

# Electronic Signature Agreement FAQs

## Definition of Responsible Official (RO) per Air Regulations:

K.A.R. 28-19-200(ccc) “Responsible official” means one of the following:

- (1) For a corporation, a president, secretary, treasurer or vice-president in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or 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 permit or other relevant regulatory requirement and if either:
  - (A) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million, in second quarter, 1980 dollars; or
  - (B) the delegation of authority to such representative is approved in advance by the department;
- (2) for a partnership or sole proprietorship, a general partner or the proprietor, respectively;
- (3) for a municipality, or a state, federal, or other public agency, a principal executive officer or ranking elected official. For purposes of this definition, a principal executive officer of a federal agency shall include the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency; or
- (4) for affected sources, the designated representative under title IV of the federal clean air act, “acid deposition control.”

## Why am I required to submit an Electronic Signature Agreement (ESA)?

ESA’s are currently required to submit all Operating Permit Applications and Compliance Reports.

## Who needs to submit an ESA?

An ESA must be on file with the Bureau of Air (BOA) for anyone who will be submitting Operating Permit Applications and/or Compliance Reports electronically.

## Can a consultant submit an ESA?

No. Only the facility’s RO or a facility employee *designated* by the facility’s RO can submit Operating Permit Applications and Compliance Reports electronically.

## Can I email my ESA?

No. The original form with the **wet ink signature** must be mailed to the Bureau of Air for processing.

## Do I have to include a copy of my ID?

Yes. You must include a photo-copy of your government issued identification (ie, driver’s license or state id or passport). **The name on the ID must match the name of the Applicant.**

### **What if my name changes?**

You will need to submit a new ESA with the updated information. You will also need to include a copy of your updated government issued ID (ie, driver's license or state id or passport). The name on the ID must match the name of the Applicant.

### **What do you do with my ID?**

We use it to verify the signature on the ESA. Once the signature is verified, the photo-copy is destroyed.

### **Why do I need to list the facility source ID's?**

We need to know for which facilities you are approved to submit applications and reports. You may attach a list for multiple facilities.

### **Do I need to fill out an ESA for each facility?**

No. You can list all applicable facility Source IDs (SIDs) on one agreement or if needed on a separate sheet and attached/include it to/with the ESA. *If you already have an agreement on file contact BOA KEIMS Admin to add additional facilities.*

### **Will I ever need to resubmit an ESA?**

Yes. If you change companies and you will be submitting Operating Permit Applications and/or Compliance Reports electronically for the new company. **Or** if the RO changes, you will need to submit a new ESA with the new RO's signature. *You will need to include a copy of your government issued ID with the new ESA.*



## EXAMPLE      Kansas Department of Health and Environment Electronic Signature Agreement

### Instructions

One electronic signature agreement is required for each applicant for each business/organization entity.

This Signature Agreement is for authorization to electronically sign reports via the designated application for submittal to the Kansas Department of Health and Environment (“KDHE”) in electronic format. In order to complete this agreement, both the applicant and authorizing authority from each business/organization entity must agree to the terms herein and provide the **respective wet-inked signatures**.

In addition to the printed and wet-inked signed agreement, **the applicant must mail a photo-copy of his or her government-issued identification (e.g. valid driver’s license)** to the address designated below:

**Kansas Department of Health and Environment  
Division of Environment  
ATTN: Donna Fisher, KEIMS/CROMERR  
1000 SW Jackson Street, Suite 400  
Topeka, KS 66612**

**Mark all applicable Bureaus to which you will submit documentation requiring electronic signature:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Air (BOA)                | <input type="checkbox"/> Waste Management (BWM) |
| <input type="checkbox"/> Environmental Field Services (BEFS) | <input type="checkbox"/> Water (BOW)            |
| <input type="checkbox"/> Environmental Remediation (BER)     |   |

### **Applicant Information** ----- Individual applying to submit documents on behalf of the facility.

Name: <b>John Smith</b>
Title: <b>Environmental Manager</b>
Phone Number: <b>555-555-5555</b>
Phone Extension:
E-mail Address: <b>JohnSmith@facility.com</b>

### **Organization Information**

Company Name: <b>Facility A</b>
BOA/BWM - Facility ID(s): <b>1234567</b>
BOA/BWM - Facility SIC Code: <b>1111</b>
BER - Project Code(s)/Permit or Registration Number(s):
BOW - NPDES Number(s):
Application Name: <b>KEIMS</b>
E-Signature: <b>YES</b>

### **E-Signature Authority** ----- Responsible Official (RO) who approves the "Applicant" to submit documents. NOTE: The RO may also be the applicant. The RO is required to have this document on file to submit documents.

