

**RULE NO. 10**

**USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS**

A. PURPOSE AND POLICY

This Rule 10 of EPCOR Water Arizona Inc.'s Rules and Regulations (hereinafter may be also referred to as the "Rule10") 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 District to promote consistent application of pretreatment requirements among their customers and to maintain the integrity of utility's wastewater systems so that the continuity of safe and reliable service to all customers and the protection of the environment are preserved.

B. DEFINITIONS

The following words when used in this Rule 10 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. AZPDES means the Arizona Pollutant Discharge Elimination System, which is the state program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pre-treatment and biosolids requirements under A.R.S. Title 49, Chapter 2, Article 3.1 and 18 A.A.C. 9, Articles 9 and 10.
3. Best Management Practices (BMPs) - schedules of activities, prohibitions, practices, maintenance procedures, and other management practices to control, spillage, leaks or detrimental discharges that can have an adverse effect on the POTW or the environment. Specific BMPs for food service facilities can be found in the Food Service Facility requirements.
4. 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.
5. Bypass - The intentional diversion of wastes from any portion of a treatment facility.
6. 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).
7. CFR - Code of Federal Regulations.

ISSUED: May 16, 2024  
Month Day Year

EFFECTIVE: April 1, 2024  
Month Day Year

ISSUED BY: Sheryl L. Hubbard, Director, Rates  
2355 W. Pinnacle Peak Rd., Phoenix, AZ 85027

Decision No. 79342

**APPROVED FOR FILING**  
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**RULE NO. 10 (continued)**

**USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS**

8. 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.
9. Cooling Water - The wastewater discharged from any heat transfer system such as condensation, air conditioning, cooling or refrigeration.
10. 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.
11. Composite Sample Quality - The concentration of some parameter tested in a composite sample.
12. Daily Average Effluent Limitation - The maximum allowable concentration of a Pollutant in the Discharge as measured in a Representative Sample during a sampling day (which is from 12:00 a.m. to 11:59 p.m. each calendar day).
13. Discharge - The addition of any Sewage, Pollutant(s), water or any liquid from any sewer user into the Sewage Collection System.
14. Districts - All Utility ACC-authorized Wastewater Districts.
15. Domestic User - Any user who discharges only Domestic Wastewater.
16. 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.
17. Facility - Any establishment or plant producing liquid waste, with or without suspended solids, required to be discharged into the Sewage Collection System.
18. Fats, Oils and Grease (FOG) - A polar material either liquid or solid composed primarily of fat, oil and grease from animal or vegetable origin. Oil and Grease shall be included in this definition. Oil and Grease shall be analyzed by EPA method 1664A. Utility's FOG limit is 100 mg/L.
19. Food Service Facility (FSF) - Any facility that prepares or packages food or beverages for sale or consumption on or off-site, with the exception of private residences. The term food service facility includes, but is not limited to: bars, bakeries, cafes, coffee shops, delicatessens, fast food outlets, food courts, fraternities/sororities, pizza outlets, grocery stores, hotels, lounges, nursing homes, private clubs, restaurants, sandwich shops, and schools.

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**RULE NO. 10 (continued)**

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20. 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.
21. Garbage - Solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.
22. Grab Sample - An individual sample collected in less than fifteen (15) minutes without regard for flow or time of day.
23. Grease Interceptor or Gravity Grease Interceptor (GGI) - a device that is installed in a sanitary drainage system to intercept nonpetroleum fats, oils, and grease from a wastewater discharge and is identified by capacity volume and number of compartments. GGIs shall be installed in an accessible exterior location, have a minimum total volume of seven hundred and fifty (750) gallons capacity, and have a minimum of two (2) compartment separated by a baffle wall.
24. Grease Trap or Hydro-mechanical Grease Interceptor (HGI) - a device that is installed in a sanitary drainage system to intercept nonpetroleum fats, oils, and grease from a wastewater discharge and is identified by flow rate, separation and retention efficiency. The design incorporates air entrainment, hydromechanical separation, interior baffling, and/or barriers in combination or separately, and one of the following: External flow control with air intake (vent) directly connected; external flow control without air intake (vent) directly connected; without external flow control directly connected; and without external flow control indirectly connected.
25. 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.
26. Industrial Discharge Service Agreement - The separate agreement required by this Rule 10 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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27. Industrial User - Any source that discharges pollutants into Utility's sanitary sewer where the discharge is predominantly industrial wastewater, rather than domestic wastewater, due to either the quality or quantity of the industrial discharge.
28. Industrial Wastewater - wastewater generated in a commercial or industrial process.
29. Instantaneous Maximum Effluent Limitation - The maximum allowable concentration of a Pollutant in the Discharge at any time as measured in a Grab Sample or through any other analysis including but not limited to instantaneous analyzers. In determining compliance, Utility samples shall not be combined with non-Utility samples.
30. Interference - A Discharge which, alone or in conjunction with a Discharge or Discharges from other sources that:
- a. Inhibits or disrupts the POTW, its treatment processes, or operations, or its sludge processes, use or disposal; and
  - b. 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
  - c. 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.
31. National Pretreatment Standard - Any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency and as delegated to state and local jurisdictions 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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32. Non-contact Cooling Water - Cooling Water that does not come into direct contact with any raw material, intermediate product, waste product or finished product.
33. 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.
34. 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.
35. 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.
36. Oil and Sand Interceptor - A tank designed to intercept and collect sand, grit, petroleum, oil, and grease, and prevent their entry into the sanitary sewer system.
37. Pass Through - A Discharge which exits 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 AZPDES and/or Aquifer Protection Permits (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 or aquifer quality standard.
38. Person - Any individual, partnership, co-partnership, firm, Utility, corporation, association, joint stock Utility, 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.
39. pH - The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.
40. Pollutant - Any regulated waste, 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, wastewater discharges including: pH, temperature, suspended solids, turbidity, color, biological oxygen demand and chemical oxygen demand, toxic pollutants, or odorous causing pollutants.
41. 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.

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**RULE NO. 10 (continued)**

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42. Petroleum, Oil and Grease (POG) - A nonpolar material either liquid or solid and is composed primarily of petroleum or mineral origin. Utility's discharge limit for POG is 100 mg/L.
43. Pretreatment Requirements - All of the duties or responsibilities imposed upon Industrial Users by this Rule 10.
44. Pretreatment Standards or Standard - Specific quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW. This includes prohibited discharge standards, categorical pretreatment standards, and limits in the Tariff.
45. POTW (Publicly Owned Treatment Works) - The treatments works that includes any devices and systems used in the storage, treatment, recycling, and reclamation of sewage and industrial waste of a liquid nature, and which also include sewers, pipes and other conveyances only if they convey wastewater to a treatment works.
46. 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.
47. Sanitary Sewer Overflow - A condition in which untreated sewage is released from a sanitary sewer into the environment prior to reaching sewage treatment facilities.
48. 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.
49. 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.
50. Sewage Works - All facilities for collecting, pumping, treating, and disposing of Sewage, including the Sewage Collection System and the POTW, as defined herein.
51. Significant Industrial User -  
Any User that meets the standards of being a Significant Industrial User under 40 CFR Part 403 (General Pretreatment Regulations for Existing and New Sources of Pollution) and as defined in 40 CFR § 403.3(v).

