter 1, Subchapter N, for a particular industrial category or subcategory, the federal standards, if more stringent than the limitations imposed under this rule, shall immediately supersede those limitations.
3. In addition to all other requirements, each Industrial User who discharges an Industrial Discharge into the Sewer Collection System shall also:
- a. Provide all the Pretreatment necessary to comply with Categorical Standards and Pretreatment Requirements;
 - b. Maintain a continuous Discharge record which clearly identifies:

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EPCOR Water Arizona Inc.
(Name of Company)

Original

SHEET NO. ACC-34

Wastewater Districts
(Name of Service Area)

RULE NO. 10 (Continued)
USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS

- i. the dates and times of all Industrial Discharges; and
 - ii. the chemical nature, concentration, and volume of all such Industrial Discharges;
- c. Provide the Utility with all the same self-monitoring reports and notices that the Industrial User would be required to submit if it discharged directly to the POTW in accordance with the provisions of 40 CFR 403.12. In particular, the Industrial User shall submit to the Utility:
- i. Baseline Monitoring Reports (40 CFR 403.12 (b));
 - ii. Compliance Schedule Progress Reports (40 CFR 403.12 (c));
 - iii. Reports on compliance with Categorical Pretreatment Standard Deadline (40 CFR 403.12 (d));
 - iv. Periodic reports on Continued Compliance (40 CFR 403.12 (e), (H));
 - v. Notice of potential problems, including Slug Discharges (40 CFR 403.12 (f));
 - vi. Notification of changed Discharge (40 CFR 403.12 (g)); and
 - vii. Notification of hazardous waste Discharge (40 CFR 403.12(p)).
- d. Ensure that all reports and any other documents relating to Industrial Discharges are signed by an authorized representative of the Industrial User in accordance with 40 CFR 403.12 (1);
- e. Retain for a minimum of three (3) years any records of monitoring activities and results; such records shall be available for inspection and copying by the Utility;
- f. Develop a Slug Discharge control plan which outlines discharge practices (including non-routine batch discharges), describes stored chemicals, and contains procedures both to notify the Utility immediately of Slug Discharges and to prevent adverse impacts from any accidental spill; and
- g. To the extent necessary, develop in conjunction with the Utility a compliance schedule for installation of equipment.
4. An Industrial User shall, at its expense, install such Pretreatment devices or systems necessary to treat Industrial Wastes so as not to cause violation of any Daily Average Effluent Limitation or other limit set forth in this Rule prior to discharge to the Sewage Collection System. Such a Pretreatment system or device may serve to:
- a. Restrict or prevent the discharge of certain Pollutants;
 - b. Distribute over a longer period any peak discharge of Industrial Wastes; and/or
 - c. Reduce the concentration of a Pollutant regulated herein to a level equal to or less than the established discharge limitation.

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Decision No. 76528

EPCOR Water Arizona Inc.
(Name of Company)

Wastewater Districts
(Name of Service Area)

RULE NO. 10 (Continued)
USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS

- 5. All Pretreatment systems or devices, including required flow meters, shall be approved by the Utility and, if required, the Arizona Department of Environmental Quality (ADEQ). All Pretreatment systems shall require an engineering design and have plans prepared and stamped by an engineer of suitable discipline licensed in the State of Arizona. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted to the Utility and to all appropriate regulatory agencies with jurisdiction for review and approval. No construction of such facilities shall begin until such approvals are obtained in writing. Purchase and installation of any required Pretreatment system or device shall be at the expense of the Industrial User.
- 6. A grease, oil, and sand interceptor shall be provided when necessary, in the opinion of the Utility, for the proper handling of liquid wastes containing grease, flammable wastes, sand, and other harmful ingredients in excessive amounts, except that such interceptor shall not be required for a building used for residential purposes. All interceptors shall be of a type and capacity approved by the Utility, and shall be so located as to be readily and easily accessible for cleaning and inspection. The Industrial User shall maintain service records for the Utility's review showing date of service and type of service performed for each grease, oil, and sand interceptor installed. Such records shall be retained for a minimum of three (3) years.
- 7. All grease, oil, and sand interceptors shall be purchased, installed, and maintained in continuously efficient operation at the Industrial User's expense.
- 8. The Utility may also require the installation of a pH probe with a recorder at a point prior to any Industrial Discharge entering the Sewage Collection System. This device shall be properly installed and maintained by the Industrial User at its expense.

D. MAINTENANCE OF FACILITIES

Where Pretreatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Industrial User at its own expense and subject to inspection by the Utility.

E. MANHOLES

When required by the Utility, the owner of any property served by a building sewer carrying Industrial Wastes shall install a suitable control manhole in the building sewer to facilitate observation and sampling of wastes. The manhole shall be installed in such a manner as to prevent the Discharge of any storm water, surface water, groundwater, roof run off, Cooling Water or unapproved industrial process water. Such a manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Utility. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. Should the Utility determine an existing manhole is suitable for use as a control manhole, the Utility shall make such designation and a new control manhole shall not be required.

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EPCOR Water Arizona Inc.
(Name of Company)

Wastewater Districts
(Name of Service Area)

RULE NO. 10 (Continued)
USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS

F. TESTS AND ANALYSES

1. All tests and analyses of the characteristics of waters and wastes shall be determined in accordance with Approved Laboratory Procedures, and shall be determined at the control manhole provided for in the preceding section and upon Representative Samples taken at such control manhole. All sampling, analyses and flow measurements of Industrial Wastes shall be performed by an independent laboratory or by the laboratory of the Industrial User approved by the Utility and licensed by the Arizona Department of Health Services. Prior to submittal to the Utility of data developed in the contracted laboratory of an industrial User, the results shall be certified by a responsible administrative official of the Industrial User.
2. Those Industrial Users required to make periodic measurements of flow volumes and constituents shall do so at a frequency and in such a manner as determined by the Utility. Measurements to certify the quantities of waste flows and waste constituents reported by Industrial Users will be conducted on a random basis by personnel of the Utility.

