TN. DEPT. OF ENV. & CONSERVATION
FEB 16 2017
DIVISION OF WATER RESOURCES

Agency: *Tennessee Division of Water Resources*
Subscriber Agreement Number: *e16fef0b-8bee-4a53-81ea-97770b0770d0*
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***NetDMR Subscriber Agreement Instructions Page***
***This form can be used for permits issued by: Tennessee Division of Water Resources, hereafter referred to as "the Regulatory Authority".***

***Purpose***

The NetDMR Subscriber Agreement should be used by Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit holders that would like to apply to submit Discharge Monitoring Reports (DMRs) and other NPDES permit-required reports electronically, or change/update your reporting status information from a previously-submitted application. Submission of DMRs electronically is an alternative to using paper forms to fulfill the reporting requirements of the CWA NPDES program pursuant to 40 CFR 122.41(l)(4).

***Basic Information on Who Should Fill Out the Subscriber Agreement***

- To request use of electronic reporting for DMR information, the Responsible Official, the person who has the authority to sign permit applications, reports, and other permit-required submittals (e.g., DMRs) as described in 40 CFR §122.22 (a), can designate themselves or identify a duly authorized representative to electronically sign the DMRs for the facility.
- If the Responsible Official plans to electronically sign DMRs submitted through NetDMR, then the Responsible Official will also sign as the Signatory Authority named in Section F of the Subscriber Agreement.
- If the Responsible Official plans to authorize someone else to sign and submit the electronic DMRs as described in 40 CFR §122.22(b), the Responsible Official will sign Section E and the duly authorized representative will sign as the Signatory Authority identified in Section F.
- If the authority to electronically sign for a permit is to be delegated to multiple Signatory Authorities, then each individual Signatory Authority needs to submit and sign a separate Subscriber Agreement.
- This Subscriber Agreement cannot be used to register multiple permits that are issued by different regulatory authorities.

***How to Submit the Subscriber Agreement***

Print and sign this form, save a copy for your records, and mail the completed Subscriber Agreement below to your Clean Water Act Regulatory Authority for their review at the address below.

Tennessee Division of Water Resources
Attn: TN NetDMR Coordinator
William R. Snodgrass TN Tower, 11th Floor
312 Rosa L. Parks Avenue
Nashville , TN 37243-1534

You will receive a confirmation email from the Regulatory Authority when your application has been processed and approved. For assistance or questions please contact Tennessee Division of Water

Resources at 615-532-0683 or sarah.elias@tn.gov.

## A. Signatory Authority Information

The Signatory Authority is the individual that intends to sign DMRs and signs this Subscriber Agreement in Section F.

| | |
|---|---|
| **User Name:** | diane@ectmemphis.com |
| **Subscriber Name:** | DiAne Gordon |
| **Organization:** | ETC |
| **Email Address:** | diane@ectmemphis.com |
| **Phone Number:** | 901-237-5798 |

## B. Permit Information

Signing privileges are requested for the following permits:

| Permit ID | Facility Name | Facility Address | Relationship | Authorized By |
|---|---|---|---|---|
| TNG110370 | WEST TENNESSEE READY MIX. - FRAYSER | 2940 FRAYSER BOULEVARD MEMPHIS, TN 38127 | Other | Ross Armstrong |

This request is (check one):

- ☐ NEW: a new user request by this facility to use NetDMR reporting
- ☐ REQUEST FOR REACTIVATION: a User ID re-activation of NetDMR reporting for a facility that had discontinued using NetDMR
- ☐ CONTINUATION WITH NEW AUTHORIZATION: an updated Subscriber Agreement submitted because a new Responsible Official and/or Signatory Authority has been identified at the facility
- ☐ RENEWAL: an updated form submitted when a permit application is submitted
  Permit ID(s): _____
- ☐ INACTIVATION: Explain reason for inactivation in the box below and identify whether the inactivation is temporary or permanent
  Permit ID(s): _____

| Notes to Permitting Authority (Optional unless Inactivating): |
|---|
| |

## C. Terms and Conditions

- PURPOSE: This agreement creates a legally binding obligation for the signer of the Agreement (the Responsible Official and/or Signatory Authority) to abide by the terms and conditions for

use of the NetDMR System, and memorializes a mutual understanding that the signer of this agreement is as legally bound, obligated, and responsible by use of the assigned electronic signature as by a hand-written signature.