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**RULE NO. 10 (continued)**

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52. Significant Noncompliance - any violation of any discharge limits as established in this Rule 10 or as established in any IDSA between Utility and User.
53. Slug Discharge/Load (i.e., Slug Discharge) - Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill, or non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violates the POTW rules, local limits or permit conditions.
54. Split Sample - A single grab sample that is separated into at least two parts such that each part is representative of the original sample.
55. 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.
56. 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
57. Tariffs - documents filed with the Arizona Corporation Commission which list the services and products offered by Utility and which sets forth the terms and conditions and a schedule of the rates and charges for those services and products.
58. 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.
59. 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.
60. Total Dissolved Solids - is a measure of the dissolved combined content of all inorganic and organic substances present in a liquid in molecular, ionized, or micro-granular (colloidal sol) suspended form.
61. Upset - An incident in which there is noncompliance with Pretreatment Requirements.
62. 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.
63. Utility – EPCOR Water Arizona Inc.

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64. Wastewater - Any liquid or pollutant, including an Industrial Discharge, which is introduced into the Sewage Collection System from any source.
65. 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 10. 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 Wastewater;
  - 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 that which will pass through a 3/8-inch screen;
  - 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;

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**RULE NO. 10 (continued)**

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- k. Any water or wastewater that causes a Pass-Through resulting in the POTW violating any AZPDES or Aquifer Protection Permit (APP) 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 but are not limited to POG and FOG;
- 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 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):

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

\*\*\* Based on a Grab Sample or any other analysis including but not limited to instantaneous analyzers.

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:
  - i. 24-hour average 5-day BOD of 250 ml/l by weight; and
  - ii. 24-hour average or Instantaneous Maximum TSS content of 500 ml/l by weight.
  - iii. 24-hour average or Instantaneous Maximum TDS content of 2500 mg/L by weight.
  - iv. 24-hour average or Instantaneous Maximum Ammonia content of 25 mg/L by weight.
  - v. 24-hour average or Instantaneous Maximum Nitrate concentration of 25 mg/L by weight.

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**RULE NO. 10 (continued)**

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- 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;  $\mu\text{G/L}$  = Micrograms per Liter,  $\text{mg/l}$  = Milligrams per Liter):

PARAMETER	EFFLUENT LIMITATION (INSTANTANEOUS MAXIMUM)
Benzene	130 $\mu\text{G/L}$
Chloroform	420 $\mu\text{G/L}$
Cyanide (amenable to chlorination)	200 $\mu\text{G/L}$
Methylene Chloride	4,200 $\mu\text{G/L}$
Sulfides (dissolved)	0.5 $\text{MG/L}$
Tetrachloroethylene	530 $\mu\text{G/L}$
Trichloroethylene	700 $\mu\text{G/L}$

- p. Any of the following prohibited substances:
- i. BHC – Alpha
  - ii. BHC – Beta
  - iii. BHC - Gamma (Lindane)
  - iv. Chrysene
  - v. Heptachlor
  - vi. Heptachlor Epoxide
  - vii. Phenanthrene
  - viii. Polychlorinated Biphenyl Compounds (“PCBs”)
- 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 10.
- 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  $\text{mg/l}$  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  $140^{\circ}\text{F}$  or  $60^{\circ}\text{C}$  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.

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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. When Utility determines that a User is discharging to the POTW any waste, not previously identified through the IDSA Application/Questionnaire, or in such amounts as it may cause Interfere, Pass Through, or Upset to the operation of the POTW, Utility shall:
  - a. Advise the User of the impact of the contribution on the POTW;
  - b. Develop a Discharge limitation for such User to correct the Interference with the POTW; and
  - c. Require the User to comply with the Discharge limits.
4. In addition to all other requirements, each Industrial User who discharges an Industrial Discharge into the Sewer Collection System shall also:
  - a. Provide and maintain all the Pretreatment necessary to comply with IDSA limits, Rule 10 Requirement, and Categorical Standards;
  - b. Maintain a continuous Discharge record which clearly identifies:
    - 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);

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- 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 that is consistent with Pretreatment program requirements for control of Slug Discharges as set forth in 40 CFR § 403.8(f)(2)(vi) and 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.
5. 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 10 prior to discharge to the Sewage Collection System. Such a Pretreatment system or device will 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.
6. 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.
7. 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.
8. All grease, oil, and sand interceptors shall be purchased, installed, and maintained in continuously efficient operation at the Industrial User's expense.

ISSUED: May 16, 2024  
Month Day Year

EFFECTIVE: April 1, 2024  
Month Day Year

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2355 W. Pinnacle Peak Rd., Phoenix, AZ 85027

**APPROVED FOR FILING**  
**DECISION #:** 79342  
**Effective:** May 16, 2024

Decision No. 79342



**RULE NO. 10 (continued)**

**USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS**

9. 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 and results shall be promptly provided to the Utility.

**D. PROPER OPERATION AND MAINTENANCE OF FACILITIES**

Where Pretreatment facilities are provided for any waters or wastes, they shall be properly operated 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.

**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.

ISSUED: May 16, 2024  
Month Day Year

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Decision No. 79342

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**RULE NO. 10 (continued)**

**USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS**

- b. Test the proposed Industrial Waste Discharge for the presence of Pollutants for which Daily Average Effluent Limitations are established by this Rule 10 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 10;

Industrial Users in existence upon the effective date of this Rule 10 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 10. Significant Industrial Users in existence upon the effective date of this Rule 10 must execute an Industrial Discharge Service Agreement within ninety (90) days of the effective date of this Rule 10.

**H. DENTAL FACILITIES**

Dental facilities subject to 40 CFR 441.10 must install an ISO 11143 or ANSI/ADA 108-2009 compliant mercury amalgam separator(s) to control mercury bearing waste streams and submit a one-time compliance report for dental facilities. A One-time Compliance Report for Dental Discharges may be obtained from EPCOR's Pretreatment Coordinator.

**I. FOOD SERVICE FACILITY (FSF) REQUIREMENTS**

- 1. Any drains that are used to convey wastewater that has the potential to contain grease from food preparation and cleaning operations must discharge to a properly sized Gravity Grease Interceptor (GGI), Hydro-mechanical Grease Interceptor (HGI) when appropriate, or an alternative grease intercepting device. This includes, but is not limited to: drains from pre-rinse and or pre-wash sinks; one, two, three or four compartment sinks; meat prep sinks; wok stoves; kitchen floor drains; floor sinks; soup kettles; rotisseries with drains; steam ovens with drains; mop sinks; food prep sinks; hand wash sinks; dishwashers; self-cleaning ventilation/exhaust hood; food waste disposal units and mop sinks. No waste from water closets, urinals, and other fixtures conveying human waste shall drain into or through the GGI.
- 2. Garbage grinders/food disposal units are strictly prohibited.
- 3. Any business requiring a GGI shall have that GGI serving that business only. Shared GGIs are only allowed under limited circumstance and must be approved by the Utility. Any approval for a shared GGI will require the property owner or property manager to be responsible for the maintenance of the GGI. This agreement must be in writing and be provided to the Utility prior to any approval of shared GGIs.
- 4. All FSFs must develop and implement Best Management Practices (BMPs) which, at minimum, shall include the following:

Pouring all grease and oil from pots and pans into a waste grease container and not down the drain;

Scrape off all solids and FOG on plates, pots, and pans into the garbage can; and

Proper training of all personnel regarding Food Service Facilities BMPs.

