

Company: \_\_\_\_\_

Decision No.: \_\_\_\_\_

Phone: \_\_\_\_\_

Effective Date: \_\_\_\_\_

## **POINT-OF-USE TREATMENT DEVICE TARIFF**

### **Purpose and Applicability**

**Purpose:** The purpose of this tariff is to enable \_\_\_\_\_ ("Company") to comply with the Arizona Department of Environmental Quality's ("ADEQ") requirements for Point-of-Use ("POU") treatment. The Company will install, maintain, and test POU treatment devices pursuant to the provisions of Arizona Administrative Code ("A.A.C.") R18-4-218<sup>1</sup> and ADEQ's Arizona Point-of-Use Compliance Program Guidance ("POU Guidance"). A POU treatment device treats only the water intended for direct consumption and is typically installed at a single tap on the customer's premises, such as a kitchen sink or drinking fountain.

**Applicability:** This POU Treatment Device Tariff applies to customers in the systems listed above, where ADEQ has approved POU treatment to comply with Safe Drinking Water Act requirements.

### **Requirements**

The Rules of the Arizona Corporation Commission ("Commission") and ADEQ, including A.A.C. R14-2-407, R14-2-410, R18-4-218, POU Guidance, and the terms of this tariff govern the installation and use of POU treatment devices:

1. Upon written notice from the Company, a customer must permit the Company to install one or more POU treatment devices and related equipment and facilities (collectively the "POU treatment devices"), as ADEQ and the Company deems necessary, on the customer's property or leasehold. The Company will give the customer forty-five (45) days from the date it sends written notice to the customer to permit the Company to install the POU treatment devices. If A.A.C. R14-2-410.B.1 is not applicable and the customer can show good cause why the customer cannot permit the Company to install the POU treatment devices within forty-five (45) days, the Company may allow the customer an additional forty-five (45) days to have the POU treatment devices installed.

2. The Company will purchase, install, and maintain the POU treatment devices pursuant to A.A.C. R18-4-218.B4.

3. Subject to the provisions of the A.A.C., including R18-4-218, and the POU Guidance, the installation and maintenance of the POU treatment device and the customer's compliance with this tariff are conditions of service.

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<sup>1</sup> Formerly Arizona Administrative Code R18-4-222.

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4. The Company will arrange to install the POU treatment devices at a time convenient to the customer and the Company.

5. All POU treatment devices will be solely the Company's property. The customer may not perform any work on, maintain, alter, or interfere with the POU treatment devices in any way, except that the customer may turn off the flow of water to the POU treatment device to prevent damage to the customer's property.

6. Within 30 days of receiving notice, the customer must permit the Company or its agents to enter the customer's property or leasehold to maintain any POU treatment devices in good working order, including, but not limited to, periodic replacement of filters, water sampling, maintenance, and replacement of the POU treatment devices.

7. Subject to the provisions of A.A.C. R14-2-407 and R14-2-410, and in accordance with the terms of this tariff, the Company may terminate service or deny service to a customer who fails to comply with the terms and conditions of this tariff.

8. The Company will test the POU treatment devices in conformance with the requirements of A.A.C. R18-4-218 and the POU Guidance.

9. Consistent with the provisions of A.A.C. R14-2-407.B.2 and 3, each customer must safeguard the POU treatment devices installed on the customer's premises. Each customer must exercise all reasonable care to prevent loss or damage to the POU treatment devices, excluding ordinary wear and tear. The customer will be responsible for loss of or damage to the POU treatment devices on the customer's premises arising from neglect, carelessness, or misuse and in such cases the customer will reimburse the Company for the cost of necessary repairs or replacements.

10. Pursuant to A.A.C. R14-2-407.B.5, each customer must notify the Company within 72 hours of any failure or damage the customer identifies in any Company POU treatment device.

11. Special installation of any fixtures for direct consumption (such as routing treated water to ice makers or additional faucets) must be performed by the Company.

12. Prior to installation of the POU treatment devices, the Customer must provide to the Company its preferred method(s) of contact: by telephone, by United States mail, or by email. Customer must notify the Company of any changes to contact information within 30 days of the change.

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13. The Company shall mail the Tariff to all Customers with all accompanied rules and regulations, post the Tariff on the Company website and also have copies available at the Company offices.

