LESSON 3: APPLICATION REQUIREMENTS

This lesson is for states that plan to submit CROMERR applications to EPA to modify or revise their authorized programs to incorporate electronic reporting. This lesson includes details about the application as well as instructions for submission. The result of EPA approval is to modify or revise those programs.

This lesson covers:

- Required elements of a CROMERR application;
- Typical application components used to meet the requirements; and
- Submitting the application.

These topics are covered from the perspective of states using the CROMERR Part 3 Application Process. States may apply for their program revisions or modifications using processes provided under other parts of Title 40, but their applications must still include the same required elements described in this lesson.

WHAT EXACTLY ARE YOU SUBMITTING THE APPLICATION FOR? WHAT IS REQUIRED FOR APPLICATION APPROVAL?

The application submitted to EPA is for approval of modifications or revisions to allow electronic reporting for one or more of the EPA-authorized programs implemented by your state. That is, you are seeking EPA approval to allow you to accept electronic documents in lieu of paper for submissions made by facilities regulated under your state’s authorized programs. For EPA to approve the program modifications, your state attorney general, or AG, must be able to certify that the state can continue to enforce these authorized programs based on electronic submissions. In addition, the system used to receive the electronic submissions must meet the standards spelled out in Section 3.2000 of CROMERR. These standards are discussed in detail in Lessons 5, 6, and 7 of this course.

USING PROCESSES PROVIDED UNDER OTHER PARTS OF TITLE 40

There are two ways to submit a CROMERR application. This lesson is focused on the special 40 CFR Part 3 Application Process, but applications may also be submitted under other parts of Title 40.

Applications submitted to EPA Program or Regional Offices under other parts of Title 40 must:

- Use applicable program approval or revision processes under other Parts of Title 40;
- Meet the application requirements under § 3.1000; and
- Demonstrate conformance with § 3.2000 requirements.

Regardless of the process used, the required application elements are the same. However, non-Part 3 applications can only address a single program.
**REQUIRED ELEMENTS OF A CROMERR APPLICATION**

Under § 3.1000(b)(1), to obtain EPA approval of program revisions or modifications to incorporate electronic reporting, a state, tribe, or local government must submit an application to the EPA Administrator that includes the four elements below.

- **AG Certification**—The AG Certification demonstrates that the state has sufficient legal authority to enforce the program using electronic reports as described in §3.2000(c).
  - §3.1000(b)(1)(i) A certification that the state, tribe, or local government has sufficient legal authority provided by lawfully enacted or promulgated statutes, or regulations that are in full force and effect on the date of the certification, to implement the electronic reporting component of its authorized programs covered by the application in conformance with §3.2000 and to enforce the affected programs using electronic documents collected under these programs—together with copies of the relevant statutes and regulations, signed by the state AG, their designee, or, in the case of an authorized tribe or local government program, by the chief executive or administrative official or officer, also known as the CAO, of the governmental entity, or their designee.

- **System Descriptions**—The System Description(s) section demonstrates that systems used to receive e-reports meet the CROMERR standards listed in §3.2000(b), and provide for e-signatures (or follow-on paper signatures) that meet the requirements of §3.2000(a).
  - (ii) A listing of all the state, tribe, or local government electronic document receiving systems that will accept the electronic documents addressed by the program revisions or modifications covered by the application, together with a description for each such system that specifies how the system meets the applicable requirements in §3.2000 with respect to those electronic documents.

- **System Upgrades**—The System Upgrades section identifies any system changes that may affect CROMERR compliance.
  - (iii) A schedule of upgrades for the electronic document receiving systems listed under paragraph (b)(1)(ii) of this section that have the potential to affect the program’s continued conformance with §3.2000.

- **Other Information**—The Other Information section provides additional information that should be considered by EPA during evaluation of the application.
  - (iv) Other information that the EPA Administrator may request to fully evaluate the application.

A note about non-Part 3 applications—These requirements are applicable for Part 3 and Non-Part 3 Applications. However, remember that Non-Part 3 Applications can generally address only one program.
**TYPICAL APPLICATION COMPONENTS**

Typical CROMERR applications include a minimum of three components, which are listed below. The first component, the two-page Cover Sheet, is not listed on the previous page as a required element; however, it represents a best practice for organizing basic application information. The other two application components directly reflect CROMERR-required elements.

- The two-page Cover Sheet captures basic contact and program information and identifies the programs to be modified or revised by EPA approval of the application, along with the associated reports and systems.
- As previously described, the AG Certification demonstrates that the state has sufficient legal authority to enforce the program using e-reports as described in § 3.2000(c).
- The System Description(s) component demonstrates that systems used to receive e-reports meet the CROMERR standards included in § 3.2000(b), and provide for e-signatures (or follow-on paper signatures) that meet the requirements of § 3.2000(a). This component also documents any anticipated system upgrades that will affect conformance with the CROMERR standards.

These application components are described in greater detail in the following pages.

Note that EPA offers a number of tools and templates to help states develop these application components. These tools and templates are described in greater detail in later lessons.

