

AMENDMENT 1 TO  
AGREEMENT FOR CONNECTION BETWEEN CITY OF GOODYEAR WASTEWATER  
TREATMENT PLANT AND PALO VERDE NUCLEAR GENERATING STATION'S  
WATER RECLAMATION SUPPLY SYSTEM

WHEREAS, Arizona Public Service Company ("APS") is the operating agent for the operation of the Palo Verde Nuclear Generating Station ("PVNGS"), which is owned, as tenants in common with undivided interests in certain specified percentages, by APS and various other entities, including, El Paso Electric Company, Public Service Company of New Mexico, Los Angeles Department of Water & Power, Salt River Project Agricultural Improvement & Power District, Southern California Edison Company, Southern California Public Power Authority (collectively the "Participants") .

WHEREAS, APS, on behalf of the Participants, operates a Water Reclamation Supply System ("WRSS"), which is a pipeline that delivers treated effluent to PVNGS.

WHEREAS, the City of Goodyear ("City") owns and operates a wastewater treatment plant ("Plant"), which is adjacent to the WRSS.

WHEREAS, on or about October 8, 1996, the City and APS entered into that certain agreement titled Agreement For Connection Between City of Goodyear Wastewater Treatment Plant and Palo Verde Nuclear Generating Station's Water Reclamation System (the "Interconnection Agreement").

WHEREAS, under the terms of the Interconnection Agreement, the City was entitled to connect the Plant into the WRSS and to discharge treated effluent into the WRSS in accordance with the terms of the Interconnection Agreement.

WHEREAS, by letter dated April 25, 2018, APS terminated the Interconnection Agreement, which termination was to be effective one year from the date of the letter in accordance with Section 15 of the Interconnection Agreement.

WHEREAS, the City and APS have reached an agreement to fund the work necessary to physically separate the Plant from the WRSS, whereby the Parties shall share these costs.

NOW THEREFORE, the City and APS agree as follows:

## AGREEMENT

1. APS shall be responsible for completing all work required to physically separate the Plant from WRSS, as reflected in Exhibit 1 attached hereto and incorporated herein by this reference (the "Work").

2. APS shall keep any City property used in the performance of the Work free of any mechanic's or materialmen's liens or liens of any kind or nature for any work done, labor performed, or materials furnished on or to the City property in performance of the Work. If any such lien is filed, APS shall, at its sole cost and expense, either have the lien removed within thirty days of receiving written notification from the City of the existence of the lien or provide the City with financial security, in a form acceptable to the City in its sole discretion, that assures the City that such lien will not be foreclosed. APS's obligations set forth in this Paragraph 2 shall survive the expiration, or earlier cancellation or termination of the Interconnection Agreement

3. Within thirty (30) days of receiving documentation that demonstrates the completion of the Work, the City shall reimburse APS a total of \$121,174.35. The documentation required herein, shall be sent to:

Javier Setovich P.E.  
Director Public Works  
City of Goodyear  
4980 South 157<sup>th</sup> Avenue  
Goodyear, Arizona 85338

4. APS agrees that upon the City's payment to APS of \$121,174.35 any and all obligations the City may have under the Interconnection Agreement shall be deemed fully satisfied.

IN WITNESS WHEREOF, the parties have entered into this Amendment 1 to Agreement for Connection between City of Goodyear Wastewater Treatment Plant and Palo Verde Generating Station's Water Reclamation System as of the latest date reflected below.

### CITY:

CITY OF GOODYEAR, an Arizona municipal corporation

By: \_\_\_\_\_

Julie Arendall

Its: City Manager

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

## ARIZONA PUBLIC SERVICE COMPANY

By R. Lange

Date: 4/12/2019

Name: RICHARD LANGE

Title: PALO VERDE WATER RESOURCES PLANT MANAGER

Attest:

Darcie McCracken, City Clerk

Approved as to Form:

Roric Massey, City Attorney

## **Exhibit 1**

### **Termination and Physical Separation of the Palo Verde Water Reclamation Supply System Piping from the City of Goodyear Wastewater Treatment Plant**

The Palo Verde Water Reclamation Supply System (WRSS) and the City of Goodyear (City) Wastewater Treatment Plant (WWTP) discharge connection (tie-in) is to be terminated and the systems physically separated. Arizona Public Service (APS) will perform all required work to effect the separation.

APS will excavate the WRSS piping and City WWTP connection. APS will remove a section of the existing 30 inch diameter horizontal spool piece between the APS WRSS isolation valve V-244 and the City discharge pipe. The length of the pipe spool to be removed will be determined at the time of separation. A flange, seal, and blind flange will be installed mechanically to the remaining portion of the City 30-inch diameter pipe segment. A seal and blind flange will be installed at the outboard side of the APS valve V-244 to complete the separation. APS will then backfill the site.