G. INDUSTRIAL DISCHARGE SERVICE AGREEMENT

1. Each Industrial User who proposes to begin a new Industrial Discharge or modify an existing Industrial Discharge into the Sewer Collection System shall:
 - a. Submit to the Utility a completed Industrial Discharge Questionnaire, the form and content of which will be provided by the Utility to the customer.
 - b. Test the proposed Industrial Waste Discharge for the presence of Pollutants for which Daily Average Effluent Limitations are established by this Rule and provide the Utility with such test results from an Arizona Department of Health Services licensed laboratory. The proposed Industrial Waste discharge also shall be tested for pH, BOD, and TSS concentration.
 - c. If the Industrial User is a Significant Industrial User, provide such additional information as necessary AND enter into an Industrial Discharge Service Agreement with the Utility, substantially in the form attached as Exhibit A to this Rule;
2. Industrial Users in existence upon the effective date of this Rule shall complete and submit an Industrial Discharge Questionnaire for evaluation by the Utility within forty-five (45) days after the effective date of this Rule. Significant Industrial Users in existence upon the effective date of this Rule must execute an Industrial Discharge Service Agreement within ninety (90) days of the effective date of this Rule.

H. PRETREATMENT PROGRAM ENFORCEMENT AND RESPONSE GUIDELINES

1. The goal of the Pretreatment program is to protect the environment, public, and both Utility and POTW workers and to obtain compliance with all applicable laws and regulations by those regulated dischargers into the POTW.

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Month Day Year

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DECISION # 76528

EPCOR Water Arizona Inc.
(Name of Company)

Wastewater Districts
(Name of Service Area)

RULE NO. 10 (Continued)

USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS

- 2. Violation of this Rule or of any provision of an Industrial Discharge Service Agreement is cause for termination of service or other appropriate Enforcement Response, as defined below.
- 3. "Enforcement Response" shall include but is not limited to the following:
 - a. Inspection by the Utility of an Industrial User's Facility;
 - b. Notice of violation;
 - c. Increased monitoring and testing;
 - d. Report of violations to interconnect municipalities, ADEQ, and/or EPA;
 - e. Termination of service with notice, pursuant to applicable Arizona Corporation Commission rules;
 - f. Termination of service without notice, pursuant to applicable Arizona Corporation Commission rules; and/or
 - g. Any and all remedies specifically provided in the Industrial Discharge Service Agreement.
- 4. In determining the appropriate Enforcement Response the Utility shall consider the following factors:
 - a. Consideration of previous compliance history;
 - b. Length of violation;
 - c. Number of violations;
 - d. Seriousness of effects to the Sewage Works;
 - e. Potential effects to the public health; and
 - f. Any other relevant factors.
- 5. Violation of this rule could result in enforcement or other legal action against the Industrial User by interconnected municipalities, the Arizona Department of Environmental Quality and/or the U.S. Environmental Protection Agency. These entities are authorized by law to impose monetary penalties of up to \$25,000 per day per violation.

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EPCOR Water Arizona Inc.
(Name of Company)

Wastewater Districts
(Name of Service Area)

RULE NO. 10 (Continued)
USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS

I. PUBLICATION OF NONCOMPLIANCE LIST

At least annually, the Utility, itself or in cooperation with the POTW, shall publish in the largest local newspaper of general circulation a list of all Industrial Users which at any time during the previous twelve (12) month period were in Significant Noncompliance. In addition, the Utility shall provide to the POTW all information necessary to reflect Industrial Users subject to this Rule in its annual report to EPA required by 40 CFR 403.12(i).

J. LIABILITY OF USER

Any residential or commercial user, or Industrial User who causes the discharge of Industrial Wastes which results in damage to an interconnected municipality, Interference, Pass Through, Upset, or any other damages resulting in costs to a municipality, shall be liable to the municipality, as appropriate, and shall indemnify and hold the Utility harmless for all damages occasioned thereby.

K. INSPECTION AND MONITORING

1. Industrial Users shall provide the Utility with Free Access in order to monitor compliance with Pretreatment Requirements. The Utility may, in furtherance of the stated purpose and policy of this Rule:

- a. Enter the User's premises at reasonable times;
- b. Inspect generally for compliance;
- c. Take independent samples;
- d. Require installation of monitoring equipment; and
- e. Inspect and copy records.

2. Representatives of interconnected municipalities may accompany the Utility in conducting any such inspection and monitoring.

L. ACCESS TO INFORMATION AND CONFIDENTIALITY

1. Reports, documents, testing and sampling data, and any other information required to be submitted to the Utility pursuant to Rule 10 or the Industrial Discharge Service Agreement may be claimed as confidential by the customer, if the customer is able to demonstrate to the satisfaction of the Utility that the release of such information would divulge information entitled to protection as trade secrets of the customer. Any claim of confidentiality must be asserted at the time of submission by stamping the words "Confidential Business Information" on each page containing such information. If no claim is made at the time of submission, the Utility may make the information available to the public without further notice.

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EPCOR Water Arizona Inc.
(Name of Company)

Wastewater Districts
(Name of Service Area)

RULE NO. 10 (Continued)
USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS

- 2. When requested by the customer, those portions of any reports, documents, testing and sampling data, by other information which are entitled to confidentiality under Paragraph (1) shall not be made available to the public, but shall be made available upon written request to governmental agencies for uses related to the industrial user pretreatment program established by Rule 10.
- 3. Information and data provided to the Utility which is effluent data shall upon written request be available to the public.

