TITLE 119 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

CHAPTER 13 - APPLICATIONS; SIGNATORIES

001 All Animal Feeding Operations signatory requirements can be found in NDEQ Title 130 - Rules and Regulations Pertaining to Livestock Waste Control Regulations.

002 All NPDES permit applications, except for Animal Feeding Operations, submitted to the Department shall be signed as follows:

002.01 For a corporation. By a responsible corporate officer, which means:

002.01A A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business functions, or any other person who performs similar policy or decision making functions for the corporation, or

002.01B 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.

002.02 For a partnership or sole proprietorship. By a general partner or the proprietor, respectively.

002.03 For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

002.03A The chief executive officer of the agency, or

002.03B a A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency

002.04 For a limited liability company (LLC). By a member in a member-managed LLC or by the manager or a manager-managed LLC as set out in the articles of organization.

003 Duly Authorized Representative. All reports required by permits, and other information

requested by the Director shall be signed by a person described in 002 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

003.01 The authorization is made in writing by a person described in 002 of this section;

003.02 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,

003.03 The written authorization is submitted to the Director.

004 Changes to authorization. If an authorization under 003 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of 003 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

005 Certification. Any person signing a document under 002 or 003 above shall make 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 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, or those persons directly responsible for gathering the information, the information submitted 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 knowing violations.

Enabling Legislation: Neb. Rev. Stat. §81-1505

Legal Citation: Title 119, Chapter 13, Nebraska Department of Environmental Quality