Attachment-AAC: Arizona Administrative Codes (5 pages)

**Arizona Administrative Codes****R14-2-407. Provision of service**

- A.** Utility responsibility. Each utility shall be responsible for providing potable water to the customer's point of delivery.
- B.** Customer responsibility
1. Each customer shall be responsible for maintaining all facilities on the customer's side of the point of delivery in a safe and efficient manner and in accordance with the rules of the state Department of Health.
  2. Each customer shall be responsible for safeguarding all utility property installed in or on the customer's premises for the purpose of supplying water to that customer.
  3. Each customer shall exercise all reasonable care to prevent loss or damage to utility property, excluding ordinary wear and tear. The customer shall be responsible for loss of or damage to utility property on the customer's premises arising from neglect, carelessness, or misuse and shall reimburse the utility for the cost of necessary repairs or replacements.
  4. Each customer shall be responsible for payment for any equipment damage resulting from unauthorized breaking of seals, interfering, tampering or bypassing the utility meter.
  5. Each customer shall be responsible for notifying the utility of any failure identified in the utility's equipment.
  6. Water furnished by the utility shall be used only on the customer's premises and shall not be resold to any other person. During critical water conditions, as determined by the Commission, the customer shall use water only for those purposes specified by the Commission. Disregard for this rule shall be sufficient cause for refusal or discontinuance of service.
- C.** Continuity of service. Each utility shall make reasonable efforts to supply a satisfactory and continuous level of service. However, no utility shall be responsible for any damage or claim of damage attributable to any interruption or discontinuation of service resulting from:
1. Any cause against which the utility could not have reasonably foreseen or made provision for, i.e., force majeure
  2. Intentional service interruptions to make repairs or perform routine maintenance
  3. Curtailment.
- D.** Service interruptions
1. Each utility shall make reasonable efforts to reestablish service within the shortest possible time when service interruptions occur.
  2. Each utility shall make reasonable provisions to meet emergencies resulting from failure of service, and each utility shall issue instructions to its employees covering procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of service.

3. In the event of a national emergency or local disaster resulting in disruption of normal service, the utility may, in the public interest, interrupt service to other customers to provide necessary service to civil defense or other emergency service agencies on a temporary basis until normal service to these agencies can be restored.
  4. When a utility plans to interrupt service for more than 4 hours to perform necessary repairs or maintenance, the utility shall attempt to inform affected customers at least 24 hours in advance of the scheduled date and estimated duration of the service interruption. Such repairs shall be completed in the shortest possible time to minimize the inconvenience to the customers of the utility.
  5. The Commission shall be notified of interruptions in service affecting the entire system or any major division thereof. The interruption of service and cause shall be reported within 4 hours after the responsible representative of the utility becomes aware of said interruption by telephone to the Commission and followed by a written report to the Commission.
- E. Minimum delivery pressure.** Each utility shall maintain a minimum standard delivery pressure of 20 pounds per square inch gauge (PSIG) at the customer's meter or point of delivery.
- F. Construction standards.** Each utility shall construct all facilities in accordance with the guidelines established by the state Department of Health Services.

**R14-2-410. Termination of service**

- A. Nonpermissible reasons to disconnect service.** A utility may not disconnect service for any of the reasons stated below:
1. Delinquency in payment for services rendered to a prior customer at the premises where service is being provided, except in the instance where the prior customer continues to reside on the premises.
  2. Failure of the customer to pay for services or equipment which is not regulated by the Commission.
  3. Nonpayment of a bill related to another class of service.
  4. Failure to pay for a bill to correct a previous underbilling due to an inaccurate meter or meter failure if the customer agrees to pay over a reasonable period of time.
- B. Termination of service without notice**
1. Utility service may be disconnected without advance written notice under the following conditions:
    - a. The existence of an obvious hazard to the safety or health of the consumer or the general population.
    - b. The utility has evidence of meter tampering or fraud.
    - c. Unauthorized resale or use of utility services.

- d. Failure of a customer to comply with the curtailment procedures imposed by a utility during supply shortages.
2. The utility shall not be required to restore service until the conditions which resulted in the termination have been corrected to the satisfaction of the utility.
3. Each utility shall maintain a record of all terminations of service without notice. This record shall be maintained for a minimum of 1 year and shall be available for inspection by the Commission.

**C. Termination of service with notice**

1. A utility may disconnect service to any customer for any reason stated below provided the utility has met the notice requirements established by the Commission:
  - a. Customer violation of any of the utility's tariffs filed with the Commission and/or violation of the Commission's rules and regulations.
  - b. Failure of the customer to pay a delinquent bill for utility service.
  - c. Failure to meet or maintain the utility's credit and deposit requirements.
  - d. Failure of the customer to provide the utility reasonable access to its equipment and property.
  - e. Customer breach of a written contract for service between the utility and customer.
  - f. When necessary for the utility to comply with an order of any governmental agency having such jurisdiction.
2. Each utility shall maintain a record of all terminations of service with notice. This record shall be maintained for 1 year and be available for Commission inspection.

