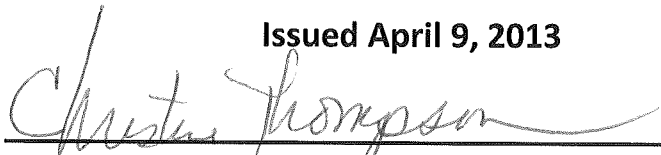


Procedure for Determining Who has the Authority to Sign an Application for a Wastewater System and Potable Water Supply Permit

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Wastewater System and Potable Water Supply Permits are issued to the landowner and the application for a permit must be signed by the landowner. Some properties are owned by individuals and some are owned by a legal entity such as a corporation, an estate, a trust, etc. In some cases, someone other than the landowner has the authority to sign on behalf of the landowner such as when a person holds a power of attorney. The Program received questions as to who can sign the application form in these situations. The Drinking Water and Groundwater Protection Division sent a letter dated February 28, 2011 to Licensed Designers that discussed ways the Wastewater System and Potable Water Supply Permit application process could be made more efficient. Item 1(g) of that letter states:

- g. If the landowner is a business/legal entity/trust/estate, the application signature must be provided by a certifying official. Examples of a certifying official:
 - i. the person listed as the registered agent with the Secretary of State;
 - ii. an executive figure (such as the president, chairperson or superintendent); or
 - iii. an individual who has legal authority to sign on behalf of a business or legal entity.

We reserve the right to request that the person signing the application is verified in writing by the registered agent or executive figure when it's unclear as to the individual's legal authority.

Item g(iii) implied we would accept an application signed by an individual acting on behalf of the individual or legal entity without confirming the authority the person actually holds. In practice, however, due to language on the application form, Regional Office staff was required to ask for documentation regarding the authority of an officer, representative, etc. of an individual or legal entity to sign a permit application.

The issue of who has the authority to sign an application was resolved in various Federal and state environmental permit regulations by taking a different approach. This approach avoids the requirement for additional paperwork in some circumstances by identifying certain individuals who are presumed to have the authority to sign applications. The Wastewater

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System and Potable Water Supply Program will now adopt this approach and will revise our application materials and instructions accordingly.

Therefore, the following individuals are presumed to have signature authority:

1. For a corporation: a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, vice-president, secretary, or treasurer 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 where authority to sign documents has been assigned or delegated to that individual or position in accordance with corporate procedures.

Note: The Division will presume that these responsible corporate officers and other individuals have the requisite authority to sign permit applications unless the corporation has notified the Division to the contrary.

2. For a partnership or sole proprietorship: a general partner or the proprietor, respectively; or
3. For a municipality, State, Federal, or other public agency: either a principal executive officer 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 .

We will still require documentation of signature authority in circumstances where the individual who is signing the application only has the authority to sign due to a legal document. Examples of this situation include: people holding a power of attorney, executors or administrators of estates, and trustees. The required documentation shall consist of a copy of the legal document such as the power of attorney, the trust document designating the trustee, the court order designating the administrator of an estate, etc.