

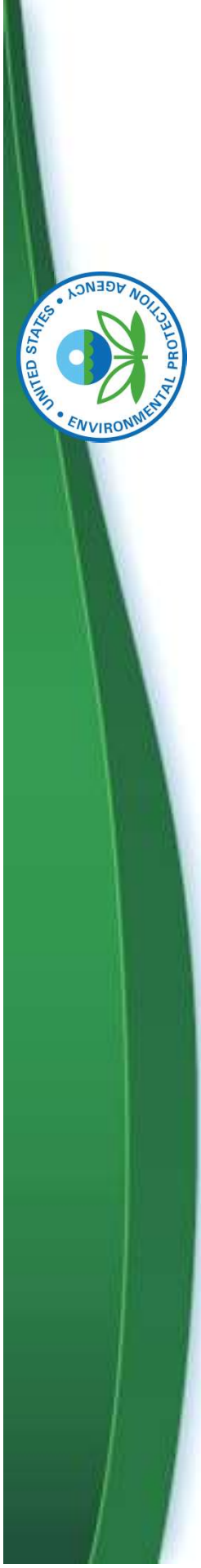


Step-by-Step Guide

**How to Create and Submit a Successful
CROMERR Application**

March 3, 2020

U.S. Environmental Protection Agency



- What is CROMERR?
- Purpose of CROMERR
- CROMERR Requirements

INTRODUCTION





What is CROMERR?

EPA's Cross-Media Electronic Reporting Rule (CROMERR) provides the **legal framework for electronic reporting** under EPA's regulatory programs.

The Rule sets **performance-based, technology-neutral system standards** and provides a centralized, uniform process for Agency review and approval of electronic reporting.



Purpose of CROMERR

CROMERR seeks to **ensure the enforceability of regulatory information collected electronically** by EPA and EPA's state, tribal and local government partners.

Key benefits of CROMERR:

- Ensures that the electronic reports are as enforceable as their paper counterparts by providing standards for
 - Electronic Signatures
 - Integrity of copy of record
- Provides a central point for EPA to receive and act on applications in lieu of going through individual EPA offices and regions.



CROMERR Requirements

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 that includes **four elements**:

1. **Attorney General (AG)/Legal Certification.** Verifies that the applicant has sufficient legal authority to enforce the program using electronic reports, as described in § 3.2000(c).
2. **System Descriptions.** Systems used to receive e-reports must 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).
3. **System Upgrades.** System changes that may affect CROMERR compliance.
4. **Other Information.** Additional information (screen shots, signature agreements, etc.) that should be considered by EPA during evaluation of the application.



- Getting Started
- Two Paths to Approval
- Maximizing Successful Submissions
- Application Submission

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Getting Started

- The first thing to do is contact the CROMERR program (cromerr@epa.gov). We can help and advise you through the approval process.
- Over the past several years there have been many changes in program processes as well as an increase in off-the-shelf and shared services options that make achieving CROMERR compliance and approval easier.
- These changes have created two paths to CROMERR approval: Expedited and Traditional



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Two Paths to Approval

Expedited	Traditional
• An applicant may not need to submit any technical or legal documentation • Typically proceeds directly to CROMERR approval after sending a simple request for action by EPA. • These applicants are often pursuing Shared CROMERR Services (SCS) or pre-vetted commercial off-the-shelf (COTS) solutions. • Submits to EPA: •Generic or system-specific Application Cover Sheet •Attorney General/Legal Certification or acknowledgement to use an approved CROMERR AG certification already on file •Completed template CROMERR System Checklist for COTS solution or other limited CROMERR technical documentation, if needed • Estimated Time to Approval: 1-3 months	• An applicant provides extensive technical documentation describing how the proposed electronic reporting approach meets <i>all</i> CROMERR standards. • These applicants are typically pursuing entirely custom-developed solutions or a future COTS product not yet evaluated for CROMERR compliance. • Submits to EPA: •Generic Application Cover Sheet •Full CROMERR System Checklist and, if needed, supporting technical documentation •Attorney General/Legal Certification or Acknowledgement to use an approved CROMERR AG certification already on file • Estimated Time to Approval: 6 months to 1 year





Expedited

Traditional

Shared CROMERR Services (SCS)

- SCS are a suite of application programming interface (API) components offered by EPA's Central Data Exchange (CDX) that can provide for end-to-end CROMERR compliance.
- An applicant pursuing electronic reporting using the entire suite of SCS components will have a solution that is by definition compliant with CROMERR technical and business process standards.
- Applicants can typically mix and match options within the SCS components and take advantage of new SCS components as they become available without additional CROMERR review or approval.
- Applicants still need to satisfy CROMERR's legal certification requirements and still require CROMERR approval.
- See <https://encromerrdev.epacdxnode.net/about> for more information.