**D. Termination notice requirements**

1. No utility shall terminate service to any of its customers without providing advance written notice to the customer of the utility's intent to disconnect service, except under those conditions specified where advance written notice is not required.
2. Such advance written notice shall contain, at a minimum, the following information:
  - a. The name of the person whose service is to be terminated and the address where service is being rendered.
  - b. The Commission rule or regulation that was violated and explanation thereof or the amount of the bill which the customer has failed to pay in accordance with the payment policy of the utility, if applicable.
  - c. The date on or after which service may be terminated.
  - d. A statement advising the customer to contact the utility at a specific address or phone number for information regarding any deferred payment or other procedures which the utility may offer or to work out some other mutually agreeable solution to avoid termination of the customer's service.
  - e. A statement advising the customer that the utility's stated reason for the termination of services may be disputed by contacting the utility at a specific address or phone number, advising the utility of the dispute and making arrangements to discuss the cause for termination with a responsible employee

of the utility in advance of the scheduled date of termination. The responsible employee shall be empowered to resolve the dispute and the utility shall retain the option to terminate service.

**E. Timing of terminations with notice**

1. Each utility shall be required to give at least 10 days advance written notice prior to the termination date.
2. Such notice shall be considered to be given to the customer when a copy thereof is left with the customer or posted first class in the United States mail, addressed to the customer's last known address.
3. If after the period of time allowed by the notice has elapsed and the delinquent account has not been paid nor arrangements made with the utility for the payment thereof or in the case of a violation of the utility's rules the customer has not satisfied the utility that such violation has ceased, the utility may then terminate service on or after the day specified in the notice without giving further notice.
4. Service may only be disconnected in conjunction with a personal visit to the premises by an authorized representative of the utility.
5. The utility shall have the right (but not the obligation) to remove any or all of its property installed on the customer's premises upon the termination of service.

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

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

**R18-4-218. Criteria and Procedures for Public Water Systems Using Point-of-Entry or Point-of-Use Treatment Devices**

- A. A water supplier may use a point-of-entry (POE) or point-of-use (POU) treatment technology to achieve compliance with a MCL or treatment technique if the water supplier meets the requirements of this Section.
- B. A public water system may use a POE or POU treatment device to achieve compliance with a MCL, if the treatment device:
  1. Is not used to achieve compliance with an MCL or treatment technique for a microbial contaminant or an indicator for a microbial contaminant, in accordance with 42 U.S.C. 300g-1(b)(4)(E)(ii) (2007);

2. Is listed in 40 CFR 141 as an acceptable compliance technology for the applicable contaminant;
  3. Is certified against the applicable NSF/ANSI Standards;
  4. Is owned, controlled and maintained by a public water system or by a person under contract with the public water system to ensure proper operation, maintenance, and compliance with MCLs or treatment techniques; and
  5. Is equipped with mechanical warnings to ensure that customers are automatically notified of recommended system maintenance and or operational problems. This performance indication device shall provide notice to the end user at a defined moment in time without shutting off the POE or POU device.
- C. Prior to installing a POE or POU treatment device, a public water system shall obtain the Department's written approval of a POE or POU operation and maintenance (O & M) plan. A public water system shall submit an O & M plan to the Department that ensures proper long-term operation, maintenance, and monitoring of the POE or POU treatment devices. An O & M plan shall ensure that:
1. The POE or POU treatment device provides health protection equivalent to the health protection provided by centralized water treatment. "Equivalent" means that water treated by the POE or POU treatment device meets all national primary drinking water regulations.
  2. A residential building, or a nonresidential building that uses water for human consumption, that is connected to the public water system has a POE or POU treatment device that is installed, operated, maintained, and monitored in a manner that assures continuous compliance with the MCLs, treatment techniques, and other requirements of this Chapter.
  3. Multi-unit residential and nonresidential buildings utilizing POU treatment devices to achieve compliance with this Chapter have a sufficient number of POU devices installed to provide adequate potable water for all residents, employees, and customers.
  4. The rights and responsibilities of persons served by the public water system are conveyed with the title upon the sale of property containing a POU treatment device, including but not limited to the following:
    - a. The public water system owns and is responsible for maintaining a POU treatment device that is installed to meet the requirements of this Section; and
    - b. Persons served by public water systems must grant public water system employees reasonable access to POU treatment devices, so that the devices can be properly maintained. Public water systems may discontinue water service to a customer who refuses to allow public water system employees to enter the customer's home or business to inspect and maintain POU treatment devices.

### **Arizona Point-of-Use Compliance Program Guidance**

<http://www.azdeq.gov/envIRON/water/download/pointofuse.pdf>