Authorizing Authority: <b>Jane Austen</b>
Authorizing Authority Phone: <b>444-444-4444</b>
Authorizing Authority E-mail: <b>JaneAusten@facility.com</b>

### Disclosure and Consent Terms

By Applicant’s use of KDHE online services to access Applicant’s account using KDHE online services, Applicant agrees to the terms and conditions set forth in this Electronic Signature Agreement [hereinafter referred to as “Agreement”] and any instructional material KDHE provides Applicant regarding the services.

#### **1. Equipment and Software**

Applicant and Authorized Entity are responsible for the set-up, maintenance and security of their personal computer and modem. KDHE is not responsible for providing any equipment, services or advice related to equipment necessary to interface with the KDHE web site, for any error in connections, transmissions or otherwise regarding any system, software, entries or instructions.

##### A. Browser Software

KDHE online services are designed to work with the latest version of Google Chrome, Mozilla Firefox, Internet Explorer and Microsoft Edge. KDHE reserves the right to discontinue access to the program(s) due to outdated browser software.

**B. Additional Software**

Acrobat Reader software from Adobe Systems, Inc. may be required for reading and printing this Agreement and/or other documentation.

**C. Virus Protection**

KDHE is not responsible for any electronic virus, worms, Trojan horse, or other harmful or intrusive components (exploits) that Applicant may encounter through Applicant's/Authorized Entity's connection to KDHE/State of Kansas online services.

**2. Performance of Software and Electronic Service and Warranty Disclaimer**

Neither KDHE, nor the State of Kansas, its affiliates or any other person(s), software supplier or information provider represents and warrants to Applicant and Authorized Entity that the software KDHE may supply for the KDHE online service is free from any defects, computer virus or other software-related problems. In no event will KDHE or the State of Kansas be liable to the Applicant and/or Authorized Entity for any consequential, incidental or indirect damages arising out of the use, misuse or inability to use the KDHE online services, or for any loss of any data, even if KDHE had been informed of the possibility of such damages.

**3. Electronic Signature**

Applicant consents and agrees that Applicant's use of a key pad, mouse or other device to select an item, button, icon or similar act/action while using any electronic service KDHE offers, or in accessing or making any submission regarding any agreement, acknowledgment, consent, terms, disclosure or conditions constitutes Applicant's signature, acceptance and agreement as if actually signed by Applicant in writing.

**4. Termination or Amendment of this Agreement**

Any party may terminate this Agreement upon immediate written notification to the other parties. KDHE may amend this agreement by giving Applicant and Authorized Entity written notice at least thirty (30) days in advance of the effective date of the amendment, unless such amendment is otherwise required by law or applicable regulation. Applicant's continued use of the online services shall be Applicant's agreement to the amendment(s).

**5. Choice of Law**

This Agreement shall be construed pursuant to the laws of the State of Kansas. The Parties agree to venue in the 3rd Judicial District, Shawnee County, Kansas for any action arising out of this Agreement.

**Applicant's Agreement and Signature**

**John Smith**

I, \_\_\_\_\_, representing the organization named above,

- 1) Agree to protect my password and other confidential information from compromise, not allow anyone else to use this information, not share this information with any other person and to notify KDHE if I believe my confidential information becomes known to any other person or is compromised in any way;
- 2) Certify that the copy of the government issued identification attached to this page is my current valid identification;
- 3) Agree that my digital signature on electronic submittals has the same effect as if my signature was handwritten on paper;
- 4) Understand my responsibility in this role, and hereby acknowledge the possibility of civil and criminal penalties for knowingly submitting false certified reports and associated data;
- 5) Have read and agreed to this Electronic Signature Disclosure and Consent Terms included in this Agreement.

Applicant's Signature: **APPLICANTS SIGNATURE** Date: **Date**

**Jane Austen**

I, \_\_\_\_\_, representing the organization named above, hereby certify that I am authorized by the Organization named herein to sign this document. By my signature, the Organization acknowledges responsibility to ensure the data electronically signed and submitted to KDHE is true, correct and complete to the best of our knowledge.

Authorizing Person's Signature: **RO'S SIGNATURE** Date: **Date**