ISSUED: May 16, 2024  
Month Day Year

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Decision No. 79342

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**RULE NO. 10 (continued)**

**USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS**

**J. ENFORCEMENT AND RESPONSE GUIDELINES; UTILITY RIGHT TO SHUT OFF AND TERMINATION SERVICE**

1. The purpose of this Rule 10 is to prevent the introduction of pollutants into Utility's Sewage Collection System or POTW that will interfere with its operation, including interference with its use or disposal of sludge; prevent the introduction of pollutants into a POTW that could adversely impact the treatment works or otherwise be incompatible with it, and to obtain compliance with all applicable laws and regulations by those regulated dischargers into the POTW.
2. Utility will have sole and complete discretion to shut off wastewater services to any User for any violation of any provision in this Rule 10 Tariff, or for any violation of any provision in the IDSA in accordance with the terms and conditions of the IDSA between User and Utility.
3. Violation of this Rule 10 or of any provision of an Industrial Discharge Service Agreement is cause for shutting off of or termination of service at Utility's discretion. Utility will notify the Arizona Corporation Commission at least two business days before it terminates service to any User.
4. Shutting off of services for any violation of this Rule 10 Tariff or the IDSA between User and Utility will be in accordance with the "Non-Compliance Enforcement Response Plan" that will be incorporated by reference as if full stated within an IDSA between User and Utility, with such Plan being included as part of the Rule 10 Tariff as Exhibit B (and referred to as the "Non-Compliance Plan" heretofore). The Non-Compliance Enforcement Response Plan will provide for the suspension of wastewater flows from any User for a violation of this Rule 10 Tariff or the IDSA. This is to ensure the integrity of Utility wastewater operations and avoid adverse impacts to the provision of safe and reliable service to other customers.
  - a. User will provide contact information (including name, service address, contact address (if different), telephone number and email address as part of User's request for service);
  - b. Utility will contact User with a written notification of non-compliance, whereby User has five (5) calendar days to respond with a written plan for satisfactory correction and prevention of future violations;
  - c. Upon providing response, User will then have 72 hours to implement plan and come into compliance, provided the plan is to Utility's satisfaction;
  - d. Failure to come into compliance could then result in Utility shutting off service to User at Utility's sole and complete discretion;
  - e. Under no circumstances can User dispute the Utility notification until after response and implementation of plan occurs and compliance is achieved.
  - f. Service will not be restored to User until User has resolved all outstanding violations and penalties to Utility's satisfaction.
5. User must provide information to Utility describing maximum average and peak wastewater flows discharged from User's facility that User is requesting Utility collect and treat during a 24-hour period. Any exceedance of such wastewater flows may be considered a Slug Discharge/Load and a violation of this Rule 10 Tariff for purposes of enforcement and shutting off of services in Utility's sole discretion.

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Decision No. 79342

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**RULE NO. 10 (continued)**

**USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS**

6. Utility will install metering and vault, and other equipment as necessary, so that it has the ability to shut off Industrial Discharge and not Domestic Wastewater into its Sewage Collection System and POTW when a violation by a User has occurred in Utility's sole discretion. Design standards for the discharge point for User facilities must include plans to for the discharge of Domestic Wastewater separate from Industrial Discharge.
7. User is liable to the extent any violation results in any damage to Utility's Sewage Collection System or POTW or any facilities used in the provision of wastewater service to any Utility customers, as well as to the extent such violation causes any harm to any persons, and the IDSA will include a provision that User will indemnify Utility in accordance with this provision.
8. Should vault and haul services be necessary due to the violation by User, then User will be fully and solely responsible for the costs against any User, to the extent the vault and haul services are due to the violation by the User.
9. 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 \$37,500 per day per violation.
10. An Effluent Parameter Exceedance Charge may be assessed for any exceedance of the IDSA requirements, when deemed necessary by the Utility.
11. In addition to or instead of any other remedies currently set forth, Utility may, in its full discretion, impose the following penalties for the listed violations as set forth in the following table:

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Decision No. 79342

**APPROVED FOR FILING**  
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**RULE NO. 10 (continued)**

**USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS**

Violation	Nature of Violations	Fine / Action	Notification (Timeframe to Address)
Exceedance of Local Limit, Permit Limit or Federal Standard	A pattern of exceedances will constitute one violation. For purposes of this violation, a pattern will mean exceedances that (1) occur once per day (i.e., a 24-hour period) over three consecutive days or (2) occur more than twice in any specific day.	\$25,000 per each violation.	Discharger will have up to five (5) days from receipt of notification to address before commencement of fines.
Failure to Report	Failure to provide correct information, or provision of missing or incomplete information after notification by EPCOR that information is incorrect, missing or incomplete.	Up to \$5,000 per day per violation (i.e. each piece of incorrect, missing or incomplete information).	Three days from the time of notification of incomplete or missing information to address before commencement of fines.
Failure to Monitor Correctly	Failure to Monitor All Pollutants as set forth in the Rule 10 Tariff or Industrial Discharge Service Agreement (if applicable).	Up to \$5,000 per day per violation	Three days from the time of notification that discharger is failing to monitor as required.
Failure to install monitoring equipment.	Delay of 30 days or more after notification by EPCOR.	Up to \$5,000 per day per violation	Three days after expiration of the 30-day period and notification by EPCOR.
Denial of Entry onto Dischargers property for verification of compliance with Rule 10 Tariff and Industrial Discharge Service Agreement.	Entry Denied or Consent Withdrawn; EPCOR request for copies of records pertinent to Rule 10 Tariff or Industrial Discharge Service Agreement is denied	Up to \$1,000 per day per violation	Commencement of fines can begin 24 hours after denial of entry.

The proceeds of any fine(s) will be factored into the following year's hook-up fee credit amount (for as long as the credit remains in effect) or, if the credit has terminated, used towards making additional investments as needed in the Luke 303 Wastewater system.

The Utility may recover the cost of damages caused by any violation of this Rule or the IDSA by a User.

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**APPROVED FOR FILING**  
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Decision No. 79342



**RULE NO. 10 (continued)**

**USE OF SANITARY SEWERS BY INDUSTRIAL DISCHARGERS**

**K. LIABILITY OF USER; INTERCONNECTED MUNICIPALITY**

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.

**L. 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 10:
  - 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.

