

**ADPH**  
**ALABAMA**  
**DEPARTMENT OF PUBLIC HEALTH**

**STATE-ISSUED PRODUCT PERMIT**

SYSTEM(S): Fuji Clean Model Numbers  
CE5—500 Gallons                      CEN5—500 Gallons  
CE7—700 Gallons                      CEN7—700 Gallons  
CE10—1000 Gallons                    CEN10—1000 Gallons  
CE14—1350 Gallons                    CEN14—1350 Gallons

PERMITTEE:                              Mr. Scott Samuelson  
    Fuji Clean USA, LLC  
    41-2 Greenwood Road  
    Brunswick, ME 04011  
    207/406-2927

FACILITY LOCATION:                  Various Sites State Wide


PERMIT NUMBER:                      ALM0000314

In accordance with and subject to the provisions of the Public Health Laws of Alabama and Chapter 420-3-1, Onsite Sewage Treatment and Disposal, adopted there under, and subject further to the terms and conditions set forth in this permit, the permittee is hereby authorized to discharge sewage at the stated site(s).

ISSUANCE DATE:                        August 24, 2020

EFFECTIVE DATE:                        April 29, 2020

EXPIRATION DATE:                      April 28, 2025

  
Alabama Department of Public Health

## PART I – MONITORING REQUIREMENTS

### A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS (All systems)

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee products are authorized to discharge to:

#### The Effluent Disposal Field

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS</u>	
		Daily Minimum	Daily Maximum	3 Month Average	Measurement	Sample
CBOD <sub>5</sub>	mg/l	25	25	25	No Monitoring Required	
TSS	mg/l	30	30	30	No Monitoring Required	
NO3-N	mg/l	monitor	monitor	monitor	No Monitoring Required	
Ph	standard	6	9	--	No Monitoring Required	
Fecal Coliform	col/100ml	monitor	monitor	monitor	No Monitoring Required	

- The permittee shall provide to the Board a list of all distributors, and/or installers who are trained and authorized to install, maintain, and/or operate the permitted system(s) in Alabama. The list is to include the names, mailing addresses and telephone numbers. The list shall be updated and submitted either electronically or by regular mail to the Board annually.
- The permittee shall maintain a list of all System(s) installed in the State of Alabama, indicating the actual street location where each System(s) was installed. Said list shall be updated and submitted to the Board if requested.
- *The permittee shall submit to the Bureau of Environmental Services evidence of annual re-certification in accordance with National Sanitation Foundation Standard #40.*
- The permittee shall maintain a list of reported failures in the state and submit the list in accordance with **PART II – GENERAL PERMIT CONDITIONS REPORTING REQUIREMENTS** every six months for the period from January thru June and July thru December.
- The permittee shall adhere to any specific system requirements listed in **Part III** of this permit.

## **PART II – GENERAL PERMIT CONDITIONS**

### **A. REPORTING REQUIREMENTS**

#### **1. Reporting Periods**

- a. Reporting is to be started in the first full calendar month after the effective date of the permit.
- b. Any required reports shall be summarized on a form approved by the Department, and shall be reported to the Department no later than the 28<sup>th</sup> day of the month following the reporting period.
- c. Reports must be legible and bear an original signature. Photo or electronic copies of the signature are not acceptable and shall not satisfy the reporting requirements of this permit.
- d. Reports and forms required to be submitted by this permit, shall be signed by a “responsible person,” or an “agent” of such person, and shall bear the following certification:

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

- e. Reports and forms required to be submitted to the Department by this permit shall be addressed to:

Alabama Dept of Public Health  
Bureau of Environmental Services/CEP  
The RSA Tower, Suite 1250  
POB 303017  
Montgomery, Alabama 36130-3017

### **B. OTHER REPORTING AND NOTIFICATION REQUIREMENTS**

#### **1. Termination of Product Production**

- a. The permittee shall notify the Department, in writing, when the manufacture of the Product has permanently ceased. This notification shall serve as sufficient cause for instituting procedures for modification or termination of the permit.

#### **2. Updating Information**

- a. The permittee shall inform the Department of a change in the permittee’s mailing address or telephone number or the permittee’s designation of a facility contact or position having the authority and responsibility to prevent and abate violations of the Department’s Rules and the terms and conditions of this permit, in writing, no later than ten (10) days after such change. Upon request of the Department, the permittee shall furnish the Department with an update of information provided in the permit application.
- b. If the permittee becomes aware that it failed to submit relevant facts in a permit application, or submitted incorrect information in a permit application or in a report to the Department, it shall promptly submit such facts or information with a written explanation for the mistake and/or omission.

#### **3. Duty to Provide Information**

- a. The permittee shall furnish to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, suspending, or revoking this permit in whole or in part, or to determine compliance with the permit.

