

The background of the slide is a light gray gradient with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance.

# Cross-Media Electronic Reporting Rule (CROMMER)

R8PA

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# CROMMER

- CROMERR provides the legal framework for electronic reporting under EPA's regulatory programs.
- Sets performance-based, technology-neutral system standards and provides a streamlined, uniform process for Agency review and approval of electronic reporting.
- Ensures the enforceability of regulatory information collected electronically by EPA and EPA's state, tribal and local government partners.

# Regulatory Background

40 CFR 403.8(g)

- A POTW that chooses to receive electronic documents must satisfy the requirements of 40 CFR part 3— (Electronic reporting).

# Regulatory Background

## 40 CFR 3

- Promulgated in October 2005
- CROMERR sets standards for electronic reporting under EPA's regulatory programs
- Includes key elements such as identity proofing, electronic signatures, and maintaining the integrity of electronic documents.

# Regulatory Background

## 40 CFR 3.1

- This part applies to: (1) Persons who submit reports or other documents to EPA to satisfy requirements under Title 40 of the Code of Federal Regulations (CFR); and (2) States, tribes, and **local governments** administering or seeking to administer authorized programs under Title 40 of the CFR.
- (b) This part does not apply to:
  - (1) Documents submitted via **facsimile** in satisfaction of reporting requirements as permitted under other parts of Title 40 or under authorized programs;
  - (2) Electronic documents submitted via magnetic or optical media such as diskette, compact disc, digital video disc, or tape in satisfaction of reporting requirements, as permitted under other parts of Title 40 or under authorized programs; or (3) Documents and information submitted under grants, cooperative agreements, or financial assistant regulations contained in Title 40.

# CROMERR applies if:

- Receipt of reports electronically from regulated facilities,
- those submissions are required to be received by an EPA-authorized program, and
- electronic submissions are accepted in lieu of paper submissions.
- Attaching PDF reports to emails are not CROMERR-compliant.
  - Do not meet the integrity criteria for electronic reporting
- Courtesy copy are acceptable

# Regulatory Background

## 40 CFR 3.2(b)(1)

- An authorized program may allow any document submission requirement under that program to be satisfied with an electronic document provided that the state, tribe, or local government seeks and obtains revision or modification of that program in accordance with § 3.1000 and also meets the requirements of § 3.2000 for such electronic reporting.

# Regulatory Background

40 CFR 3.1000(a)

- A state, tribe, or local government that receives or plans to begin receiving electronic documents in lieu of paper documents to satisfy requirements under an authorized program must revise or modify such authorized program to ensure that it meets the requirements of this part.
- Requirement to modify local legal authority (ordinance or Rules/Regulations)



# Regulatory Background

40 CFR 3.2000

- Establishes electronic reporting requirements for local programs
  - Use a CROMMER compliant electronic receiving system
  - Require a valid electronic signature and incorporate criteria for the electronic signature
  - Generate defensible data (integrity of the submitted data)
  - Enforce failure to comply with the electronic signature requirements

# CROMMER Standards

Focus primarily on:

- Criteria for establishing a copy of record;
- Integrity of the electronic document;
- Validity of the electronic signature;
- Determination of the identity of the individual uniquely entitled to use a signature device; and
- Opportunity to review and repudiate the copy of record.

# Cross Media Electronic Reporting Rule (CROMMER)

- Allows a Pretreatment Program to receive electronic reports
- Requires a certified electronic reporting system
- Modification of the approved Pretreatment program

# CROMMER Roles

- **Control Authority**

- Verify legal validity of electronic signatures
- Prepare CROMMER system documentation
  - CDX
  - EPA-vetted Off the Shelf Systems (COTS)
  - Custom or Hybrid Systems
- Evaluate implementation procedures/resources/legal authority

# CROMMER Roles

- **EPA CROMMER Office**
  - Evaluate application/e-reporting system submittal and certify Electronic Reporting System

# CROMMER Roles

- **Approval Authority – EPA/States**
  - Evaluate and Approve Program modification
    - Legal authority
    - Procedures
    - Resources/funding

# CROMMER Process/Steps

1. CROMMER-compliant software has been selected or developed.
2. Verify that no local ordinances exist that might conflict with the statutes in place at the state level establishing the legal validity of e-signatures in the context of the Industrial Pretreatment Program.
3. Update/Modify the municipality's ordinance or Rules/Regulations.
4. Submit CROMMER application, including ordinance modification to the Approval Authority for approval

# CROMMER Application

- Evaluation of modification to the Pretreatment Program due to CROMMER:
  - Budget and staff resources
  - Communication and Training Plan
  - New Forms and Procedures affected by the CROMMER modification
  - Ordinance Modification



# Ordinance Modification

Definitions to establish framework for electronic reporting

- Copy of Record
- Electronic document
- Electronic document receiving system
- Electronic signature agreement
- Electronic signature device
- Electronic signature
- Handwritten signature
- Valid electronic signature

# Ordinance Modification

- Establish a general statement regarding electronic submittal of required SIU reports and notifications
- Suggested language:

Beginning on the effective date of this ordinance update [revision date?] and if required by the City, SIU reports and notifications required by this ordinance shall be electronically submitted to the City. All electronic documents shall be submitted by the Linko Exchange Portal or other designated electronic document receiving systems and verified with a valid electronic signature to develop a copy of record.

# Ordinance Modification

- Establish the authority to enforce electronic submittal of documents:
- A person is subject to any applicable federal civil, criminal, or other penalties or remedies for failure to comply with a reporting requirement if the person submits an electronic document to the City and fails to comply with the applicable provisions for electronic reporting.
- Where an electronic document submitted to the City bears an electronic signature, the electronic signature legally binds, obligates, and makes the signatory responsible, to the same extent as the signatory's handwritten signature would on a paper document submitted to the City.

# Ordinance Modification

- Establish the authority to enforce electronic submittal of documents:
- Proof that a particular signature device was used to create an electronic signature will suffice to establish that the individual uniquely entitled to use the device did so with the intent to sign the electronic document and give it effect.
- Nothing in this part limits the use of electronic documents or information derived from electronic documents as evidence in enforcement or other proceedings.



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