**M. 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.
2. When requested by the customer, those portions of any reports, documents, testing and sampling data, or 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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Decision No. 79342

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**RULE NO. 10**

**EXHIBIT A**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

THIS INDUSTRIAL DISCHARGE SERVICE AGREEMENT (the "Agreement") made and entered into this as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between EPCOR Water Arizona Inc., and Arizona corporation ("EPCOR") and \_\_\_\_\_ User USA, a \_\_\_\_\_ Corporation ("User"),

RECITALS:

A. the Arizona Corporation Commission ("Commission") has issued a Rule 10 for EPCOR establishing the terms and conditions under which EPCOR may provide sewage collection service to customers in its certificated area ("Rule 10");

B. Rule 10 of such tariff establishes an industrial wastewater pretreatment program to protect EPCOR's sanitary sewer collection system, the processes being utilized, the public and environment, and EPCOR workers from hazards associated with non-domestic wastewater. This program is consistent with the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977 and the general pretreatment regulations contained in Title 40 of the Code of Federal Regulations, Part 403.

C. Rule 10 further provides that Significant Industrial Users (as defined in Rule 10 of the Tariff) 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 EPCOR's sewage collection system;

D. EPCOR has determined that User is a Significant Industrial User within the meaning of Rule 10 due to the daily discharge rate greater than 25,000 gallons per day and subject to the requirement of 40 CFR 463, Plastic molding and forming point source category. EPA did not establish Pretreatment Standards for New Sources for this category, therefore User will be subject to the limits established in Rule 10 and this IDSA.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, EPCOR and User 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. 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. AZPDES means the Arizona Pollutant Discharge Elimination System, which is the state program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pre- treatment and biosolids requirements under A.R.S. Title 49, Chapter 2, Article 3.1 and 18 A.A.C. 9, Articles 9 and 10.

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Month Day Year

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

3. Best Management Practices (BMPs) - schedules of activities, prohibitions, practices, maintenance procedures, and other management practices to control, spillage, leaks or detrimental discharges that can have an adverse effect on the POTW or the environment. Specific BMPs for food service facilities can be found in the Food Service Facility requirements.
4. 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.
5. Bypass - The intentional diversion of wastes from any portion of a treatment facility.
6. 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).
7. CFR - Code of Federal Regulations.
8. 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.
9. Cooling Water - The Wastewater discharged from any heat transfer system such as condensation, air conditioning, cooling or refrigeration.
10. 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.
11. Composite Sample Quality - The concentration of some parameter tested in a composite sample.
12. Daily Average Effluent Limitation - The maximum allowable concentration of a Pollutant in the Discharge as measured in a Representative Sample during a sampling day (which is from 12:00 a.m. to 11:59 p.m. each calendar day).
13. Discharge - The addition of any Sewage, Pollutant(s), water or any liquid from any sewer user into the Sewage Collection System.
14. Districts - All Utility ACC authorized Wastewater Districts.

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Decision No. 79342

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

15. Domestic User - Any user who discharges only Domestic Wastewater.
16. 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.
17. Facility - Any establishment or plant producing liquid waste, with or without suspended solids, required to be discharged into the Sewage Collection System.
18. Fats, Oils and Grease (FOG) - A polar material either liquid or solid composed primarily of fat, oil and grease from animal or vegetable origin. Oil and Grease shall be included in this definition. Oil and Grease shall be analyzed by EPA method 1664A. Utility's FOG limit is 100 mg/L.
19. Food Service Facility (FSF) - Any facility that prepares or packages food or beverages for sale or consumption on or off-site, with the exception of private residences. The term food service facility includes, but is not limited to: bars, bakeries, cafes, coffee shops, delicatessens, fast food outlets, food courts, fraternities/sororities, pizza outlets, grocery stores, hotels, lounges, nursing homes, private clubs, restaurants, sandwich shops, and schools.
20. 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.
21. Garbage - Solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.
22. Grab Sample - An individual sample collected in less than fifteen (15) minutes without regard for flow or time of day.
23. Grease Interceptor or Gravity Grease Interceptor (GGI) - a device that is installed in a sanitary drainage system to intercept nonpetroleum fats, oils, and grease from a wastewater discharge and is identified by capacity volume and number of compartments. GGIs shall be installed in an accessible exterior location, have a minimum total volume of seven hundred and fifty (750) gallons capacity, and have a minimum of two (2) compartment separated by a baffle wall.
24. Grease Trap or Hydro-mechanical Grease Interceptor (HGI) - a device that is installed in a sanitary drainage system to intercept nonpetroleum fats, oils, and grease from a wastewater discharge and is identified by flow rate, separation and retention efficiency. The design incorporates air entrainment, hydromechanical separation, interior baffling, and/or barriers in combination or separately, and one of the following: External flow control with air intake (vent) directly connected; external flow control without air intake (vent) directly connected; without external flow control directly connected; and without external flow control indirectly connected.

ISSUED: May 16, 2024  
Month Day Year

EFFECTIVE: April 1, 2024  
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Decision No. 79342

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**Effective:** May 16, 2024



**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

25. 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,
  - b. Contains any substance or Pollutant for which a discharge limitation or prohibition has been established by any Categorical Standard or Pretreatment Requirement, or
  - c. Is generated in a commercial or industrial process.
26. Industrial Discharge Service Agreement (IDSA) - A separate agreement, acting as a control mechanism, 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. The length of the IDSA shall be no longer than five (5) years.
27. Industrial User - Any source that discharges pollutants into Utility's sanitary sewer where the discharge is predominantly industrial wastewater, rather than domestic wastewater, due to either the quality or the quantity of the industrial discharge.
28. Industrial Wastewater - wastewater generated in a commercial or industrial process.
29. Instantaneous Maximum Effluent Limitation - The maximum allowable concentration of a Pollutant in the Discharge at any time as measured in a Grab Sample or through any other analysis including but not limited to instantaneous analyzers. In determining compliance, Utility samples shall not be combined with non-Utility samples.
30. Interference - A Discharge which, alone or in conjunction with a Discharge or Discharges from other sources that:
- a. Inhibits or disrupts the POTW, its treatment processes, or operations, or its sludge processes, use or disposal; and
  - b. 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

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Month Day Year

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Decision No. 79342

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

- c. 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.
31. National Pretreatment Standard - Any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency and as delegated to state and local jurisdictions 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.
32. Non-contact Cooling Water - Cooling Water that does not come into direct contact with any raw material, intermediate product, waste product or finished product.
33. 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.
34. Oil and Grease - nonpetroleum organic polar compounds derived from animal or plant sources such as fats, nonhydrocarbons, fatty acids, soaps, waxes, and oils that contain multiple carbon chain triglyceride molecules. The measurement of oil and grease content of a sample as determined by EPA Method 1664, or other equivalent test method approved by the EPA.
35. 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 EPA.
36. Oil and Sand Interceptor - A tank designed to intercept and collect sand, grit, petroleum, oil, and grease, and prevent their entry into the sanitary sewer system.
37. Pass Through - A Discharge which exits the POTW 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 AZPDES and/or Aquifer Protection Permits (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 or aquifer standard.