A copy of the standard Industrial Discharge Service Agreement is displayed on Rule 10, Exhibit A.

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Month Day Year

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Decision No. 76528

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DECISION #: 76528

EPCOR Water Arizona Inc.
(Name of Company)

Wastewater Districts
(Name of Service Area)

**RULE 10
EXHIBIT A**

INDUSTRIAL DISCHARGE SERVICE AGREEMENT

THIS INDUSTRIAL DISCHARGE SERVICE AGREEMENT (the "Agreement") made and entered into this _____ day of _____, 20____, by and between EPCOR Water Arizona Inc. (hereinafter, the "Utility") and _____ (hereinafter, the "Customer"),

WITNESSETH:

WHEREAS, the Arizona Corporation Commission has issued a tariff for this District establishing the terms and conditions under which the Utility may provide sewage collection service to customers in this certificated area:

WHEREAS, Rule 10 of such tariff establishes an industrial wastewater pretreatment program to protect the environment, the public, and Utility workers from hazards associated with non-domestic wastewater;

WHEREAS, Rule 10 further provides that Significant Industrial Users shall enter into individual Industrial Discharge Service Agreements with the Utility proscribing the specific terms and conditions under which nondomestic, or industrial, wastewater may be discharged to the Utility's sewage collection system;

WHEREAS, the Utility has determined that the Customer is a Significant Industrial User within the meaning of Rule 10;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the Utility and the Customer hereby mutually agree and undertake as follows:

PART I - DEFINITIONS

Capitalized terms used herein shall have the meanings set forth in this Agreement or in Rule 10.

1. **Bypass** - The intentional diversion of wastes from any portion of a treatment facility.
2. **Utility** - EPCOR Water Arizona Inc., an Arizona corporation.
3. **Composite Sample** - A combination of individual samples obtained at regular intervals over a specified time period no longer than twenty-four hours. The volume of each individual sample shall be either proportional to the flow rate during sample period (flow composite) or constant and collected at equal time intervals during sample period (time composite), as defined in Part 11 of this permit.
4. **Cooling Water** - The Wastewater discharged from any heat transfer system such as condensation, air conditioning, cooling or refrigeration.
 - a. **Non-Contact Cooling Water**: Cooling Water that does not come into direct contact with any raw material, intermediate product, waste product or finished product.

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EPCOR Water Arizona Inc.
(Name of Company)

Wastewater Districts
(Name of Service Area)

RULE 10
EXHIBIT A

- b. Contaminated Cooling Water: Cooling Water which may become contaminated, either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or Wastewater.
5. Customer - _____, a(n) _____.
6. **Daily Average Effluent Limitation** - The maximum allowable concentration of a Pollutant in the Discharge as measured in a Representative Sample during a sampling day.
7. **Environmental Laws** - All present and future laws and any amendments, permits, and other requirements of governmental authorities applicable to the Customer's Facility and relating to the environment, health or safety, environmental conditions. Environmental Laws includes but is not limited to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 et seq. ("CERCLA"); the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et seq. ("RCRA"); the Hazardous Materials Transportation Act, 49 U.S.C. §§ 1801 et seq.; the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 to 136y; the Federal Water Pollution Control Act, as amended by the Clean Water Act, 33 U. S. C. §§ 1251 et seq.; the Clean Air Act, 42 U. S. C. §§ 7401 et seq.; the Toxic Substances Control Act, 15 U.S.C. §§ 2601-2671; the Safe Drinking Water Act, 42 U.S.C. §§ 300f-300j-26; the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. §§ 101 et seq.; Title 49 of the Arizona Revised Statutes; and any regulations promulgated pursuant to such listed federal and state statutes.
8. **Grab Sample** - An individual sample collected in less than fifteen (15) minutes, without regard for flow or time of day.
9. **Instantaneous Maximum Effluent Limitation** - The maximum concentration of a Pollutant in the Discharge at any time as measured in a Grab Sample.
10. **Pretreatment Requirements** - All of the duties or responsibilities imposed upon Industrial Users by Rule 10.
11. **Representative Sample** - A Composite Sample obtained by flow-proportional sampling techniques where feasible. Where flow-proportional sampling is infeasible, the Utility may allow or conduct composite sampling by time-proportional techniques or by averaging one or more Grab Samples.
12. **TTO** - Total Toxic Organic Compounds as listed on Attachment II.
13. **Upset** - An exceptional incident in which there is unintentional and temporary noncompliance with Pretreatment Requirements, because of factors beyond the reasonable control of the Customer, excluding noncompliance due to such factors as operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance or careless or improper operation.

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EPCOR Water Arizona Inc.
(Name of Company)

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SHEET NO. ACC-42

Wastewater District
(Name of Service Area)

**RULE 10
EXHIBIT A**

PART II - WASTEWATER DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

A. During the term of this Agreement, the Customer may discharge Industrial Waste into the Sewage Collection System through Customer's building sewer or wastewater treatment system at the location specified below:

[Insert exact location of connection, e.g., "through the 12 inch Palmer Bowles Flume receiving wastewater discharges from the facility's treatment system."]

B. The Customer agrees not to discharge Industrial Wastes to the Sewage Collection System other than that generated by the following processes or operations:

[List specific processes generating industrial waste, e.g., electrolysis plating, chemical milling and etching, anodizing, printed circuit board manufacturing, and associated rinses.]

C. The Customer shall monitor all Industrial Wastes discharged to the Sewage Collection System. Sampling shall be performed at the sampling location depicted in Attachment 1, and samples analyzed according to Approved Laboratory Procedures for the parameters listed below. The Customer's Industrial Waste discharged to the Sewage Collection System shall not exceed the following limitations, derived from Rule 10.

