R-39 REV. 1/77

IMPORTANT: Read Instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.

STATE OF CONNECTICUT

# REGULATION

OF

NAME OF AGENCY

Environmental Protection

**Concerning**



Secretary of State #

## Abatement of Air Pollution
## Amendment of Section 22a-174-2a(a)
## Signatory Responsibilities

**Subsection (a) of section 22a-174-2a of the Regulations of Connecticut State Agencies is amended to read as follows:**

**Section 22a-174-2a. Procedural requirements for new source review and Title V permitting**

**(a) Signatory Responsibilities**

(1) Any document, such as a permit application, report or certification, submitted to the commissioner shall be signed by any of the following individuals[, as authorized in accordance with subdivision (2) of this subsection, if applicable]:

(A) For an individual or sole proprietorship: by the individual or proprietor, respectively;

(B) For a corporation: by any officer in charge of a principal business function, an employee who performs similar policy or decision-making functions, or a duly authorized representative of [a corporation] such officer or employee, provided that such officer, employee or representative is authorized to execute legally binding documents on behalf of such corporation;

(C) For a partnership: by a general partner;

(D) For a municipality: by the ranking elected official or the person authorized as the principal executive officer by charter or resolution of the board of selectmen or town council or other governing body;

(E) For a federal entity: by the principal executive officer, statutorily authorized official, or by a federal employee or any other representative who has received legal delegation of authority. For the purpose of this subsection, a principal executive officer of a federal agency or department includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency or department; [or]

(F) For a state entity: by the statutorily authorized official, ranking elected official or principal executive officer [or by a state employee or any other representative who has received legal delegation of authority.];

(G) For a limited liability company: by any member, manager, officer, employee or a duly authorized representative of the limited liability company provided that such member, manager, officer or employee or representative is authorized to execute legally binding documents on behalf of such limited liability company;

(H) For a limited liability partnership: by any limited partner, officer, employee or a duly authorized representative of the limited liability partnership provided that such limited partner, officer or employee or representative is authorized to execute legally binding documents on behalf of such limited liability partnership; or

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(I) For any organization not listed above, the commissioner may require the owner or operator of the source to provide adequate documentation that such person is authorized by such organization to execute and deliver in the name of and on behalf of such organization any document set forth in this subdivision.

[(2) An officer, employee, or representative of a corporation, an employee or representative of a municipality, state or federal entity, or any other government or quasi-public entity shall be authorized as follows:

(A) For a corporation:

(i) authorization is made in writing by certified resolution of the board of directors on forms prescribed by the commissioner,

(ii) the authorization specifies an individual having responsibility for the overall operation of the regulated stationary source or premises, such as the plant manager, operator, superintendent, or an individual having overall responsibility for environmental matters for the company, and

(iii) the written authorization is submitted to the commissioner prior to submitting, or together with, any documents or other information to be signed by the authorized representative;

(B) For a municipality: a certified copy of a governing body resolution and an incumbency statement is submitted to the commissioner prior to submitting or together with any documents or other information to be signed by the authorized representative;

(C) For a state or federal entity: if the authorized representative is not statutorily authorized to submit the documents, then a certified copy of the delegation of authority is submitted to the commissioner prior to submitting or together with any documents or other information to be signed by the authorized representative; or

(D) For any other governmental or quasi-public entity: a copy of the documentation sufficient to satisfy the commissioner that the signatory is legally authorized to sign any document submitted to the commissioner is submitted to the commissioner prior to submitting or together with any documents or other information to be signed by the authorized representative;]

(2) For purposes of signing any Title V-related application, document, report or certification required by section 22a-174-33 of the Regulations of Connecticut State Agencies, any corporation's duly authorized representative under subdivision (1)(B) of this subsection may be either a named individual or any individual occupying a named position. Such named individual or individual occupying a named position is a duly authorized representative if such individual is responsible for the overall operation of one or more manufacturing, production or operating facilities subject to section 22a-174-33 of the Regulations of Connecticut State Agencies and either:

(A) The facilities employ more than two-hundred fifty (250) persons or have gross annual sales or expenditures exceeding twenty-five (25) million dollars in second quarter 1980 dollars; or

(B) The delegation of authority to the duly authorized representative has been given in writing by an officer of the corporation in accordance with corporate procedures and the following:

(i) Such written authorization specifically authorizes a named individual, or a named position, having responsibility for the overall operation of the Title V premises or activity,

(ii) Such written authorization is submitted to the commissioner and has been approved by the commissioner in advance of such delegation. Such approval does not constitute approval of corporate procedures, and

(iii) If a duly authorized representative is a named individual in an authorization submitted under subclause (ii) of this subparagraph and a different individual is assigned or has assumed the responsibilities of the duly authorized representative, or, if a duly authorized representative is a named position in an authorization submitted under subclause (ii) of this subparagraph and a different named position is assigned or has assumed the duties of the duly authorized representative, a new written authorization shall be submitted to the commissioner prior to or together with the submission of any application, document, report or certification signed by such representative.