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

38. Person - Any individual, partnership, co-partnership, firm, Utility, corporation, association, joint stock Utility, 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.
39. pH - The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.
40. Pollutant - Any regulated waste, 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, wastewater discharges including: pH, temperature, suspended solids, turbidity, color, biological oxygen demand and chemical oxygen demand, toxic pollutants, or odorous causing pollutants.
41. 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.
42. Petroleum, Oil and Grease (POG) - A nonpolar material either liquid or solid and is composed primarily of petroleum or mineral origin. Utility's discharge limit for POG is 100 mg/L.
43. Pretreatment Requirements - All of the duties or responsibilities imposed upon Industrial Users by this Rule.
44. Pretreatment Standards or Standard - Specific quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW. This includes prohibited discharge standards, categorical pretreatment standards, and limits in the Tariff.
45. POTW (Publicly/Privatey Owned Treatment Works) - The treatments works that includes any devices and systems used in the storage, treatment, recycling, and reclamation of sewage and industrial waste of a liquid nature, and which also include sewers, pipes and other conveyances only if they convey wastewater to a treatment works.
46. 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.

ISSUED: May 16, 2024  
Month Day Year

EFFECTIVE: April 1, 2024  
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2355 W. Pinnacle Peak Rd., Phoenix, AZ 85027

Decision No. 79342

**APPROVED FOR FILING**  
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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

47. Sanitary Sewer Overflow - A condition in which untreated sewage is released from a sanitary sewer into the environment prior to reaching sewage treatment facilities.
48. 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.
49. 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.
50. Sewage Works - All facilities for collecting, pumping, treating, and disposing of Sewage, including the Sewage Collection System and the POTW, as defined herein.
51. Significant Industrial User - Any User that meets the standards of being a Significant Industrial User under 40 CFR Part 403 (General Pretreatment Regulations for Existing and New Sources of Pollution) and as defined in 40 CFR § 403.3(v);
52. Significant Noncompliance - any violation of any discharge limits as established in this Rule or as established in any IDSA between Utility and User.
53. Slug Discharge/Load (i.e., Slug Discharge) - Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violates the POTW rules, local limits or permit conditions.
54. Split Sample - A single grab sample that is separated into at least two parts such that each part is representative of the original sample.
55. 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.
56. 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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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

- 57. Tariffs - documents filed with the Arizona Corporation Commission which list the services and products offered by Utility and which sets forth the terms and conditions and a schedule of the rates and charges for those services and products.
- 58. 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.
- 59. 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.
- 60. Total Dissolved Solids - is a measure of the dissolved combined content of all inorganic and organic substances present in a liquid in molecular, ionized, or micro-granular (colloidal sol) suspended form.
- 61. Upset - An incident in which there is any noncompliance with Pretreatment Requirements.
- 62. 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.
- 63. Utility - EPCOR Water Arizona Inc.
- 64. Wastewater - Any liquid or pollutant, including an Industrial Discharge, which is introduced into the Sewage Collection System from any source.
- 65. 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.

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

**PART II - WASTEWATER DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS**

A. User agrees not to discharge Industrial Wastes to the Sewage Collection System other than that generated by the processes. All discharged Industrial Waste must be treated by User's Pretreatment system prior to being discharged into the EPCOR system. All of the facility's wastewater must discharge through the designated sample location as indicated in Part II.B.

B. Sample Locations

Sample Location No. 1 - Pretreatment System Discharge

Monitoring shall be performed for the parameters listed in Table 1 (*Parameters are based on the Users process*)

Sample Location No. 2 - Control Manhole Total Flow

Samples shall be taken at the control manhole that has all combined flows from the User facility for the parameters listed in Table 2. (*Parameters are based on the Users process*)

C. Discharge Limitation and Monitoring Requirement.

a. Samples obtained from the Sample Locations shall be analyzed for the parameters specified in the Discharge Limitations and Monitoring Requirement table below:

Table 1 – Pretreatment System Pretreatment Discharge Discharge Limitation and Monitoring Requirement			
Parameter	Daily Maximum	Sample Type	Monitoring Frequency
pH	TBD	Continuous	Continuous
Chemical Oxygen Demand (COD) *	TBD	Continuous	Continuous
Conductivity *	TBD	Continuous	Continuous
Ammonia *****	TBD	Grab	Daily
Nitrate *****	TBD	Grab	Daily
Total Nitrogen *****	TBD	Grab	Daily

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

Table 2 – Control Manhole Total Flow Effluent Limitations Discharge Limitation and Monitoring Requirement			
Parameter	Daily Maximum	Sample Type	Monitoring Frequency
pH *	TBD	Continuous	Continuous
pH**	TBD	Grab	Weekly
Arsenic (Total)	TBD	Composite	Monthly
Biological Oxygen Demand (BOD)	TBD	Composite	Weekly
Calcium (T)	TBD	Composite	Monthly
Chloride	TBD	Composite	Monthly
Chromium (Total)	TBD	Composite	Monthly
Copper (Total)	TBD	Composite	Monthly
Chemical Oxygen Demand (COD)	TBD	Composite	Weekly
Chemical Oxygen Demand (COD)	TBD	Grab	Daily
Conductivity *	TBD	Continuous	Continuous
Cyanide (Total)			
Magnesium (Total)	TBD	Composite	Monthly
Oil and Grease	TBD	Grab	Weekly
Nickel (Total)	TBD	Composite	Monthly
Phosphorus	TBD	-	-
Selenium (Total)	TBD	Composite	Monthly
Silver (Total)			
Total Nitrogen (TN)	TBD	Composite	Weekly
Total Suspended Solids (TSS)	TBD	Composite	Weekly
Total Dissolved Solids (TDS)	TBD	Composite	Weekly
Zinc (Total)			
Temperature	TBD	Continuous	Continuous
Flow *	TBD	Metered	Continuous

\* Must be remotely accessible by EPCOR via Mission Auto Dialer or equivalent.

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Decision No. 79342



**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

<b>Effluent Limitations(I)</b>			
<b>Parameter</b>	<b>Daily Average</b>	<b>Sampling Frequency</b>	<b>Sample(3) Type</b>
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:	<p>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]</p> <p>2. To be determined.</p> <p>3. Sample Location - Downstream of pretreatment facilities at sampling and metering vault or control manhole (see Attachment I for location).</p> <p>4. Cyanide limitations apply, and monitoring shall occur downstream of Cyanide pretreatment facilities prior to combining with other flows.</p> <p>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;</p>		

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

**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 EPCOR:  
Pretreatment Program Coordinator EPCOR

8700 N. El Mirage Road  
El Mirage, Arizona 85335

For: User-USA.

(Title), (Authorized Representative Name) User-USA

The User shall summarize and report monitoring results on an Industrial User Monitoring Report Form once per month (see Attachment I, Industrial User Monitoring Report Form). User shall submit completed Industrial User Monitoring Reports to EPCOR on the last day of each month, and shall include the results of monitoring for the prior calendar month.

3. This monthly report must be postmarked, or delivered to EPCOR's above address, no later than the due date. User may submit an electronic copy of the report on the last day and submit an original paper copy by the 15th of the following month.
4. The first report is due on XXXX, 2022, and shall contain the information required for any prior calendar month for which such information has not been previously submitted. In the report, User shall indicate the nature and concentration of all Pollutants in the Discharge which are regulated by the limits set forth in this agreement.
5. If User is missing required data, User shall submit the monitoring report by the due date without the missing data and submit an amended report when they receive the data is received.
6. User shall provide a daily total flow projection for the upcoming month along with the monthly monitoring report if flow projections are expected to be +/- 30%.
7. User's wastewater flow shall not exceed 1.5 times the average hourly peak flow without advance consent.