(LIMITATIONS INCLUDED IN THIS INDUSTRIAL DISCHARGE SERVICE AGREEMENT MAY VARY; SIGNIFICANT INDUSTRIAL USERS SUBJECT TO FEDERAL CATEGORICAL PRETREATMENT REQUIREMENTS SHALL COMPLY WITH THE MORE STRINGENT OF THE RULE 10 REQUIREMENT OR THE CATEGORICAL REQUIREMENT)

ISSUED: March 12, 2018
Month Day Year

EFFECTIVE: April 1, 2018
Month Day Year

ISSUED BY: Sheryl L. Hubbard, Director, Regulatory & Rates
2355 W. Pinnacle Peak Road, Suite 300, Phoenix, AZ 85027

Decision No. 76528

APPROVED FOR FILING

DECISION #: 76528

EPCOR Water Arizona Inc.
(Name of Company)

Wastewater Districts
(Name of Service Area)

**RULE 10
EXHIBIT A**

Effluent Limitations(I)			
Parameter	Daily Average	Sampling Frequency	Sample(3) Type
Flow, gpd	xx(2)	Continuous	Metered
pH (s.u.)	Xx	Continuous	Metered
Cyanide(T(4))	Xx	3 monthly	Grab
Cadmium	Xx	3 monthly	Composite
Chromium	Xx	3 weekly	Composite
Copper	Xx	3 weekly	Composite
Lead	Xx	3 monthly	Composite
Nickel	Xx	3 monthly	Composite
Silver	Xx	3 monthly	Composite
Zinc	Xx	3 monthly	Composite
TTO(5)	Xx	2 monthly	Composite/Grab
TSS	Xx	TBD	Composite/Grab
BOD	Xx	TBD	Composite/Grab
FOG (fats, oil, & grease)	Xx	TBD	Composite/Grab

NOTES:

1. Unless otherwise noted, all limitations are in concentration units of mg/l. [Prepare separate tables for Daily Average Effluent Limitations and INSTANTANEOUS Maximum Effluent Limitations]
2. To be determined.
3. Sample Location - Downstream of pretreatment facilities at sampling and metering vault or control manhole (see Attachment I for location).
4. Cyanide limitations apply, and monitoring shall occur downstream of Cyanide pretreatment facilities prior to combining with other flows.
5. TTO compounds to be monitored are specified in Attachment II. Monitoring requirements are specified in Part III.A.5. Grab Samples for volatile organics;

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DECISION # 76528

EPCOR Water Arizona Inc.
(Name of Company)

Original

SHEET NO. ACC-44

Wastewater Districts
(Name of Service Area)

RULE 10
EXHIBIT A

PART III - REPORTING REQUIREMENTS

A. PERIODIC MONITORING REPORT

- 1. All reporting, including written notifications, oral notifications, and discharge monitoring reports, required under this Agreement shall, unless otherwise specified, be addressed to:

For the Utility:

For the Customer:

EPCOR Water Arizona Inc.
2355 W Pinnacle Peak Road
Suite 300
Phoenix, Arizona 85027
Attention: Industrial Pretreatment Program

- 2. The Customer shall summarize and report monitoring results on an Industrial User Monitoring Report Form once per month. Completed Industrial User Monitoring Reports shall be submitted to the Utility on the 28th day of each month, and shall include the results of monitoring for the prior calendar month. This monthly report must be postmarked, or delivered to the Utility's above address, no later than the due date. In the absence of a legible postmark, the Utility will consider any report received within five (5) calendar days of the due date as being received on time. The first report is due on 00/00/00, and shall contain the information required for any prior calendar month for which such information has not been previously submitted. Each report should indicate the nature and concentration of all Pollutants in the Discharge which are regulated by the limits set forth in Part 11.
- 3. If the Customer monitors any Pollutant more frequently than required by this Agreement, using Approved Laboratory Procedures, the results of such monitoring shall be included in the calculation and results shall be reported in the monthly report and submitted to the Utility. Such increased monitoring frequency also shall be indicated on the monthly report.
- 4. Monitoring for Total Toxic Organics (TTO), when required by this Agreement, is to be performed for all toxic organics listed in Attachment 11 reasonably expected to be present. In lieu of monitoring for TTO, the Customer may, with the Utility's approval, submit the following semi-annual certification:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Daily Average Effluent Limitation for total toxic organics (TTO), I certify that to the best of my knowledge and belief, no disposal of concentrated toxic organics into the wastewater has occurred since filing of the last semi-annual compliance report. I further certify that this facility is implementing the toxic organic management plan submitted by it to EPCOR Water Arizona Inc. on [date submitted]."

This semi-annual certification is to be submitted with those monthly compliance reports due on the 28th of August and February of each year.

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Month Day Year

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Decision No. 76528

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DECISION #: 76528

EPCOR Water Arizona Inc.
(Name of Company)

Original

SHEET NO. ACC-45

Wastewater Districts
(Name of Service Area)

**RULE 10
EXHIBIT A**

B. NOTIFICATION OF NONCOMPLIANCE

The Customer shall notify the Utility within 24 hours of becoming aware of a Discharge which is known or suspected to be in violation with any limitation or provision of this Agreement and/or Rule 10.

During normal business hours, 8:00 a.m. to 4:00 p.m., the Utility should be notified by telephone at (623) 445- 2431. At all other times, the Utility should be notified by telephone at (623) 445-2431, or by facsimile (FAX) at (623) 587-1044. The notification shall include location of Discharge; date and time thereof, type of waste, including concentration and volume; and corrective actions taken.

