



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor

Todd Parfitt, Director

October 11, 2013

RE: Responsible Official Clarification

Dear Title V Sources:

In response to inquiries from various sources, this letter is to provide clarification to all sources in Wyoming subject to the Wyoming Air Quality Standards and Regulations (WAQSR) Chapter 6, Section 3 Operating Permit Program ("Title V") regarding the rules, regulations and requirements for Responsible Officials (RO). The requirement to have a responsible corporate official sign all reports associated with a facility's operating permit stems from Section 504 of the Clean Air Act and is included in Section 35-11-206 of the Wyoming Environmental Quality Act. The term "Responsible Official" was defined by the Environmental Protection Agency (EPA) in 1992 in 40 CFR Part 70.2 and is mirrored in the definition included in WAQSR Ch 6, Sec 3(b). These regulations form the basis for the remaining RO requirements in the WAQSR, discussed below.

Responsible Officials for each facility **must** meet the definition in WAQSR Ch 6, Sec 3(b):

"Responsible official" means one of the following:

(i) For a Corporation:

(A) 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

(B) A duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(I) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

(II) The delegation of authority to such representative is approved in advance by the Division.

(ii) For a Partnership or Sole Proprietorship: a general partner or the proprietor, respectively;

(iii) For a Municipality, State, Federal, or Other Public Agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency; or



(iv) For Affected Sources:

(A) The designated representative or alternate designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Act or the regulations promulgated thereunder are concerned; and

(B) The designated representative, alternate designated representative, or responsible official under the definition for "Responsible official" in Chapter 6, Section 3(b) for all other purposes under this section.

A facility may have numerous personnel that qualify as a RO, but for practical purposes, it is program policy to include only the name of the primary Responsible Official, plus up to two alternates if requested by the facility, in the operating permit. The purpose of this policy is to allow Air Quality Division staff the ability to review submitted reports and readily verify that they were signed properly. If a facility submits a report signed by a RO not listed in their operating permit, the facility may be contacted to verify the validity of the signature. This not only delays the processing of the submitted report, but also causes more work for the company and the Division.

The kinds of submissions that **must** be signed by a RO include:

Annual Compliance Certifications. Chapter 6, Section 3(c)(ii)(A)(IX) requires a certification of compliance with all applicable requirements by a Responsible Official consistent with Chapter 6, Section 3(c)(iv) and section 114(a)(3) of the Clean Air Act.

Title V Operating Permit (Ch 6, Sec 3) Applications. Any application for an initial operating permit, or for renewal or modification of an operating permit, must be certified by a RO of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete (Ch 6, Sec 3(c)(iv)). This certification is also required for the submission of amendments or changes to an operating permit application.

Reports. Reports required by the operating permit, including test reports, quarterly excess emissions (CEMs) reports, relative accuracy test audit (RATA) reports, and semiannual monitoring reports, shall be certified by a RO of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete (Ch 6, Sec 3(h)(i)(C)(III)(1.) and Ch 6, Sec 3 (h)(iii)(A)). All instances of deviations from permit requirements must be clearly identified in such reports.

Emission Inventories. Annual emission inventories must also be certified by a Responsible Official (Ch 6, Sec 3(h)(iii)(A)).

Requests for Amendments to an Operating Permit. Amendments, including changes to owner/facility name/address, revisions to monitoring or maintenance plans attached to permits, or similar changes, must be requested in writing by a Responsible Official.

PAL Deviation Reports. The permittee shall promptly submit reports of any deviations or exceedance of the Plantwide Applicability Limit (PAL) requirements, including periods where no monitoring is available. The reports shall contain a signed statement by the Responsible Official certifying the truth, accuracy, and completeness of the information provided in the report (Ch 6, Sec 4(b)(xv)(N)(II)(4.)).

NSPS (40 CFR 60) and NESHAP (40 CFR 63) Reports. Any reports required by a NSPS or NESHAP standard at a source subject to the Chapter 6, Section 3 Operating Permit Program shall also be certified by a Responsible Official (Ch 6, Sec 3(h)(iii)(A)).

The signature of the responsible official is **not required** for the following WAQSR Ch 6, Sec 3 submissions or notifications:

Notification of testing - initial performance testing or periodic testing;

Notification of commencement of construction; and

Notification of startup and/or shutdown of a source.

For a company/facility to add, remove or update their primary or alternate Responsible Official(s), they must submit a letter to the Division that includes for each person being added, removed, or updated: name, title, phone number, a brief description detailing how the individual meets the definition of a RO pursuant to Ch 6, Sec 3(b), and the effective date of the change. This letter must be signed by a RO. The signatory RO can be either the outgoing, incoming or updated RO as long as they are listed in the letter and meet the definition in Ch 6, Sec 3(b).

As stated previously, the purpose of this letter was to provide clarification of the responsible official requirements pursuant to WAQSR and Clean Air Act regulations. If you should have any further questions concerning this matter, please feel free to contact this office at (307) 777-3784.

Sincerely,



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Air Quality Division

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