- ACCEPTANCE & EFFECT: Acceptance of this agreement by the Regulatory Authority shall be evidenced by notice from the Regulatory Authority, provided electronically, that this agreement has been approved.

- SUBMITTAL & RECEIPT: A Document shall be deemed to have been submitted when it is accessible to the Regulatory Authority. A document shall be deemed to have been received when it can be fully processed. No document shall satisfy any reporting requirement until it is received.

- VERIFICATION: In accordance with the associated certification statement, the signer of the Agreement is responsible for the truth and accuracy of the content of each submission. The signer of the Agreement also has an affirmative obligation to check the accuracy of the document as received by the Regulatory Authority and to notify the Regulatory Authority promptly if the document was sent without authorization or differs in substance in any way from the document that was submitted.

- INABILITY TO TRANSMIT OR FILE REPORTS ELECTRONICALLY: No party shall be liable for any failure to perform its obligations in connection with any Electronic Transaction or any Electronic Document, where such failure results from any act or cause beyond such party's control which prevents such party from electronically transmitting or receiving any Documents, except that the signer of the Agreement (Responsible Official and/or Signatory Authority) is nonetheless required to submit records or information required by law via other means, as provided by applicable law and within the time period provided by such law.

- SEVERABILITY: Any provision of the Agreement which is determined to be invalid or unenforceable will be ineffective to the extent of such determination without invalidating the remaining provisions of this Agreement or affecting the validity or enforceability of such remaining provisions.

- TERMINATION AND RENEWAL: The Agreement may be terminated at any time by the Regulatory Authority. Upon termination of this agreement, the associated ability to submit electronic information through the NetDMR system will be terminated. The Regulatory Authority will provide notification of termination, including the date on which termination takes effect. A new Responsible Official and/or Signatory Authority must resubmit this form at the time that a new permit application is submitted or when Responsible Official and/or Signatory Authority responsibility transfers from one person to another.
  -Note: Termination of this agreement may eliminate the ability to comply with permit requirements for any continuing operations. Paper DMR Reports will only be accepted under this permit where the permittee has provided sufficient justification and obtained prior approval from the Regulatory Authority.

- GOVERNING LAW: This Agreement shall be governed by and interpreted in accordance with 40 CFR §122 and 40 CFR §3.

- AGREEMENT:
  1. I agree to protect the electronic signature device, consisting of my NetDMR system user name and password, from use by anyone except me. Specifically, I agree to maintain the secrecy of my password and security- and challenge-question answers; I will not divulge or delegate my user name and password to any other individual; I will not write or save my password or challenge question/answer pairs to a script or other mechanism that allows its use or application by someone other than me;
  2. I agree to contact the Regulatory Authority Tennessee Division of Water Resources at 615-532-0683 or sarah.elias@tn.gov within 24 hours if any of the following occurs:
     - suspicion or determination that my user name, password, security question answer, or challenge question answers may have been lost, stolen or otherwise compromised;
     - receipt of an e-mail notification for any activity that I do not believe that I performed;
     - if, after receipt of COR, there is any evidence of discrepancy between any electronic document I have signed and submitted and what the NetDMR system has received from me;
     - if I do not receive an e-mail notification within 24 hours for any submission electronically signed using my credentials; or
     - if I cease to represent the regulated entity specified above as signatory of that organization's electronic submissions.
  3. I understand and agree that I will be held as legally bound, obligated, and responsible for the use of my electronic signature as I would be using my hand-written signature;
  4. I understand that I will be informed through my registered electronic mail (e-mail) address whenever my user name, password, or challenge question/answer pairs have been modified;
  5. I agree to provide and maintain an email address by which to receive communications from the NetDMR system. I understand that this account must be accessible only by me and that I have an affirmative obligation to check this email account regularly. If any email sent to me by the NetDMR system is returned as undeliverable, I will explain why this occurred when requested by the Tennessee Division of Water Resources;
  6. I understand that the NetDMR system reports the last date my user name and password were used immediately after successfully logging in to the system;
  7. I understand that whenever I electronically sign and submit an electronic document to the NetDMR system, I will receive an e-mail at my registered e-mail address; This e-mail will inform me that a submission has been made to the system from my user account and will contain instructions to view information regarding the submission, including the Copy of Record (COR) for the submission; and
  8. I agree to retain a copy of this signed agreement as long as I continue to represent the regulated entity specified above as signatory of the company's electronic submissions.