C. WRITTEN REPORT ON NONCOMPLIANCE

Within five (5) calendar days of becoming aware of a Slug Discharge or accidental spill which results in a violation of any limitation or prohibition specified in this Agreement or Rule 10, the Customer shall submit a detailed written report to the Utility specifying:

1. The cause of the Slug Discharge or accidental spill, and the impact on the Customer's compliance status (if the cause of the incident has not been definitively determined, the report shall propose a detailed plan and schedule describing the steps to be taken to determine the cause);
2. The location of the Discharge, and type, concentration, and volume of waste;
3. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur, and
4. All steps taken or to be taken to reduce, eliminate, and prevent other conditions of noncompliance.

D. AUTOMATIC RESAMPLING

If the results of the Customer's analysis of its Industrial Waste indicate a violation has occurred, the Customer shall repeat the sampling and Pollutant analysis, and submit to the Utility, in writing, the results of such second analysis within thirty (30) days of becoming aware of the first violation.

The Customer is not required to resample if the Utility:

1. Performs sampling at the same sampling point for the same Pollutant at a frequency of at least once per month.
or
2. Obtained a sample at the same sampling point for the same Pollutant between the time the Customer performed its sampling and the time the Customer receives the results of the sampling.
or

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Decision No. 76528

APPROVED FOR FILING

EPCOR Water Arizona Inc.
(Name of Company)

Original

SHEET NO. ACC-46

Wastewater Districts
(Name of Service Area)

**RULE 10
EXHIBIT A**

3. Resamples on the Customer's behalf within 48 hours of receiving notice from the Customer of the violation.

PART IV - SPECIAL CONDITIONS/COMPLIANCE SCHEDULE [IF APPLICABLE]

A. SETTLEMENT AGREEMENT

Nothing in this Agreement shall be construed as to allow noncompliance with the provisions of Pretreatment Settlement Agreement No. 00000, dated and effective as of 00/00/00 between the Utility and the Customer.

B. COMPLIANCE SCHEDULE

The compliance schedule incorporated into the above referenced agreement, and as may be amended subject to the provisions of the agreement, is hereby made an enforceable condition for compliance with this Agreement.

PART V - STANDARD CONDITIONS

A. GENERAL CONDITIONS AND DEFINITIONS

1. Term of the Agreement

This Agreement shall operate for an initial term of five (5) years beginning on the date stated above, unless sooner terminated in accordance with the provisions hereof. This Agreement may be renewed by the Customer upon written notice to the Utility in accordance with paragraphs 11 and/or 12 below.

2. Severability

The provisions of this Agreement are severable. If any provision of this Agreement, or the application of any provision of this Agreement to any circumstances, is held invalid, the application of such provision to other circumstances and the remainder of this Agreement shall not be affected thereby.

3. Duty to Comply

The Customer must comply with all conditions of this Agreement. Failure to comply with the requirements of this Agreement shall be grounds for termination of service or other appropriate Enforcement Response, as determined by the Utility pursuant to Rule 10.

4. Duty to Mitigate

The Customer shall, at his sole cost and expense, take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Agreement, including such accelerated or additional monitoring as necessary to determine the nature and impact of any noncomplying Discharge.

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EPCOR Water Arizona Inc.
(Name of Company)

Original

SHEET NO. ACC-47.

Wastewater Districts
(Name of Service Area)

**RULE 10
EXHIBIT A**

5. Amendment of Agreement

This Agreement may be modified for good cause, including, but not limited to, the following:

1. New or revised federal, state, or local pretreatment standards or requirements;
2. Material or substantial alterations or additions to the Customer's operation or processes which are not covered in this Agreement;
3. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized Discharge;
4. Upon reasonable request of the Customer, provided that granting such request does not create a violation of any existing applicable requirements, standards, laws, or rules and regulations. A request by the Customer for a permit modification, or a notification of planned changes or anticipated noncompliance, does not stay any provision in this Agreement.

6. Utility's Right of Termination Upon Customer's Default

1. In the event that at any time during the term of this Agreement the Customer shall:

- i. Discharge Industrial Wastes such that the Discharge poses a threat to the Utility's collection or treatment systems, the POTW, wastewater treatment plant personnel, to the receiving waters, or will adversely impact the environment;
- ii. Knowingly making any false statement on any report or other document required by this Agreement or Rule 10, or knowingly rendering any monitoring device or method inaccurate;

[List additional violations that shall be cause for termination of the Agreement]

and any such failure or violation is not commenced to be cured within fifteen (15) days after the date the Utility serves written notice of default or violation on the Customer pursuant to paragraph V.A.5.a above, and the default is not cured in a diligent manner within a reasonable period of time after commencement, then the Utility may, at its option and in addition to any remedy provided for in this Agreement, terminate the Agreement by written notice to the Customer of its intention to do so.

2. No act by or on behalf of the Utility shall constitute a termination unless the Utility gives the Customer notice of termination in writing. Such termination shall not relieve or release the Customer from any obligation incurred pursuant to this Agreement prior to the date of such termination.

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Month Day Year

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2355 W. Pinnacle Peak Road, Suite 300, Phoenix, AZ 85027

Decision No. 76528

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EPCOR Water Arizona Inc.
(Name of Company)

Wastewater Districts
(Name of Service Area)

**RULE 10
EXHIBIT A**

3. Termination of the Agreement under this paragraph shall not relieve the Customer from the obligation to pay any sum due to the Utility or from any claim for damages against the Customer. The right of termination provided by this paragraph is not exclusive and shall be cumulative to all other rights and remedies possessed by the Utility, and nothing contained herein shall be construed so as to defeat any other rights or remedies to which the County may be entitled.