(3) [An] A permit application or other related document shall be considered insufficient by the commissioner unless the applicant provides all required signatures [and supporting documentation] in accordance with this subsection.

[(4) If a different individual is assigned or has assumed the signatory responsibilities, a new authorization satisfying the requirements of this subsection shall be submitted to the commissioner prior to or together with the submission of any documents or other information signed by the authorized representative.]

[(5)](4) Notwithstanding the requirements of section 22a-3a-5(a)(2) of the Regulations of Connecticut State Agencies, where a permit application, permit or other documentation requires a certification, the appropriate individual as specified in this subsection, and the individual or individuals responsible for actually preparing any document to which the certification applies, shall examine and be familiar with the information submitted in the document and all attachments thereto, and shall make inquiry of those individuals responsible for obtaining the information to determine that the information is true, accurate[,] and complete, and each shall certify in writing as follows:

> "I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information may be punishable as a criminal offense under section 22a-175 of the Connecticut General Statutes, under section 53a-157b of the Connecticut General Statutes, and in accordance with any applicable statute."

[(6)](5) [Notwithstanding subdivisions (1)(B) or (2)(A)(ii) of this subsection an] An individual having overall responsibility for environmental matters for a Title V source shall not sign Title V permit applications or Title V associated reports or certifications unless such individual has responsibility for the overall operation of the Title V source.

**Statement of Purpose:**

To streamline signatory responsibility requirements and make such requirements consistent with the provisions set forth in 40 CFR 70.

# CERTIFICATION

Be it known that the foregoing:

Are: [x] Regulations Emergency Regulations

[] Adopted [x] Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

[x] Section 22a-174 of the General Statutes.

Section_____of the General Statutes, as amended by Public Act No.____of the___Public Acts.

Public Act No._____of the Public Acts.

After publication in the Connecticut Law Journal on September 14, 2004 of the notice of the proposal to:

[] Adopt [x] Amend Repeal such regulations

*(If applicable):* [x] And the holding of a public hearing on the 20th day of October 2004

WHEREFORE, the foregoing regulations are hereby:

[] Adopted [x] Amended as herein above stated Repealed

Effective:

[x] When filed with the Secretary of State.

(OR)

[] The __ day of _____ 200__.

| | DATE | SIGNED *(Head of Board, Agency or Commission)* | OFFICIAL TITLE, DULY AUTHORIZED |
|---|---|---|---|
| In Witness Whereof: | 03/15/05 | Gina McCarthy | Commissione |

| | SIGNED | DATE | OFFICIAL TITLE, DULY AUTHORIZED |
|---|---|---|---|
| Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.: Attorney General | William B. Gundling | 04/05/05 | Asso |

[x] Approved

Disapproved

Disapproved in part, *(Indicate Section Numbers disapproved only)*

Rejected without prejudice.

| | DATE | SIGNED *(Clerk of the Legislative Regulation Review Committee)* |
|---|---|---|
| By the Legislative Regulation Review Committee in accordance with Sec. 4-170 amended, of the General Statutes. | 07/07/05 | Pamela B. Booth |

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE SIGNED *(Secretary of the State.)* BY

INSTRUCTIONS

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to th Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes

2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presente to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.

3. Each regulation must be in the form intended for publication and must include the appropriate regulation section numb and section heading. Section 4-172 of the General Statutes.

4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters deleted language in brackets. Section 4-170 of the General Statutes.

Regulations
of

Environmental Protection

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CONCERNING

Abatement of Air Pollution -
Signatory Responsibilities

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Received and filed in the Office of the
Secretary of the State

.....

Approved by the Attorney General

.....04/05/05..... .....

Approved by the Legislative Regulation
Review Committee or General Assembly

.....07/07/05.....

Published in Connecticut Law Journal

..... ..... ..... ...

**Office of Secretary of the State**
State of Connecticut
30 Trinity Street, P.O. Box 150470, Hartford, CT 06115-0470

***Susan Bysiewicz***
*Secretary of the State*

***Maria M Greenslade***
*Deputy Secretary of the State*

RECEIVED

JUL 25 2005

DEPT. OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER

July 19, 2005

Hon. Gina McCarthy, Commissioner
Department of Environmental Protection
79 Elm Street
Hartford, CT 06105

Re: Agency Regulation Concerning:

**Abatement of Air Pollution Amendment of Section 22a-174-2a(a) Signatory Responsibilities**

Regulation Review Committee Docket Number: 2005-036
Secretary of the State File Number: 5609

Dear Commissioner McCarthy:

This is to acknowledge receipt of two certified copies of the above referenced regulation issued by the Department of Environmental Protection.

Said regulation was received and filed in this office on July 19, 2005. The effective date of this regulation is July 19, 2005.

One of the two copies has been forwarded to the Commission on Official Legal Publications as required by law.

Sincerely,

Barbara Sladek
RLS Assistant Coordinator

CC: Commission on Official Legal Publications (Letter and Copy of Regulation)

File