



MEMORANDUM

DATE: March 11, 2020

SUBJECT: ePermitting Certifier Agreement Clarification Memo

TO: NPDES and ND Permittees and Applicants

This memorandum is intended to clarify who at a facility can fill the roles of an ePermitting Certifier and Site Administrator. Regardless of the requirements outlined in the Certifier Agreement Form, the roles of Site Administrator and Certifier in ePermitting must be in compliance with Regulation 61-9.122.22 *Signatories to permit applications and reports* (see reverse side). Therefore, a Site Administrator must meet the requirements of R.61-9.122.22(a) – the part of the regulation that sets forth the requirements for signatories of applications. A certifier must meet the requirements of R.61-9.122.22(b) – the part of the regulation that sets forth requirements for signatories of reports and other information requested by the Department. Should you have further questions as to who in your organization meets these requirements, please contact Crystal Rippy at 803-898-3964 or rippycd@dhec.sc.gov for Industrial NPDES/ND permits and Brenda Green at 803-898-4228 or greenba@dhec.sc.gov for Municipal/Domestic NPDES/ND permits.

NOTE: The language below is current as of the date of this memo. The most recent version of Regulation 61.9 122.22 can be found at www.scstatehouse.gov.

Regulation 61-9.122.22(a) & (b):

(a) Applications. All permit applications shall be signed as follows:

(1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

(ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency or public facility: By either a principal executive officer, mayor, or other duly authorized employee or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(i) The chief executive officer of the agency, or

(ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator, Region IV, EPA).

(b) All reports required by permits, and other information requested by the Department, shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph (a) of this section;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,

(3) The written authorization is submitted to the Department.