7. Property Rights

This Agreement does not convey any property rights of any sort, or any exclusive privileges. Nor does it authorize any injury to private property or any invasion of personal rights, or any infringement of federal, state, or local laws or regulations.

8. Limitation on Transfer

This Agreement relates to a specific user for a specific operation, and is not assignable to another user or transferable to any other location. Prior to the effective date of sale or transfer of ownership of its Facility, the Customer must inform the purchaser or transferee of its obligation to enter into an Industrial Discharge Service Agreement, and provide written notification to the Utility.

9. Duty to Reapply

If the Customer wishes to continue an activity authorized by this Agreement after the expiration of its term, the Customer must renew this Agreement or enter into a new Agreement. The request for renewal must be submitted at least 60 calendar days before the expiration of the term of this Agreement, unless the parties mutually agree to an extension of time.

10. Automatic Extension of Permit

Subject to the Utility's right to amend, modify, or terminate this Agreement, it shall continue to remain in full force and effect after the date of expiration if the Customer has applied for a renewal in accordance with Part V A. 11., and the Utility fails to execute a new Agreement prior to the expiration date.

11. Dilution

The Customer shall not increase the use of potable or process water, or in any way attempt to dilute an Industrial Waste as a partial or complete substitute for adequate treatment to achieve compliance with the limitations set forth in this Agreement. Any attempt to use dilution, as stated above, shall result in immediate termination of this Agreement.

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DECISION # 76528

**RULE 10
EXHIBIT A**

12. Adverse Impact

The Customer shall take all reasonable steps to minimize any adverse impact to the POTW or the Utility's treatment works resulting from noncompliance with any discharge limitation specified in this Agreement, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying Discharge. The Customer shall immediately notify the Utility of Slug Discharges, spills that may enter the public sewer, or any other significant changes in operations, wastewater characteristics, and constituents.

13. General Prohibitive Standards

The Customer shall comply with all the general prohibitive discharge standards in Rule 10.

14. Indemnification

The Customer will indemnify and hold harmless the Utility, its officers, agents, servants, and employees, from and against any and all suits, actions, legal proceedings, claims, demands, costs, orders (including consent and clean-up orders) and expenses (including engineering and attorneys' fees) pertaining to its Discharge of Industrial Wastes and due to (i) personal injury, including death or disease, and property damage, including environmental contamination, (ii) any violation of Environmental Laws, and/or (iii) any breach or violation of this Agreement by Customer. The provisions of this paragraph shall survive the expiration or termination of this Agreement.

B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The Customer shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Customer to achieve compliance with the provisions of this Agreement and Rule 10. Proper operation and maintenance includes, but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to comply with this Agreement and/or Rule 10.

2. Duty to Halt or Reduce Activity

Upon reduction, loss, or failure of the treatment facility, the Customer shall, to the extent necessary to maintain compliance with this Agreement, control production or all Discharges, or both, until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. **IT SHALL NOT BE A DEFENSE FOR THE CUSTOMER IN AN ENFORCEMENT ACTION THAT IT WOULD HAVE BEEN NECESSARY TO HALT OR REDUCE THE DISCHARGING ACTIVITY IN ORDER TO MAINTAIN COMPLIANCE WITH THE CONDITIONS OF THIS AGREEMENT.**

ISSUED: March 12, 2018
Month Day Year

EFFECTIVE: April 1, 2018
Month Day Year

ISSUED BY: Sheryl L. Hubbard, Director, Regulatory & Rates
2355 W. Pinnacle Peak Road, Suite 300, Phoenix, AZ 85027

Decision No. 76528

APPROVED FOR FILING
DECISION #: 76528

Wastewater Districts
(Name of Service Area)

**RULE 10
EXHIBIT A**

3. Bypass of Treatment Facilities

- a. **BYPASS IS PROHIBITED** under this Agreement unless it is unavoidable to prevent loss of life, personal injury, or severe property damage.
- b. **Bypass not exceeding limitations:** The Customer may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation.
- c. **Notification of Bypass:**
 - i. **Anticipated Bypass:** If the Customer knows in advance of the need for a bypass, it shall submit prior written notice, at least 10 days before the date of the bypass, to the Utility. All anticipated Bypasses must be monitored and metered.
 - ii. **Unanticipated Bypass:** The Customer shall immediately notify the Utility of any unanticipated Bypass and submit a follow-up written report to the Utility within five (5) days. This report shall specify:
 - 1. A description of the Bypass, and its cause, including its duration;
 - 2. Whether the Bypass has been corrected; and
 - 3. The steps being taken or to be taken to reduce, eliminate and prevent reoccurrence of the Bypass.

4. Removed Substances

Solids, sludge, filter backwash, or other Pollutants removed by the Customer in the course of treatment or control of Wastewater shall be disposed of in accordance with Environmental Laws.

C. MONITORING AND RECORDS

1. Representative Sampling

Samples and measurements taken as required herein shall be Representative Samples. All samples shall be taken at the monitoring points specified on Attachment I to this Agreement, and, unless otherwise specified, before the Discharge joins or is diluted by any other waste stream, body of water, or substance. All equipment used for sampling and analysis must be routinely calibrated and inspected and maintained to ensure their accuracy. Monitoring points shall not be changed without notification to, and the approval of, the Utility. The Customer shall maintain records of routine equipment calibrations, maintenance activities, and inspections.

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Decision No. 76528

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DECISION #: 76528

EPCOR Water Arizona Inc.
(Name of Company)

Original

Wastewater Districts
(Name of Service Area)

RULE 10
EXHIBIT A

2. Flow Measurements

If flow measurement is required by this Agreement, the appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used by the Customer to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than ten (10) percent from true discharge rates throughout the range of expected discharge volumes.