**COVER SHEETS**

The two-page Cover Sheet documents basic information about who is submitting the application and what they are applying for.

Although the Cover Sheet format is not required, EPA needs the information on the Cover Sheet in order to process your application. For example, program citations for reports addressed by your state’s application are requested to ensure that EPA approval actually modifies or revises the programs to cover the electronic reporting you want to implement.

**Page 1** includes data fields for type of agency, application point of contact, list of programs covered by the application, types of reports and system(s) the application covers, and information about the AG Certification.

**Page 2** includes fields for a list of the electronic reports accepted by the system, a brief system overview, and a list of attachments included with the application. If the application is for multiple systems, Page 2 should be completed for each system.

**RELATED RESOURCES:**
- Blank Cover Sheets: Page 1 (PDF) (1 pg, 20 K) and Page 2 (PDF) (1 pg, 18 K); and
- Sample North Dakota Completed Cover Sheets (PDF) (2 pp. 16K).
The first section of Page 1 asks the applicant organization to categorize itself.
The second section asks for both a primary and secondary point of contact.
The third section asks for a list of all of the programs, reports, and systems addressed in the application.
The last section of Page 1 documents the certifying official for the AG’s statement.
**Cover Sheet: Page 2**

- Cover Sheet Page 2 asks about each system addressed by the application.
- Page 2 also asks for information about each report associated with the systems addressed in the application.
- Page 2 should include a **brief** overview of the system. The full system description will come later in the application.
- The last section of Page 2 documents what attachments are included with the application.

**Attorney General (AG) Certification**

The AG Certification is a letter confirming legal authority to implement the electronic reporting covered by the application and enforce the affected programs using the electronic documents received under those programs.

- **For states**, the AG, or his or her designee, must sign the certification letter.
- **For tribes and local governments**, the chief administrative official or officer (CAO), or his or her designee, must sign the certification letter.
- In either case, letters signed by a designee must explicitly state that this individual has delegated authority from the AG (or CAO) to sign the certification letter.
The certification must include copies of all state, tribal, or local statutes and regulations relevant to the application. EPA suggests also including a description specifically linking applicable portions of 40 CFR Part 3 to relevant portions of the state, tribe, or locality’s statutes and regulations to facilitate EPA’s review.

**RESOURCES:**
- Blank Cover Sheets: AG Certification Outline (PDF) (4 pg, 20K)
- Sample AG Certification (PDF) (4 pp. 22K)

**SYSTEM DESCRIPTION(S)**

The System Description component documents how the system(s) meet the CROMERR standards.

To help applicants complete this description, EPA has developed a CROMERR System Checklist Template and strongly encourages you to use it. The template reflects the Checklist Requirements Roadmap, which lays out the CROMERR standards as a list of 20 performance-based system requirements. These requirements are divided into five categories: Registration, Signature Process, Submission Process, Signature Validation, and Creation of the Copy of Record (COR).

The descriptions that an applicant provides for each of the 20 checklist requirements reflect how the applicant’s system(s) will meet the CROMERR standards. When applicable, supporting documentation should be attached to the descriptions. Such attachments may include the Electronic Signature Agreement, system users’ guides, various process diagrams, and system screenshots and/or printouts. The CROMERR standards are explained in Lesson 6. Lesson 7 then describes how the CROMERR standards are expressed as checklist requirements, and explains how to use the System Checklist Template.

**RESOURCES:**
- CROMERR System Checklist Template (PDF) (13 pp, 60 K);
- CROMERR System Checklist (XLS) (71 K); and
- Sample Approved Delaware CROMERR System Checklist (PDF) (35 pp, 1017 K).

**SUBMITTING THE APPLICATION**

Applications submitted using the 40 CFR Part 3 approval process must be sent to the attention of EPA's Office of Environmental Information.

The majority of application materials can be submitted electronically by e-mailing these materials to the CROMERR Program general mailbox (cromerr@epa.gov) and Karen Seeh (seeh.karen@epa.gov). Hard-copy application file submissions are no longer required. If attempting to send application files larger than 8 MB, please contact us to arrange for transfer.

The attorney general certification is the only application document that still must be sent in hard copy.
CROMERR 101: Fundamentals for States, Tribes, and Local Governments
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This document can be sent directly to the attention of Karen Seeh at one of the addresses below.

- For U.S. Postal Service deliveries: 1200 Pennsylvania Avenue, NW, Mail Code 2823T, Washington, DC, 20460
- For UPS, FedEx, or courier mail deliveries: 1301 Constitution Avenue, NW, EPA West, Room 6408J, Washington, DC, 20004

Phone: (202) 566-1175
And remember the application submission date requirements: Programs without an *existing e-reporting system must seek EPA approval before receiving e-reports. Programs with an existing e-reporting system were required to submit the application for EPA approval no later than January 13, 2010.

An “existing” electronic document receiving system receives e-documents in lieu of paper on or before October 13, 2005 or is substantially developed on or before that date as evidenced by establishment of system services or specifications by contract or other binding agreement.