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

8. If User monitors any Pollutant more frequently than required by this Agreement, using Approved Laboratory Procedures, User shall include the results of such monitoring and used in the calculations of compliance. All Approved Laboratory Procedures samples shall be reported in the monthly report and submitted to EPCOR.
9. If User contracts the periodic monitoring and/or reporting to a third party, the report will not be considered complete unless all supporting documentation and signatures are submitted along with the report.
10. User shall develop a Slug Control Plan as outlined in 40 CFR 403.8(f)(2)(vi) and submit along with its first periodic monitoring report.
11. After one IDSA cycle, User may request parameters be removed from this IDSA if a reasonable potential analysis indicates there is not potential to exceed the limits in Table 1 or 2 above.

**B. NOTIFICATION OF NONCOMPLIANCE**

User shall notify EPCOR immediately of becoming aware of a Discharge which is known or suspected to be in exceedance or in violation with any limitation or provision of this Agreement and/or Rule 10.

During normal business hours, 8:00 a.m. to 5:00 p.m., User shall notify EPCOR by telephone at (623) 587-5298 or (623) 445-2400 or by email: pretreatment@epcor.com and dkirkland@epcor.com. At all other times, User shall notify EPCOR by telephone at 1-800-383-0834. The notification shall include contact information for User's representative responsible for responding to EPCOR's requests for additional information, on a 24 hour-per-day basis. Additionally, User shall:

1. Notify EPCOR by telephone within 24 hours from the time the User becomes aware of the verified exceedance. The notification shall include the location of the discharge, pollutant, concentration, volume and any corrective actions taken by User;
2. Within five (5) business days following the telephone notification, User shall submit to EPCOR a detailed written report describing the cause of the exceedance and measures to be taken to prevent similar future occurrences. Such notifications shall not relieve User of any liability from damages caused by the discharge(s);
3. Double the monitoring frequency for that pollutant as set in the Effluent Limitations and Monitoring Requirements table.

User shall notify EPCOR as soon as practical but no later than 24 hours of becoming aware of a Discharge which is known or suspected to be in exceedance or in violation with any limitation or provision of this Agreement and/or Rule 10.

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

User is not required to resample if EPCOR:

1. Obtained a sample at the same sampling point for the same Pollutant between the time User performed its sampling and the time User receives the results of the sampling.
2. Resamples on User's behalf within 48 hours of receiving notice from User of the violation.

**C. WRITTEN REPORT ON NONCOMPLIANCE**

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

1. The cause of the Slug Discharge, accidental spill or exceedance, and the impact on User 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); as well as the result of implementation of the IU's Slug Control Plan.
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 be restored; and
4. A corrective action plan taken or to be taken to reduce, eliminate, and prevent future of noncompliance.

**PART IV – ENFORCEMENT OF NONCOMPLIANCE; TERMINATION OF SERVICE**

- A. User understands that the purpose of this Agreement and of Utility's Rule 10 Tariff is to prevent the introduction of Pollutants into Utility's Sewage Collection System or POTW that will interfere with its operation, including interference with its use or disposal of sludge; prevent the introduction of Pollutants into a POTW that could adversely impact the treatment works or otherwise be incompatible with it, and to obtain compliance with all applicable laws and regulations by those regulated dischargers into the POTW.
- B. User understands and agrees that Utility will have sole and complete discretion to shut off wastewater services to any User for any violation of any provision in the Rule 10 Tariff, or for any violation of any provision in the IDSA in accordance with the terms and conditions of the IDSA between User and Utility. Violation of the Rule 10 Tariff or of any provision of this Agreement is cause for shutting off of or termination of service at Utility's discretion.

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

- C. The parties agree that shutting off of services for any violation of the Rule 10 Tariff or the IDSA between User and Utility will be in accordance with the "Non-Compliance Enforcement Response Plan" incorporated as Exhibit II to this Agreement and is incorporated by reference as if fully stated herein. The Non-Compliance Enforcement Response Plan will provide for the suspension of wastewater flows from any User for a violation of the Rule 10 Tariff or the IDSA and is for the purposes of ensuring the integrity of Utility wastewater operations and avoid adverse impacts to the provision of safe and reliable service to other customers. In accordance with the Non-Compliance Enforcement Response Plan, User understands and agrees to the following:
- a. User will provide contact information (including name, service address, contact address (if different), telephone number and email address as part of User's request for service;
  - b. Utility will contact User with a written notification of non-compliance, whereby User has five (5) calendar days to respond with a written plan for satisfactory correction and prevention of future violations;
  - c. Upon providing a response, User will then have 72 hours to implement the plan and come into compliance, provided the plan is to Utility's satisfaction;
  - d. Failure to come into compliance could then result in Utility shutting off service to User at Utility's sole and complete discretion;
  - e. Under no circumstances can User dispute the Utility notification until after response and implementation of the plan occurs and compliance is achieved.
- D. User must provide information to Utility describing maximum average and peak wastewater flows discharged from User's facility that User is requesting Utility collect and treat during a 24-hour period. Any exceedance of such wastewater flows may be considered a Slug Discharge/Load and a violation of the Rule 10 Tariff for purposes of enforcement and shutting off of services in Utility's sole discretion.
- E. User understands and agrees that Utility will install metering and vault, and other equipment as necessary, so that it has the ability to shut off Industrial Discharge and not Domestic Wastewater into its Sewage Collection System and POTW when a violation by a User has occurred in Utility's sole discretion. Any design standards for the discharge point for User facilities must include plans for the discharge of Domestic Wastewater separate from Industrial Discharge.

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

- F. User is liable to the extent any violation results in any damage to Utility's Sewage Collection System or POTW or any facilities used in the provision of wastewater service to any Utility customers, as well as to the extent such violation causes any harm to any persons. User will defend, indemnify and hold harmless Utility, its officers, directors, agents, and employees from and against any and all claims, damages, judgments, fines, penalties, assessments, costs and expenses, including attorneys' fees and court costs, to which they or any of them may be subjected by reason of injury, death, loss, claim, penalty, assessment or damage to the extent caused or contributed by User's violation of any provision within the Rule 10 Tariff or this Agreement, including User's agents, servants, employees, contractors or subcontractors in the execution of, or failure to execute User's obligations under this Agreement or the Rule 10 Tariff; provided, however, that User will not be required to indemnify Utility to the extent of any negligent or wrongful acts of Utility, its officers, directors, agents or employees.
- G. Should vault and haul services be necessary due to a violation by User, then User will be fully and solely responsible for the costs of the vault and haul services, to the extent the vault and haul services are due to a violation by the User.
- H. User is put on notice that a violation of any provision in the Rule 10 Tariff or this Agreement 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 \$37,500 per day per violation.
- I. An Effluent Parameter Exceedance Charge may be assessed for any exceedance of the requirements as set forth in the Utility's Rule 10 Tariff or this Agreement when deemed necessary by the Utility.
- J. Utility will also be entitled to the cost of damages caused by any violation of the Rule 10 Tariff or the IDSA by a User to extent such costs or damages are attributable to User's violation.
- K. In addition to, or instead of, any other remedies set forth in Utility's Rule 10 Tariff or in this Section IV of the Agreement, Utility may in its sole and full discretion levy any fines as set forth in Section J.11 of the Rule 10 Tariff for any violations set forth in that section.