3. Inspection and Entry

The Customer shall allow the Utility, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. have safe access to any areas of the Facility that will be inspected by the authorized representative;
- b. enter at any time during normal hours of operation upon the Customer's premises where the Facility or activity is located or conducted, or where records must be kept under the provisions of this Agreement;
- c. have access to and copy, at reasonable times, any records that must be kept under the provisions of this Agreement;
- d. inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations subject to this Agreement;
- e. sample or monitor, for the purposes of assuring compliance with this Agreement, any substances or parameters at any location; and
- f. inspect any production, manufacturing, fabricating, or storage area where Pollutants could originate.

4. Retention of Records

- a. The Customer shall retain records of all monitoring information, including all calibration and maintenance records, and any original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Agreement, and records of any data used to complete the Industrial Waste Questionnaire required by Rule 10, for a period of at least three (3) years from the date of the sample, measurement, report, or questionnaire. This period may be extended by request of the Utility at any time.
- b. All records that pertain to matters that are the subject of special orders, or any other enforcement or litigation activities brought by the Utility or other appropriate agency, shall be retained and preserved by the Customer until all such activities have concluded, and all periods of limitation with respect to any and all appeals have expired.

ISSUED: March 12, 2018
Month Day Year

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Decision No. 76528

DECISION # 76528

EPCOR Water Arizona Inc.
(Name of Company)

Wastewater Districts
(Name of Service Area)

**RULE 10
EXHIBIT A**

5. Record Contents

Records of sampling information shall include:

- a. The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures;
- b. The names of persons who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The names of persons who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

D. ADDITIONAL REPORTING REQUIREMENTS

1. 90-Day Compliance Report [if applicable]

Within ninety (90) days following the final compliance date listed on the compliance schedule specified in Part III of this Agreement, the Customer shall submit a final compliance report. The Customer shall sample its Wastewater for the Pollutants specified in Part 11, and shall report the results of such sampling. Any reasons for not complying and steps being taken by the User to comply shall be part of the report.

2. Planned Changes

The Customer shall give notice to the Utility not less than ninety (90) days prior to any Facility expansion, production increase, or process modifications which results or may result in new or increased Discharges or a change in the nature of the Discharge.

3. Anticipated Noncompliance

The Customer shall give advance notice to the Utility of any planned changes in the Facility, or activity which may result in noncompliance with the requirements of this Agreement.

ISSUED: March 12, 2018
Month Day Year

EFFECTIVE: April 1, 2018
Month Day Year

ISSUED BY: Sheryl L. Hubbard, Director, Regulatory & Rates
2355 W. Pinnacle Peak Road, Suite 300, Phoenix, AZ 85027

Decision No. 76528

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DECISION #: 76528

EPCOR Water Arizona Inc.
(Name of Company)

Wastewater Districts
(Name of Service Area)

**RULE 10
EXHIBIT A**

4. Duty to Provide Information

The Customer shall furnish to the Utility, within a reasonable time, any information which the Utility may request to determine whether cause exists for modifying or terminating this Agreement, or to determine compliance with this Agreement. The Customer shall also furnish to the Utility upon request, copies of records required to be kept by this permit or other information reasonably needed by the Utility.

5. Signatory Requirements

This Agreement and any reports required herein shall be signed by the appropriate signatory, as listed below:

- a. For a corporation: by a corporate officer or other persons performing a similar policy or decision making function for the corporation;
- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
- c. For a government entity: by the administrator, chairman, director, or principal executive responsible for operations at the Facility;
- d. All applications, correspondence, reports, and self monitoring reports may be signed by a duly authorized representative of the person described above. A person is a duly authorized representative only if
 - i. The authorization is made in writing by a person described above; or
 - ii. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position;
- e. Any person signing a document pursuant to this section shall make the following certification:

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- f. Written notice of any change in signatures or positions of the Customer shall be submitted to the Utility in writing within thirty (30) days after the change.

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Month Day Year

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Month Day Year

ISSUED BY: Sheryl L. Hubbard, Director, Regulatory & Rates
2355 W. Pinnacle Peak Road, Suite 300, Phoenix, AZ 85027

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EPCOR Water Arizona Inc.
(Name of Company)

Wastewater Districts
(Name of Service Area)

**RULE 10
EXHIBIT A**

IN WITNESS WHEREOF, the Utility and the Customer have caused this Agreement to be signed by its respective authorized signatories, all as of the day and date first herein above set forth.

UTILITY: EPCOR Water Arizona Inc., an Arizona Corporation

By: _____

Its: _____

CUSTOMER:

a(n) _____

By _____

Its _____

ISSUED: March 12, 2018
Month Day Year

EFFECTIVE: April 1, 2018
Month Day Year

ISSUED BY: Sheryl L. Hubbard, Director, Regulatory & Rates
2355 W. Pinnacle Peak Road, Suite 300, Phoenix, AZ 85027

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ORIGINAL

EPCOR Water Arizona Inc.
(Name of Company)

Original

SHEET NO. ACC-55

Wastewater Districts
(Name of Service Area)

**RULE 10
EXHIBIT A**

ATTACHMENT I – SCHEMATIC

A schematic will be provided by the Industrial Discharger's engineer.

