
Cross-Media Electronic Reporting Regulation (CROMERR) Implementation Procedure

Directive No:
CIO 2134-P-01.1

CIO Approval:
August 2019

Review Date:
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*Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated 07/07/2005*

**Cross-Media Electronic Reporting Regulation (CROMERR) Implementation
Procedure**

1. PURPOSE

This procedure describes how to apply for and obtain approval of electronic reporting systems used to receive electronic documents in lieu of paper where the report (or other document collection) is made pursuant to requirements or authority codified in Title 40 of the Code of Federal Regulations. The procedure ensures that the Cross Media Electronic Reporting Regulation (CROMERR), 40 C.F.R. Part 3, is implemented consistently for EPA and co-regulator electronic reporting systems.

2. SCOPE

EPA and co-regulator systems that collect regulatory reports under CFR 40 electronically.

3. AUDIENCE

EPA and co-regulator electronic reporting systems used to receive electronic documents in lieu of paper in satisfaction of reporting or other collections made pursuant to Title 40 of the Code of Federal Regulations.

4. BACKGROUND

EPA programs, regions and co-regulators that plan to receive reports or other collections authorized under Title 40 in electronic form must seek revision of the affected programs by submitting an application to the Office of Mission Support - Environmental Information (OMS-EI) that describes the design and operation of the electronic reporting system. Authorized, delegated or approved programs may alternatively revise the affected program using the procedure set forth in existing primacy regulations, but the process described herein provides for streamlined revision of one or more programs.

CROMERR establishes a set of technology-neutral performance standards for electronic reporting systems. These standards include, among other things, requirements that the system:

- Create and properly store a forensically robust Copy of Record
 - Ensure that the electronic document cannot be modified without detection after signed
 - Ensure that the document bears a valid electronic signature
 - Collect reliable evidence of the identity of those to whom electronic signature credentials are issued
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Applications for approval of electronic reporting systems must contain:

- For State co-regulators, certification, signed by the State Attorney General (or the chief administrative official in the case of tribes and local governments), that existing laws or regulations provide the legal authority to enforce the affected program using the electronic documents that would be collected by the electronic reporting system for which approval is sought;
- A listing of the electronic document receiving systems for which approval is being requested and a description of how the system will satisfy the requirements of CROMERR; and
- A schedule of upgrades that may affect CROMERR compliance.

There are some variances between EPA programs and its co-regulators in the application submittal, review, approval and notification process, and those distinctions are described in this procedure.

4.1 EPA Programs and Regions

Under CROMERR, reports submitted electronically to EPA must be submitted to the Central Data Exchange (CDX) or a system designated by the Administrator for the receipt of those reports. On October 13, 2005, EPA published a Federal Register Notice (70 FR 59848) designating all EPA systems that were receiving electronic reports as of that date to continue receiving those reports until October 13, 2007. To receive electronic reports after October 13, 2007, systems that did not use CDX to collect electronic reports must have been designated by the Administrator as an acceptable equivalent to CDX.

Section 3.2000(b) of CROMERR sets standards for electronic report receiving systems operated by EPA's co-regulators. As a matter of policy, EPA commits to meeting those standards for its own electronic report receiving systems. The preamble to the rule states:

"EPA's goal is that all its systems for receiving electronic reports be consistent with the CROMERR standards for electronic document receiving systems, set forth in Section 3.2000(b) of today's rule. EPA generally hopes to achieve this consistency within a two-year transition period for existing EPA systems; however, EPA is not bound by the Section 3.2000(b) standards of today's rule or the two-year period. This two-year period is like the two-year transition period provided under Section 3.1000(a)(3) for systems operated under EPA-authorized programs. In several cases, EPA may work toward this goal by migrating existing electronic reporting to CDX or to other, new CROMERR-consistent systems."

In planning to achieve system conformance with the CROMERR standards, EPA programs and regions should consider the impact of certain government-wide standards and policies governing computer security and electronic authentication. For example, compliance with certain provisions of National Institute of Standards and Technology Special Publication 800-63 (SP 800-63), "Electronic Authentication Guideline," may ensure conformance with certain requirements related to electronic signature under CROMERR Section 3.2000(b)(5).

4.2 EPA Co-Regulators

Under CROMERR, EPA co-regulators that wish to allow electronic reporting for EPA programs that they are authorized to administer must submit applications to modify or revise such programs that address their electronic reporting implementations. Section

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3.1000 of the CROMERR process allows co-regulators to request approval of modifications or revisions to any number of its authorized programs by submitting a single application. Section 3.1000 also sets deadlines for EPA action on applications. It allows 75 calendar days for a determination that an application is complete, and then 180 days to approve or deny the request for program modifications or revisions. If EPA does not act on an application that has been determined to be complete within the applicable timeframe, and the applicant has not requested an extension, the application is automatically approved.

No matter which procedure that a co-regulator chooses, the application it submits must contain all the elements listed in Section 3.1000(b) and must meet the same criteria for demonstrating compliance found at Section 3.2000.