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Cover Sheet

The application cover sheet provides EPA with necessary information for the review and approval process.

CROMERR Application Cover Sheet

- Type of agency
- Application contacts
- List of attachments included with the application (if needed)
- AG Certification information
- Brief system overview
- List of the programs and reports covered by the application

[Templates for CROMERR Cover Sheets](#) are available on the CROMERR website.

Note: Some COTS systems have customized cover sheets. We do not recommend more than one system per application unless those systems work together to provide a complete CROMERR technical approach.



1. Attorney General/Legal Certification

- Verifies that the applicant has sufficient legal authority to enforce electronically submitted and signed reports.
- Many states already have approved CROMERR Attorney General (AG) certifications from previous applications.
 - The CROMERR Program completed a comprehensive analysis of the approved AG certifications on file and determined many to be broadly applicable for use by state-level agencies that may be preparing new applications.
 - Check the table of [approved CROMERR Attorney General certifications](#) to see if you may not need to submit a new certification, or just submit a short supplementary statement.
 - Local governments primarily just need to certify that there are no local statutes in effect that conflict with their states' already established legal authority to enforce electronically submitted and signed reports.
- If an approved AG/legal certification is not on file, the applicant will need to submit one as part of their CROMERR application.



1. Attorney General/Legal Certification

- § 3.1000(b)(1)(i) requires a **letter demonstrating sufficient legal authority** to enforce the applicant's authorized programs using electronic reports.
- For **states**, the **AG** (or designee) must sign the certification letter.
- For **tribes and local governments**, the Chief Administrative Official or Officer (**CAO**) (or designee) must sign the certification letter.
- A [guidance document](#) including a template for preparing an AG/Legal Certification is available on the CROMERR website.

Note: Certifications signed by a designee must explicitly state that this individual has delegated authority from the AG or CAO.



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Expedited

Traditional

2. System Checklist

- Under the traditional application process, the descriptions that an applicant provides for each of the **20 checklist requirements** reflect how the applicant's approach will meet the CROMERR § 3.2000(a) and (b) requirements through a combination of business processes and system functionality.
- If needed to explain better how the approach meets a certain CROMERR requirement(s), **supporting documentation** should be attached to the descriptions. Attachments might include the following:
 - Electronic Signature Agreement
 - System user guides
 - Process diagrams
 - System screen shots

Note: Before submitting your application, ensure that the checklist items that are relevant to your system are complete. See [Completing the CROMERR Checklist](#)

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Maximizing Successful Submissions

Under the traditional application process, an **official application submission** will trigger the **formal review process** by the CROMERR Technical Review Committee (TRC).

We strongly encourage applicants to **submit a draft version** for initial review BEFORE submitting an official application and, ideally, during the system design phase. A draft application submission early in the system planning process:

- Avoids restarting the entire application process just to make minor edits.
- Provides technical assistance and suggestions on the application / CROMERR aspects of the solution before actual coding.
- Offers timely, iterative feedback regarding any changes required to maximize the chance of the application's approval.
- Results in application approval prior to desired production date .

Please direct all questions regarding draft submissions to the CROMERR program at cromerr@epa.gov.



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Application Submission

Electronic submissions are encouraged!

- Applications can be submitted via e-mail to cromerr@epa.gov
- Only new AG/Legal Certifications must be submitted in hard-copy; please send to the following address:

For U.S. Postal Service deliveries:

U.S. Environmental Protection Agency
Office of Environmental Information
1200 Pennsylvania Avenue, N.W. Mail
Code: 2823T
Washington, DC 20460

For UPS, FedEx, or courier mail deliveries:

U.S. Environmental Protection Agency
Office of Environmental Information
1301 Constitution Avenue, N.W.
EPA West, Room #5312C
Washington, DC 20004
Phone: (202) 566-2908



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- Traditional Review Process
- System Approach and CROMERR Approval Timeframes
- Comparison of Two Approaches
- Approved Application Modifications

APPLICATION REVIEW PROCESS

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Traditional Review Process

1. EPA's Completeness Review (§ 3.1000(b)(3)(i))
 - a) EPA reviews applications to ensure that enough information has been provided for a CROMERR compliance evaluation. EPA can only evaluate based on what was submitted in the application.
 - b) After following required administrative approval steps, EPA issues a completeness or incompleteness determination.
2. EPA's Approval Review (§ 3.1000(c))
 - a) Upon determination of completeness, EPA reviews applications to assess the approaches outlined for compliance with CROMERR requirements.
 - b) This may be an iterative process with the applicant.

Administrative Approval Steps

- a) For custom-developed solutions, the CROMERR TRC's completeness and approval recommendations are voted on by the committee and confirmed by EPA executives.
- b) Applicants receive a determination letter signed by EPA.
- c) Applications are officially approved upon publication of a Federal Register notice.