**PART V-STANDARD CONDITIONS**

**A. GENERAL CONDITIONS AND DEFINITIONS**

1. Term of the Agreement

This initial term of this Agreement shall commence on the Effective Date and shall automatically renew on the fifth anniversary of the Effective Date, unless sooner terminated or modified in accordance with the terms of this Agreement. Each automatic renewal will be effective for five years. If either party intends not to renew, a 90-day written notification must be given.

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

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

User must comply with all conditions of this Agreement. User's failure to completely fulfill its obligations under this Agreement shall be grounds for EPCOR's termination of wastewater service to User or other appropriate Enforcement Response, as determined by EPCOR pursuant to Rule 10.

4. Duty to Mitigate

In addition to, and not in limitation of, any other remedies then available to EPCOR, User shall, at its sole cost and expense, take all reasonable steps to minimize or correct any adverse impact on the environment resulting from its noncompliance with this Agreement, including such accelerated or additional monitoring as necessary to determine the nature and impact of any non-complying Discharge.

5. Amendment of Agreement

EPCOR may, upon written notice to User, unilaterally modify or amend this Agreement for good cause, including, but not limited to, the following:

- a. New or revised federal, state, or local pretreatment standards or requirements, including as may be adopted by the Commission or set forth in the Tariff, as amended from time to time;
- b. Material or substantial alterations or additions to User's operation or processes which are not covered in this Agreement.
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized Discharge;
- d. Upon reasonable request of User, provided that granting such request does not create a violation of any existing applicable requirements, standards, laws, or rules and regulations. A request by User for a permit modification, or a notification of planned changes or anticipated noncompliance, does not stay any provision in this Agreement.
- e. Upon any notice of unilateral modification or amendment of this Agreement by EPCOR, User shall have the right to terminate this Agreement upon written notice to EPCOR, whereupon EPCOR shall have no further obligation to provide wastewater service to User.

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

6. EPCOR's Right of Termination Upon User Default

- a. EPCOR may, at its option and in addition to, and not in limitation of, any other remedy then available to EPCOR under this Agreement, at law or in equity, terminate this Agreement by written notice thereof to User in the event that at any time during the term of this Agreement User:
  - i. Continues to discharge Industrial Wastes even after a cease and desist has been issued, or discharges industrial wastes such that the Discharge poses a threat to EPCOR's collection or treatment systems, the POTW, wastewater treatment plant personnel, to the receiving waters, or will adversely impact the environment; or
  - ii. Knowingly makes any false statement on any report or other document required by this Agreement or Rule 10, or knowingly renders any monitoring device or method inaccurate; and any such failure or violation is not cured within fifteen (15) days after the date EPCOR delivers written notice of default or violation to User.
- b. No act by or on behalf of EPCOR shall constitute a termination of this Agreement unless EPCOR gives User notice of termination of this Agreement in writing. Such termination shall not relieve or release User from any obligation incurred pursuant to this Agreement prior to the date of such termination.
- c. No termination of this Agreement relieves User from the obligation to pay any sum then due to EPCOR or from any claim for damages against User, all of such shall survive the expiration or termination of this Agreement. The right of termination provided by this paragraph IV.A.6 is not exclusive and shall be cumulative to, and not in limitation of, all other rights and remedies then possessed by EPCOR, and nothing contained herein shall be construed so as to defeat any other rights or remedies to which EPCOR may be entitled.

7. Property Rights

This Agreement does not convey to User 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 by User to another user of other third party or transferable to any other location. Prior to the effective date of sale or transfer of ownership by User of its Facility, User must inform the purchaser or transferee of its obligation to enter into an Industrial Discharge Service Agreement with EPCOR, and provide written notification to EPCOR.

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

9. Dilution

User 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.

10. Adverse Impact

User shall take all reasonable steps to minimize any adverse impact to the POTW or EPCOR'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 non-complying Discharge. User shall immediately notify EPCOR of Slug Discharges, spills that may enter the public sewer, or any other significant changes in operations, wastewater characteristics, and constituents. General Prohibitive Standards

11. User shall comply with all the general prohibitive discharge standards in Rule 10.

12. Indemnification

User will indemnify and save harmless EPCOR, 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 User's Discharge of Industrial Wastes or relating to:

- a. personal injury, including death or disease, and property damage, including environmental contamination, caused by or contributed to by User,
- b. any violation of Environmental Laws by User or any of its employees, contractors or other representatives, and/or
- c. any breach or violation of this Agreement by User. The provisions of this paragraph shall survive the expiration or termination of this Agreement.

**B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS**

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

ISSUED: May 16, 2024  
Month Day Year

EFFECTIVE: April 1, 2024  
Month Day Year

ISSUED BY: Sheryl L. Hubbard, Director, Rates  
2355 W. Pinnacle Peak Rd., Phoenix, AZ 85027

Decision No. 79342

**APPROVED FOR FILING**  
**DECISION #:** 79342  
**Effective:** May 16, 2024



**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

2. Duty to Halt or Reduce Activity

Upon reduction, loss, or failure of the treatment facility, User 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 User in an enforcement action that it was or would have been necessary to halt or reduce the discharging activity in order to maintain compliance with the conditions of this agreement.

3. Bypass of Treatment Facilities

a. **BYPASS OF THE TREATMENT FACILITIES IS PROHIBITED** under this Agreement unless it is unavoidable to solely prevent loss of life, significant personal injury, or severe property damage or no feasible alternatives exist.

b. Bypass not exceeding limitations: User 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:

1) Anticipated Bypass: If User 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 EPCOR. All anticipated Bypasses must be monitored and metered.

2) Unanticipated Bypass: User shall immediately notify EPCOR of an unanticipated Bypass and submit a follow-up written report to EPCOR within five (5) days. This report shall specify:

i. A description of the bypass, and its cause, including its duration;

ii. Whether the Bypass has been corrected; and

iii. 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 User in the course of treatment or control of wastewater shall be disposed of in accordance with all applicable Environmental Laws.

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

5. **Unscheduled Flow Variations**

User shall immediately notify EPCOR of any unscheduled discharge flow variations of 30% or greater that will last longer than 4 hours.

**C. MONITORING AND RECORDS**

- i. 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.
- ii. 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.
- iii. **Inspection and Entry**

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 Rule 10:

- 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.

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

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

iv. Access To Information And Confidentiality

- a. 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.
- b. When requested by the customer, those portions of any reports, documents, testing and sampling data, or other information which are entitled to confidentiality under Paragraph (a) 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.
- c. Information and data provided to the Utility which is effluent data shall upon written request be available to the public.

v. Retention Of Records

- a. User 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 EPCOR as required by applicable law or regulations at any time upon written notice thereof to User.
- b. All records that pertain to matters that are the subject of special orders, or any other enforcement or litigation activities brought by EPCOR or other appropriate agency, shall be retained and preserved by User until all such activities have concluded, and all periods of limitation with respect to any and all appeals have expired.

f. Record Contents

Records of sampling information shall include:

- 1) The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures;

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Decision No. 79342

**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

- 2) The names of persons who performed the sampling or measurements;
- 3) The date(s) analyses were performed;
- 4) The names of persons who performed the analyses;
- 5) The analytical techniques or methods used; and
- 6) The results of such analyses.