For the Tennessee Division of Water Resources only one permitted facility per Subscriber Agreement will be allowed. If the permit holder has multiple permits in TN that will use NetDMR, each permit will require a separate Subscriber Agreement.

- 1. Permit holders must have training in use of the NetDMR system before being enabled to submit data to the NetDMR production system. 2. Permit holders must successfully complete a submittal to a NetDMR test environment before submittals will be enabled to the production NetDMR system. The NetDMR test area will show the same screens and require the same certification process as does the production system for NetDMR. No certified submittal to the NetDMR test environment will be accepted as a valid report nor will it meet permit reporting requirements when made to the test environment. 3. Permit holders that are enabled in the production NetDMR system shall certify the Discharge Monitoring Reports (DMR) to the NetDMR production environment as the copy of record for the DMR.

The Tennessee instance of NetDMR is for submittal of regularly scheduled reporting of DMR information. Other reporting not suitable for the NetDMR system but required under the permit should be submitted to the TN Division of Water Resources.

## D. Inactivation/Removal

Permittee must indicate reason for inactivation in Section B of the form. This is done to inform the Regulatory Authority whether the permittee is no longer in business or has a temporary reason for inactivation.

## E. Responsible Official Authorization

The Responsible Official is the appropriate individual identified under 40 CFR §122.22(a) with the authority to sign permit applications, reports, and other permit-required submittals (e.g., DMRs). The Responsible Official can also delegate the authority to electronically sign DMRs to a duly authorized representative(s) as described in 40 CFR §122.22(b).

Permit ID(s): TNG110370

I, Ross Armstrong General Manager, have the authority to enter into this Agreement for WEST TENNESSEE READY MIX. - FRAYSER and Permit ID TNG110370 under the applicable standards. I request Tennessee Division of Water Resources grant DiAne Gordon the ability to submit DMRs for Permit ID TNG110370.

| | | |
|---|---|---|
| Ross Armstrong | Ross Armstrong General Manager | 2-14-17 |
| Responsible Official Signature | Title | Date |

## F. Signatory Authority Signature

The Signatory Authority is the NetDMR user that submits this agreement to request approval to electronically sign DMRs. The Signatory Authority has the authority to sign DMRs under 40 CFR §122.22(a) or is a duly authorized representative(s) who has been delegated the authority to electronically sign DMRs by the Responsible Official as described in 40 CFR §122.22(b).

Permit ID: TNG110370

I, DiAne Gordon, am authorized by the signatory authority named in Part E of this document, who does have the authority under the applicable standards, to enter into this agreement for WEST TENNESSEE READY MIX. - FRAYSER and Permit ID TNG110370.

By submitting this application for TNG110370, I, DiAne Gordon, have read, understand, and accept the terms and conditions of this subscriber agreement. I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

D Gordon Consultant 2/9/17

Signatory Authority Signature Title Date

Print this form, save a copy for your records, and mail to:
Tennessee Division of Water Resources
Attn: TN NetDMR Coordinator
William R. Snodgrass TN Tower, 11th Floor
312 Rosa L. Parks Avenue
Nashville , TN 37243-1534

**Checklist - Regulatory Authority Use Only:**

| Check | Information | Name | Date |
|---|---|---|---|
| | Form Received by | | |
| | Verified ICIS-NPDES Permit Limits | | |
| | Regulatory Authority Approves NetDMR Authorization | | |
| | ICIS-NPDES NetDMR Flag Populated | | |
| | User Approved in NetDMR Application | | |
| | Notification to User | | |
| | Inactivated? | | |