**C. OPERATIONAL AND MANAGEMENT REQUIREMENTS**

1. Right of Entry and Inspection

- a. The permittee shall allow the Department or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:
  - 1. Enter upon the premises where Product is manufactured or stored, and where records must be maintained as a condition of the permit;
  - 2. Have access to and copy, at reasonable times, any records required to be maintained by this permit;
  - 3. Inspect, at reasonable times, any Product, equipment, or practice relating to the Product and this permit.

**D. DUTY TO COMPLY WITH PERMIT, RULES, AND STATUTES**

1. Duty to Comply

- a. The permittee must comply with all conditions of this permit. Any noncompliance constitutes a violation of the permit and regulations and shall be grounds for enforcement action which may include termination, revocation and reissuance, suspension, modification, or denial of a permit.

2. Compliance with Statutes and Rules

- a. This permit is issued under authority of the Administrative Code of Alabama, Chapter 420-3-1. All provisions of this chapter are hereby made a part of this permit.
- b. This permit does not authorize noncompliance with or violation of any laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws.

**E. PERMIT REISSUANCE, TRANSFER, MODIFICATION, REVOCATION, AND SUSPENSION**

1. Duty to Reapply

- a. The permittee shall file a complete permit application for re-issuance of this permit at least 90 days prior to its expiration.
- b. Failure of the permittee to apply for re-issuance at least 90 days prior to permit expiration will void the automatic continuation of the expiring permit provided by the Administrative Code of Alabama, Chapter 420-3-1, and should the permit not be reissued for any reason, any sales or provision of Product within this State after expiration of this permit shall be prohibited.

2. Changes in Product

- a. Prior to any modification, or significant change in the product, the permittee shall provide the Department with information concerning said modification or change. The permittee shall apply for a permit modification prior to the sale of any modified products in the State.

3. Transfer of Permit

- a. This permit may not be transferred or the name of the permittee changed without notice to the Department and subsequent modification or revocation and re-issuance of the permit, to identify the new permittee and to incorporate any other changes as may be required. In the case of a change in name, ownership or control, a request for permit modification in a format acceptable to the Department shall be submitted. Whenever the Department is notified of a change in name, ownership, or control, it may require the submission of a new permit application.

4. Permit Modification and Revocation

- a. This permit may be modified or reissued, in whole or in part, for cause, including, but not limited to, the following:
  - 1. If a request to transfer this permit has been received, the Department may decide to modify or reissue the permit,
  - 2. If modification or reissuance is requested by the permittee and is justified, the Department

may grant the request,

3. Material or substantial alterations, or additions to the Product or its production,
  4. The Department has received new information not available at the time of permit issuance that would have justified different permit conditions,
  5. Errors were made in calculating the limitations or in the text of the permit; or
  6. When requested by the permittee and the Department determines that the modification is justified and will not result in a violation of federal or state law, rules, or regulations.
- b. This permit may be revoked or terminated during its term for cause, including, but not limited to, the following.
1. Violation of any condition of this permit;
  2. The permittee misrepresented or failed to disclose fully all relevant facts in the permit application or at any time during the permitting process.
  3. Materially false or inaccurate statements, or information, were found in the permit application or the permit document;
  4. The permittee's Product endangers or is menacing public health, or threatens the environment.
  5. Permanent closure of the facility producing the Product or permanent cessation of Product production.
- c. The filing of a request by the permittee for modification or reissuance, in whole or in part, does not automatically continue this permit or its conditions beyond the expiration date.
- d. This permit may be suspended during its term for cause, including, but not limited to, the reasons for termination listed in Part II E.

#### **F. PROPERTY AND OTHER RIGHTS**

1. This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of federal, state, or local laws or regulations, nor does it authorize or approve the construction of any physical structures or facilities or the undertaking of any work in any waters of the State or of the United States.

#### **G. AVAILABILITY OF REPORTS**

1. All reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Product quality data shall not be considered confidential.

#### **H. SEVERABILITY**

1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the other provisions of this permit shall remain in effect.