5. AUTHORITY

Cross-Media Electronic Reporting Final Rule (70 FR 59848, October 13, 2005)
Government Paperwork Elimination Act (44 USC 3504 note)
Other Parts of 40 CFR through which co-regulators receive approval to implement their authorized programs

6. PROCEDURE

The following provides instructions for EPA programs, regions and co-regulators in completing and submitting for review and approval CROMERR applications for new or revised electronic receiving systems and states the process that Office of Mission Support – Environmental Information (OMS-EI) facilitates to issue approvals.

6.1 Applicability determination: Each EPA program determines, in consultation with the Office of Mission Support – Environmental Information (OMS-EI), which of their systems are subject to CROMERR. Co-regulators may contact OMS-EI if they need assistance in making a determination.

6.2 Submittal: Each program or co-regulator submits the application to the EPA Administrator or his or her designee, who forwards it to OMS-EI.

6.3 Review and approval: OMS-EI works with the Agency-wide CROMERR Technical Review Committee (TRC) to review and approve the application:

- The TRC first reviews the application content for completeness based on the criteria in Section 3.1000(b)(1) and conformance with Section 3.2000 requirements; it then makes a recommendation to the Director of the Office of Information Management (OIM) to approve or disapprove the application.
- In some cases, OMS-EI will contact a co-regulator applicant to determine if EPA may rely on an Attorney General Statement submitted for another electronic reporting system. In other cases, EPA may require that a new Attorney General statement accompany the application for the new system. This decision will be made on a case-by-case basis in consultation with the Office of General Counsel (OGC) and the Office of Enforcement and Compliance Assurance (OECA).
- The Director of OIM makes the final approval decision, with concurrences from OGC, OECA and the affected program and regional offices. When an application

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includes requests for modifications or revisions to more than one program, EPA may approve or deny each requested modification or revision separately.

6.4 Application Corrections: For applications that are incomplete or require corrections, OMS-EI provides comments from the TRC to the EPA program or co-regulator, and the applicant addresses the corrections and resubmits the application to OMS-EI.

6.5 Notification:

- For EPA program application approvals, OMS-EI notifies the applicant from the program office or region of approval of the application. The program office is responsible for notifying its regulated community of the new or modified reporting process.
- For co-regulator application approvals, OMS-EI prepares a Federal Register notice announcing the action taken on the application. In the case of applications that request revision or modification of an authorized public water system program under Part 142 of Title 40, the Federal Register notice will announce the action as a “preliminary determination,” and will offer interested persons the opportunity to request a hearing. OMS-EI will work with the program applicant to complete the process in cases where a hearing request is received.

6.6 Implementation of System Changes: Once the TRC determines that a program or co-regulator system conforms to CROMERR, the approved applicant must address any system changes to conform to the statements in the approved CROMERR application.

6.7 Exceptions: In the case where EPA has identified an alternative approach to reviewing and approving CROMERR applications specific to a program or region, EPA will determine the most efficient methods for managing these exceptions and communicate to co-regulators the alternative process.

7. ROLES AND RESPONSIBILITIES

Co-Regulators - Co-regulators are responsible for preparing and submitting for EPA review applications for electronic receiving systems under authorized EPA programs. Co-regulators shall ensure that electronic receiving systems adhere to all design and process requirements that were approved in their applications.

Office of Mission Support - Environmental Information - OMS-EI coordinates the review of each application it receives from either the Administrator or his or her designee or from the EPA program or region to which it was submitted. OMS-EI chairs the TRC and facilitates communication between the TRC and the applicant, and between the TRC and any affected programs and regions.

When applications are submitted under CROMERR Section 3.1000, OMS-EI prepares notifications related to application completeness and approval, and Federal Register notices announcing approvals for co-regulator systems.

EPA Regions and Program Offices - Programs or region preparing applications concerning electronic reporting send a copy of the application to OMS-EI and communicate to OMS-EI their schedule requirements for implementing electronic

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reporting. Programs/regions publish required Federal Register notices in accordance with applicable Title 40 provisions.

Technical Review Committee - The TRC reviews applications submitted by co-regulators for approval under Section 3.1000, and forwards applications with recommendations for approval/disapproval to OMS-EI. The TRC consists of staff from OMS-EI, OGC, OECA, and the program and regional offices.

8. RELATED INFORMATION

None.

9. DEFINITIONS

Co-regulator- Any state, tribe, territory, local or other U.S. recognized governing entity authorized by EPA to administer environmental programs under CFR 40.

System- Any computer system used to receive electronic reports.

Related Procedures, Standards and Guidance

"Information Collection Policy" (EPA Classification No. 2134.0)

"Data Exchange Procedure" (CIO Transmittal No. 11-002)

10. WAIVERS

None.

11. MATERIAL SUPERSEDED

None.

12. CONTACTS

For further information about CROMERR, contact the EPA Office of Mission Support-Environmental Information, Information Exchange and Services Division and visit the CROMERR Web Site: <http://www.epa.gov/cromerr>.

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