



State of New Mexico
ENVIRONMENT DEPARTMENT

Office of the Secretary



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RYAN FLYNN
Cabinet Secretary

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Deputy Secretary

BEFORE THE SECRETARY OF THE ENVIRONMENT DEPARTMENT

*In the Matter of the
Request for Approval
By Fuji Clean models CE5,
CE7, CE10, CE21, CE30, CEN5,
CEN7, CEN10, and CEN21*

ORDER

Findings and Conclusions of the Secretary

The Secretary of the New Mexico Environment Department (“NMED” or “Department”) has reviewed the Proposed Findings submitted by the Wastewater Technical Advisory Committee (“WTAC”) concerning the Application by Fuji Clean USA, LLC (“Fuji Clean”) for the Fuji Clean models CE5, CE7, CE10, CE21, CE30 (“CE models”) for standard status approval as a secondary treatment unit and models CEN5, CEN7, CEN10, and CEN21 (“CEN models”) for standard status approval as a tertiary treatment unit for use in the State of New Mexico. Based on his review, the Secretary issues the following findings and conclusions:

- 1) Pursuant to NMSA 1978, §9-7A-15(E), the WTAC provides a “standardized objective evaluation of wastewater treatment and disposal technologies” and “submit[s] its findings to the secretary for final approval by the secretary...”
- 2) Proper review and approval of wastewater treatment and disposal technologies are important for the prevention of hazards to the public health and consumer protection.
- 3) Pursuant to NMSA 1978, §9-7A-15(E), the WTAC has submitted Proposed Findings for Fuji Clean which are incorporated herein by reference.
- 4) Fuji Clean, where appropriately applied, is likely to be protective of public health and the environment and to provide adequate protection to consumers.

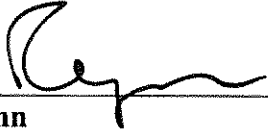
- 5) Improper installation, operation, or maintenance may cause any wastewater treatment and disposal technology to fail to function properly, which may include failure to meet treatment performance criteria. NMED's approval of any liquid waste treatment or disposal technology does not impart or imply any guarantee that it will, in fact, function properly. Malfunctioning liquid waste treatment and disposal systems may result in hazards to public safety, health, welfare; degradation of water quality; and violations of applicable Liquid Waste Disposal and Treatment regulations and standards, 20.7.3 NMAC.

- 6) Fuji Clean's CE models have the potential to treat and reduce BOD and TSS below limits set by 20.7.3 NMAC for primary treatment standards. It is hereby given Standard Status for secondary treatment of 30 mg/L BOD and TSS. Fuji Clean's CEN models have the potential to reduce total nitrogen with an approved treatment level not more than 15.0 mg/L, meeting 20.7.3 NMAC requirements. It is hereby given Standard Status for tertiary treatment. Both CE and CEN models are subject to certain conditions as follows:
 - a. Fuji Clean will provide training to the Environmental Health Bureau staff on the installation and operation of the CE and CEN models in order to support staff's duties of permitting and inspection, which training shall take place within ninety days following Department approval.
 - b. This approval is valid for seven years from the date of this Order.
 - c. If Fuji Clean wishes to renew this approval, it may submit a Request for Renewal and Design Modification Report to the Department no less than six months prior to the expiration of this Order.
 - d. Fuji Clean may install an unlimited number of products throughout the jurisdiction of NMED in accordance with the WTAC's product review procedures, Section II.C and the Liquid Waste Regulations 20.7.3 NMAC.
 - e. Prior to making any major modifications to the CE and CEN models and selling those modified units in New Mexico, Fuji Clean shall notify the Department's Environmental Health Bureau of such modifications. The Environmental Health Bureau shall determine if the changes are subject to review by the WTAC based on the following definition and shall inform the manufacturer accordingly: "design modification" means any change in size, material, configuration, or component equipment that may affect the performance, accessibility, installation procedures, ease of maintenance or repair, parts availability, or longevity of any product.
 - f. If field performance indicates that the CE and CEN models do not perform as represented, this Order is subject to revocation or modification provided that Fuji Clean shall be given notice and an opportunity to respond to any alleged inadequate performance prior to such revocation or modification.

- 7) This order does not impart or imply any endorsement of, or concurrence with, any claims made by the manufacturer.

- 8) This Order does not constitute approval of marketing, advertising, or labeling practices employed by the manufacturer.

Therefore, it is hereby ordered that the Fuji Clean Wastewater Treatment Systems, models, CE5, CE7, CE10, CE21, CE30, CEN5, CEN7, CEN10, and CEN21 are granted Standard Status.



Ryan Flynn
Cabinet Secretary
New Mexico Environment Department

3-30-2016
Date