## PART III - ADDITIONAL REQUIREMENTS SPECIFIC TO PRODUCT

### A. CONDITIONS OF APPROVAL

1. A State product permit to approve the use of the System(s) in Alabama is hereby granted under the conditions enumerated in this permit. For a renewal of the permit, the permittee shall submit a request for renewal to the State Board of Health (Board) in accordance with **PART II - GENERAL PERMIT CONDITIONS**.
2. The permittee shall submit to the Bureau of Environmental Services evidence of annual re-certification in accordance with National Sanitation Foundation Standard #40.
3. The following conditions shall apply to this State permit and to all System(s) installed in Alabama:
  - a. For System installation, an **Application** for A Permit To Install An Onsite Sewage Disposal System, along with a suitable checklist and required documents, plans, and specifications, shall be submitted to the county health department.
  - b. System sizing shall be in compliance with applicable tables from Chapter 420-3-1.
  - c. System(s) shall dispose of the treated wastewater in a manner that complies with **Chapter 420-3-1**, this permit, and the permittee's design manual.
  - d. The System shall be equipped with a septic tank effluent filter that meets NSF Standard 46, unless otherwise specified by the manufacturer.
  - e. The permittee shall make adequate provisions for the prompt **service, repair, or maintenance** of System(s) installed in Alabama, and provide contact telephone numbers for the homeowner to report any malfunctions or problems.
  - f. The permittee shall warrant the product or package of products as described by the permit for a minimum of 2 years from the date of its installation. The warranty shall comply with the provisions of the Code of Alabama, 1975, §7-2-316(2), 7-2-714(1)(3), and 7-2-318 and shall guarantee the repair or replacement of a failing product, or a component thereof, at no cost to the owner when said failure is caused by a defect in the product. The warranty shall inform the owner of the replacement policy covering all mechanical and electrical component parts and the factors, events or actions that may void the product warranty. The State-Issued Product Permit holder, and not the manufacturers of the different components in the permitted product, shall furnish the warranty to the end user of the product or package of products.
  - g. A continuing maintenance contract offering the same services shall be available and offered, through an in-State distributor/service provider, to the owner of the system package after the initial 2 years contract expires.
  - h. The permittee shall insure that authorized distributors of their System(s) provide to the owner upon installation of the System(s) the following:
    - i. Name, address and telephone number of the distributor selling the System(s) and providing the warranty and maintenance.
    - ii. The two-year written warranty.
    - iii. The two year maintenance contract.
    - iv. The availability of a continuing maintenance contract for the System(s).
  - i. The permittee shall maintain a current and up-to-date **database**, acceptable to the Department and track the installation and maintenance of System(s) installed in Alabama. The database shall contain at a minimum the name and address of the purchaser, the name and license number of the authorized installer, the name of the design engineer, and the name and license number of the maintenance contractor who will service the installation. The permittee shall notify the Bureau and the county health department if a contract for maintenance service for a System(s) has been discontinued or if required maintenance has not been performed. The notification shall provide the name, address, and telephone number of the property owner. Said database shall be updated as required by the Bureau. The update shall include new systems added, and those systems whose owners have discontinued the maintenance.
  - j. The permittee shall supply to the Board, its distributors, and engineers **an initial instruction manual** to guide the design and construction of the System(s). The permittee shall supply an updated manual when major changes to the design of the system(s) are incorporated. The manual shall include the following information:
    - i. A description of the System(s) and how it works;

- ii. Specification for the types of wastewater that can be treated;
- iii. Instructions for sizing the absorption field;
- iv. A design and calculation worksheet;
- v. Detailed, step-by-step, instructions for System(s) installation;
- vi. Detailed instructions for operation, inspection, and maintenance;
- vii. Instructions to include drawings for proper plumbing and electrical wiring;
- viii. Instructions for setting, adjusting, and troubleshooting;
- ix. Typical plan view, sectional, profile, and detail drawings;
- x. Copies of the warranty, maintenance contract and the continuing maintenance contract;
  - xi. An example of an inspection report as required per (o) below;
  - xii Name and telephone of contact person/representative; and
  - xiii. A complete list of all parts necessary for an installation.
- k. No System(s) shall be installed, serviced, or maintained in Alabama except by a contractor who has been licensed by the Alabama Onsite Wastewater Board, and who has been trained, and authorized by the permittee to do such work. The **minimum training** for an installer or service provider not directly supervised by the permittee during System(s) installation or maintenance shall be hands-on instruction on the installation/maintenance of at least one (1) system, where the instruction is done by the permittee, and other training to insure competency of installer to the satisfaction of the permittee.
  - l. Following installation/maintenance service, the licensed installer/service provider shall complete an **inspection report** supplied by the permittee to record pertinent details about the condition of the System(s). Each report shall be submitted to the permittee within seven (7) days.
  - m. The permittee shall provide to the Board a list of all distributors, and/or installers who are trained and authorized to install, maintain, and/or operate the permitted system(s) in Alabama. The list is to include the names, mailing addresses and telephone numbers. The list shall be updated and submitted either electronically or by regular mail to the Board annually.
  - n. Upon discovery of a **failing system**, the permittee and its authorized representative shall inform the county health department. A report shall be prepared and presented by the permittee to the county health department and to the Board, giving the location of the failed System(s), the owner's name, the date and size of the installation, and the installers' name. The report shall explain the suspected cause(s) of the failure, if known, and the appropriate remedies for a repair.
  - o. The criteria for determining a **failing system**, or component thereof, shall be as follows:
    - i. A breakage, weakness, or defect in the product that causes a malfunction in the treatment, distribution, disposal, or dispersal of effluent into the soil absorption field, or which causes a wash-out or disruption of the effluent disposal field.
    - ii. Surfacing or ponding of effluent at, over, or around the System(s) or effluent disposal field.
    - iii. Backing up of sewage within the residence caused by ponding within the product, as noted above.