ISSUED: March 12, 2018
Month Day Year

EFFECTIVE: April 1, 2018
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ISSUED BY: Sheryl L. Hubbard, Director, Regulatory & Rates
2355 W. Pinnacle Peak Road, Suite 300, Phoenix, AZ 85027

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Wastewater Districts
(Name of Service Area)

**RULE 10
EXHIBIT A**

ATTACHMENT II - REGULATED TOXIC ORGANICS

- | | |
|---|---|
| 1. Acenaphthene | 31. 2,4-dichlorophenol |
| 2. Acrolein | 32. 1,2-dichloropropene |
| 3. Acrylonitrile | 33. 1,2-dichloropropylene |
| 4. Benzene | 34. 2,4-dimethylphenol |
| 5. Benzidine | 35. 2,4-dinitrotoluene |
| 6. Carbon Tetrachloride
(Tetrachloromethane) | 36. 2,6-dinitrotoluene |
| 7. Chlorobenzene | 37. 1,2-diphenylhydrazine |
| 8. 1,2,4-trichlorobenzene | 38. Ethylbenzene |
| 9. Hexachlorobenzene | 39. Fluoranthene |
| 10. 1,2-dichloroethane | 40. 4-chlorophenylphenyl ether |
| 11. 1, 1, 1 -trichloroethane | 41. 4-bromophenylphenyl ether |
| 12. Hexachloroethane | 42. Bis(2-chloroisopropyl)ether |
| 13. 1,1,1-dichloroethane | 43. Bis (2-chloroethoxy) methane |
| 14. 1, 1,2-trichloroethane | 44. Methylene chloride(dichloromethane) |
| 15. 1, 1,2,2-tetrachloroethane | 45. Methyl chloride (chloromethane) |
| 16. Chloroethane | 46. Methyl bromide (bromomethane) |
| 18. Bis (2-chloroethyl)ether | 47. Bromoform (tribromomethane) |
| 19. 2-chloroethyl vinyl ether (mixed) | 48. Dichlorobromomethane |
| 20. 2-chloronaphthalene | 51. Chlorodibromomethane |
| 21. 2,4,6-trichlorophenol | 52. Hexachlorobutadiene |
| 22. Parachlorometa cresol | 53. Hexachlorocyclopentadiene |
| 23. Chloroform (trichloromethane) | 54. Isophorone |
| 24. 2-chlorophenol | 55. Naphthalene |
| 25. 1,2-dichlorobenzene | 56. Nitrobenzene |
| 26. 1,3-dichlorobenzene | 57. 2-nitrophenol |
| 27. 1,4-dichlorobenzene | 58. 4-nitrophenol |
| 28. 3,3-dichlorobenzidine | 59. 2,4-dinitrophenol |
| 29. 1,1-dichloroethylene | 60. 4,6-dinitro-o-cresol |
| 30. 1,2-trans-dichloro ethylene | 61. N-nitrosodimethylamine |
| | 62. N-nitrosodiphenylamine |

ISSUED: March 12, 2018
Month Day Year

EFFECTIVE: April 1, 2018
Month Day Year

ISSUED BY: Sheryl L. Hubbard, Director, Regulatory & Rates
2355 W. Pinnacle Peak Road, Suite 300, Phoenix, AZ 85027

Decision No. 76528

APPROVED FOR FILING

DECISION #: 76528

EPCOR Water Arizona Inc.
(Name of Company)

Original

SHEET NO. ACC-57.

Wastewater Districts
(Name of Service Area)

RULE 10
EXHIBIT A (continued)

ATTACHMENT II - REGULATED TOXIC ORGANICS (Continued)

- | | |
|--|--------------------------------|
| 63. N-nitrosodi-n-propylamine | 96. B-endosulfin-Beta |
| 64. Pentachlorophenol | 97. Endosulfan sulfate |
| 65. Phenol | 98. Endrin |
| 66. Bis (2-ethylhexyl) phthalate | 99. Endrin aldehyde |
| 67. Butyl benzyl phthalate (1,3-dichloropropene) | 100. Heptachlor |
| 68. Di-n-butyl phthalate | 101. Heptachlor epoxide |
| 69. Di-n-octyl phthalate | 102. A-BHC-Alpha |
| 70. Diethyl phthalate | (BHC = hexa-chlorocyclohexane) |
| 71. Dimethyl phthalate | 103. B-BHC-Beta |
| 72. Benzo(a)anthracene (1,2-benzanthracene) | 104. R-BHC-aindane)-Gamma |
| 73. Benzo(a)pyrene (1,2-benzanthracene) | 105. B-BHC-Delta |
| 74. 3,4-benzofluoranthene | 106. PCB-1242 (Arochlor 1242) |
| 75. Benzo(k)fluoranthene | |
| (11, 12-benzofluoranthene) | 107. PCB-1254 (Arochlor 1254) |
| 76. Chrysene | 108. PCB-1221 (Arochlor 1221) |
| 77. Acensphthylene | 109. PCB-1232 (Arochlor 1232) |
| 78. Anthracene | 110. PCB-1248 (Arochlor 1248) |
| 79. Benzo(ghi)perylene (1,12-benzoperylene) | 111. PCB-1260 (Arochlor 1260) |
| 80. Fluorene | 112. PCB-1016 (Arochlor 1016) |
| 81. Phenanthrene | 113. Toxaphene |
| 82. Dibenzo (a,h)anthracene | 129. 2,3,7,8-Tetrachloro |
| 83. Ideno (1,2,3-cd)pyrene | dibenzo-p-dioxin (TCDD) |
| (2-3-o-phenylene pyrene) | |
| 84. Pyrene | |
| 85. Tetrachloroethylene | |
| 86. Toluene | |
| 87. Trichloroethylene | |
| 88. Vinyl Chloride (chloroethylene) | |
| 89. Aldrin | |
| 90. Dieldrin | |
| 91. Chlordane (technical mixture 8, metabolites) | |
| 92. 4,4'- DDT | |
| 93. 4,4'- DDE (p,p'-DDX) | |
| 94. 4,4'- DDD (p,p'-TDE) | |
| 95. A-endosulfan-Beta | |

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