



# ALABAMA DEPARTMENT OF PUBLIC HEALTH

## PROPRIETARY PRODUCT PERMIT

Permit  
Number:  
ALM0000372

### PRODUCT(S):

Secondary Treatment Units:

AK500C or F

AK600C or FF

AK6PTF

AK750C or FF

AK800C

AK1000C or FF

AK1500C or FF

Tertiary Treatment Units:

AK6S245C or F

### PERMITEE DATA:

Mr. David Mastin

AquaKlear, Inc.

876 N. Bierdeman Road

Pearl, Mississippi 39208

ISSUE DATE: 06/16/2022

EFFECTIVE DATE: 06/16/2022

EXPIRATION DATE: 06/15/2027

*The permittee is hereby authorized to distribute the listed product(s) in the State of Alabama.*

A handwritten signature in cursive script, reading "Leigh Satter".

Bureau of Environmental Services/CEP

## **PART I -- GENERAL PERMIT CONDITIONS**

### **(1) Reporting and Notification Requirements**

#### **A. Termination of Product Production**

1. 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.

#### **B. Updating Information**

1. 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.
2. 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.

#### **C. Duty to Provide Information**

1. 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.
- 2.

### **(2) Operational and Management Requirements**

#### **A. Right of Entry and Inspection**

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

### **(3) Duty to Comply with Permit, Rules, and Statutes**

#### **A. Duty to Comply**

1. 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.

#### **B. Compliance with Statutes and Rules**

1. 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.
2. 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.

### **(4) Permit Reissuance, Transfer, Modification, Revocation, and Suspension**

#### **A. Duty to Reapply**

1. The permittee shall file a complete permit application for re-issuance of this permit at least 90 days prior to its expiration.
2. 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.

#### **B. Changes in Product**

1. 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.

#### **C. Transfer of Permit**

1. 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.
- D. Permit Modification and Revocation
  1. This permit may be modified or reissued, in whole or in part, for cause, including, but not limited to, the following:
    - a. If a request to transfer this permit has been received, the Department may decide to modify or reissue the permit,
    - b. If modification or reissuance is requested by the permittee and is justified, the Department may grant the request,
    - c. Material or substantial alterations, or additions to the Product or its production,
    - d. The Department has received new information not available at the time of permit issuance that would have justified different permit conditions,
    - e. Errors were made in calculating the limitations or in the text of the permit; or
    - f. 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.
  2. This permit may be revoked or terminated during its term for cause, including, but not limited to, the following.
    - a. Violation of any condition of this permit.
    - b. The permittee misrepresented or failed to disclose fully all relevant facts in the permit application or at any time during the permitting process.
    - c. Materially false or inaccurate statements, or information, were found in the permit application or the permit document.
    - d. The permittee's Product endangers or is menacing public health or threatens the environment.
    - e. Permanent closure of the facility producing the Product or permanent cessation of Product production.
  3. 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.
  4. This permit may be suspended during its term for cause, including, but not limited to, the reasons for termination listed in Part II E.

## **(5) Property and Other Rights**

- A. 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.

## **(6) Availability of Reports**

- A. 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.

## **(7) Severability**

- A. 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 II - ADDITIONAL REQUIREMENTS**

## **(1) Conditions of Approval**

- A. Permitted disposal products are considered equivalent to the gravel field standard under Chapter 420-3-1.
  1. If applicable, the permittee shall submit to the Bureau of Environmental Services, upon renewal, the results of testing, research, or monitoring conducted by objective third party research or testing organizations.
  2. The following conditions shall apply to this State permit and to all product(s) installed in Alabama:
    - a. Treatment product sizing shall be in compliance with applicable tables from Chapter 420-3-1 and disposal products shall be sized in accordance with the tables found in the product manual.
    - b. 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.

- c. 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.
- d. For treatment products, 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 product package after the initial 2 years contract expires.
- e. 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. A complete list of all parts necessary for an installation.
- f. 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.
- g. Upon discovery of a failing system, the permittee and its authorized representative shall document the failure to include the location of the failed product, the owner's name, the date of the installation, and the installer's name. The report shall explain the suspected cause(s) of the failure, if known, and the appropriate remedies for a repair. The report can be requested at the discretion of the Board and the LHD at any time.