**D. DISCHARGE INTO POTW**

When Utility determines that a User is discharging into the POTW any waste in such amounts as it may cause interfere, Pass Through, or Upset to the operation of the POTW, Utility shall: (i) Advise the User of the impact of the contribution on the POTW; (ii) Develop a Discharge limitation for such User to correct the Interference with the POTW; and (iii) Require the User to comply with the Discharge limits.

**E. ADDITIONAL REPORTING REQUIREMENTS**

1. Planned Changes

User shall give notice to EPCOR not less than 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.

2. Anticipated Noncompliance

User shall give advance notice to EPCOR of any planned changes in User's Facility, or activity, which may result in noncompliance with the requirements of this Agreement.

3. Duty to Provide Information

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

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

4. Signatory Requirements

Any reports or other documents required under this Agreement shall be signed by the appropriate signatory on behalf of User. By executing any such reports or other documents, the individual signatory is making the following certification for himself or herself and on behalf of User.

"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 evaluated 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 there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

IN WITNESS WHEREOF, EPCOR and User each have caused this Agreement to be signed by its respective authorized signatory, in each case as of the Effective Date.

COMPANY: EPCOR Water Arizona Inc., an Arizona corporation

By \_\_\_\_\_  
Title \_\_\_\_\_  
Signature \_\_\_\_\_  
Date \_\_\_\_\_

CUSTOMER:  
User - USA,  
a XXXX corporation

By \_\_\_\_\_  
Title \_\_\_\_\_  
Signature \_\_\_\_\_  
Date \_\_\_\_\_

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

**ATTACHMENT I (to the IDSA) – SCHEMATIC**

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

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

ATTACHMENT II (to the IDSA) - 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<br>(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. 1,11-dichloroethane                         | 43. Bis (2-chloroethoy) 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               |

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**RULE NO. 10**

**EXHIBIT A (continued)**

**INDUSTRIAL DISCHARGE SERVICE AGREEMENT**

ATTACHMENT II (to the IDSA) - 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<br>(BHC = hexa-chlorocyclohexane)  |
| 70. Diethyl phthalate                                  | 103. B-BHC-Beta                                     |
| 71. Dimethyl phthalate                                 | 104. R-BHC-aindane)-Gamma                           |
| 72. Benzo(a) anthracene (1,2-benzanthracene)           | 105. B-BHC-Delta                                    |
| 73. Benzo(a) pyrene (1,2-benzanthracene)               | 106. PCB-1242 (Arochlor 1242)                       |
| 74. 3,4-benzofluoranthene                              | 107. PCB-1254 (Arochlor 1254)                       |
| 75. Benzo(k)fluoranthene<br>(11, 12-benzofluoranthene) | 108. PCB-1221 (Arochlor 1221)                       |
| 76. Chrysene   | 109. PCB-1232 (Arochlor 1232)                       |
| 77. Acensphthylene                                     | 110. PCB-1248 (Arochlor 1248)                       |
| 78. Anthracene   | 111. PCB-1260 (Arochlor 1260)                       |
| 79. Benzo(ghi)perylene (1,12-benzoperylene)            | 112. PCB-1016 (Arochlor 1016)                       |
| 80. Fluorene   | 113. Toxaphene                                      |
| 81. Phenanthrene                                       | 129. 2,3,7,8-Tetrachloro<br>dibenzo-p-dioxin (TCDD) |
| 82. Dibenzo (a,h)anthracene                            |   |
| 83. Ideno (1,2,3-cd)pyrene<br>(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 & 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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**APPROVED FOR FILING**  
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**RULE NO. 10**

**EXHIBIT B**

ATTACHMENT III (To the IDSA)

**Non-Compliance Enforcement Response Plan**

This non-compliance enforcement response plan is intended to supplement any Industrial Discharge Service Agreement (IDSA) entered into with EPCOR Water Arizona. It shall define actions EPCOR may take with industrial customers that are out of compliance with their respective IDSA.

Section 1 – Investigation of Non-Compliance

Upon notification or suspicion of non-compliance with any conditions, terms or limitations established in the IDSA or Rule 10, EPCOR will notify the Industrial User and may immediately use the following methods to investigate the compliance status of the Industrial User:

- a) A field inspection may be conducted on-site to gather data for fact determination or evaluation of compliance.
- b) EPCOR personnel may conduct surveillance sampling of the Industrial User's wastewater discharge to determine compliance with Rule 10 and/or the IDSA.
- c) EPCOR may conduct a document review that analyzes data related to Industrial User's compliance. This includes self-monitoring reports and any documentation the Industrial User has to support its self-monitoring reports.
- d) EPCOR may conduct formal and informal meetings with the User to obtain information which relates to any aspect of Rule 10 and/or the IDSA. The meeting may be used to investigate technical issues or concerns regarding the compliance status of the Industrial User.
- e) EPCOR may increase surveillance monitoring, or require the Industrial User to increase the frequency of wastewater monitoring for further data to determine compliance with Rule 10 and/or the IDSA.

Section 2 – Non-Compliance Enforcement

Upon verification of non-compliance status as it relates to Rule 10 or the IDSA of the Industrial User, EPCOR will immediately invoke the following steps in an effort to establish full compliance status with the Industrial User.

- a) EPCOR will serve upon the Industrial User a written Notice of Violation. Such notification shall be accomplished via electronic email, hand delivery or by registered or certified mail (return receipt requested). Within five (5) calendar days of the receipt of such notice, the Industrial User shall submit to EPCOR an explanation of the violation and a plan for the satisfactory correction and prevention thereof, including specific required actions. Submission of such a plan in no way relieves the person of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of EPCOR to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- b) If the Industrial User fails to respond to the initial Notice of Violation, or continues to violate, any provision of the IDSA or Rule 10, EPCOR may issue an order directing the Industrial User to cease and desist all such violation(s) or to come into compliance within a specified time. If the Industrial User does not cease such violation(s) or come into compliance within the time provided, water or sewer service may be discontinued under the terms defined in Rule 8 of the existing tariff.

ISSUED: May 16, 2024  
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**RULE NO. 10**

**EXHIBIT B (continued)**

- c) EPCOR may terminate the IDSA for any Industrial User who does not in good faith act to rectify a non-compliance status.
- d) EPCOR may immediately suspend discharge of an Industrial User, after informal notice to the user, whenever such suspension is necessary to stop a discharge which: (a) reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons; (b) interferes or threatens to interfere with the operation of the receiving collection system or treatment works owned and operated by EPCOR or, (c) which presents, or may present, an endangerment to the environment. Such informal notice may include: hand delivery of the emergency notice during working hours; posting of such notice at the business; telephone or email notice to the authorized representative; and any other methods as determined to be appropriate by EPCOR under the emergency suspension action.
- e) Failure by the Industrial User to suspend discharge at EPCOR's request shall be cause to terminate the IDSA.

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