System Approach and CROMERR Approval Timeframes

- System approach is a key factor in the resources and time required to achieve CROMERR approval.
- Applicants can generally expect the following approval timeframes, depending upon the type of solution:

All or mostly custom developed solutions	SCS or pre vetted COTS solutions
6 months - 1 year	1 - 3 months

- SCS and COTS solutions have additional potential benefits such as shorter time to production and reduced CROMERR maintenance burden.

Note: Custom-developed solutions required ongoing, active participation by the applicant to achieve these timeframes.





Comparison of Two Approaches

Illinois eDMR (Traditional Approach)

- Completeness + approval + legal review: 149 days
- Committee vote: 38 days
- Agency executive concurrence: 7 days
- FR Notice publication: 30 days

Note: Custom-built systems often undergo a lengthy, iterative review process which significantly affects the approval timeframe

Application
Received

295 days

FR Notice
Published

Tennessee Construction Stormwater System (Expedited, Uses All Shared CROMERR Services)

- NO technical or legal review
- NO committee vote
- NO Agency executive concurrence
- Approval package preparation + FR Notice publication: 41 days

Application
Received

41 days

FR Notice
Published



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3. Approved Application Modifications

- Per § 3.1000(a)(4), approved applicants must notify EPA of any changes that may affect compliance with CROMERR, including changes to:
 - System functionality
 - Policies and business processes
 - Laws
- Process:
 - Outline any changes in an email to cromerr@epa.gov
 - EPA may request additional information
 - A formally amended application is usually not required
 - EPA acts to approve the changes
- Applicants with approved COTS or SCS-based solutions are generally not required to inform EPA of system-wide changes implemented by CDX or vendors
- Learn more: [FAQ about approved application modifications](#)



Special Process: Publicly Owned Treatment Works (POTW)

EPA's Office of Water (OW) and the CROMERR program developed [a hybrid approach for evaluating and approving POTW NPDES pretreatment programs' plans for electronic reporting](#):

1. POTW notifies its state or EPA Regional Approval Authority of the intent to receive electronic reports under its authorized 40 CFR part 403 program. POTW also notifies CROMERR program (cromerr@epa.gov) and National EPA Pretreatment Program (EPA_HQ_Pretreatment@epa.gov).
2. The CROMERR program reviews POTW's CROMERR technical documentation and legal certification to determine if the planned approach is CROMERR compliant.
3. The CROMERR program notifies POTW and Approval Authority if the planned approach meets CROMERR requirements. If the review generated comments, the CROMERR program works with POTW to revise the planned approach until it is CROMERR compliant.
4. POTW submits a program modification plan to their Approval Authority which addresses how the planned electronic reporting complies with relevant program management requirements outlined under 40 CFR part 403.
5. The Approval Authority, not the CROMERR program, makes the final determination regarding POTW's plans for electronic reporting. Determination that a system is CROMERR compliant is typically communicated informally.

Note: Advanced SCS approaches do not require any CROMERR technical documentation.



Application Resources

- [EPA CROMERR Website](#)
- [CROMERR Application Tools & Templates](#)
- [CROMERR 101 Training](#)
- [Shared CROMERR Services Website](#)
- [Shared CROMERR Services Demo](#)
- [CROMERR Help Desk](#)
 - Application status
 - Regulatory/policy questions
 - Technical assistance
 - Other inquiries



	processes not used by the vendor services, or	• May complete a standard CROMERR checklist in its entirety.
Other	Template Electronic Signature Agreement (with any customizations shown in bold and/or italic) or Custom Electronic Signature Agreement, Example Copy of Record as produced by the system.	

Next, locate your system/program in the following list and, if applicable, complete any additional forms and/or templates specific to that system/program. Applicants pursuing off-the-shelf approaches not yet evaluated by the CROMERR program or custom-developed solutions will find relevant forms under the list for custom-built systems.

Shared CROMERR Services Applications

The EPA's **CROMERR** Shared Services (SSS) have a variety of services to help you with your CROMERR program. CROMERR solutions which use shared CROMERR services are also known as CROMERR common solutions. SSS reduces cost and technical barriers to CROMERR-compliant electronic reporting. Applicants implementing the full suite of SSS generally do not need to provide CROMERR technical documentation.

The CROMERR program is not directly involved in the technical implementation of these services. To learn more, visit the EPA Exchange Network's [CROMERR Shared Services Resources Page](#). Items like:

- EPA's **Signature Agreement** (with any customizations shown in bold and/or italic) or Custom Electronic Signature Agreement, Example Copy of Record as produced by the system.

EPA-developed off-the-shelf solutions

EPA National NetWorX

Users: Shipment and treatment/charge monitoring reports under National Pollutant Discharge Elimination System (NPDES). See: [EPA National NetWorX Support Portal](#).

- EPA-authored programs applying to use National NetWorX are not required to complete a CROMERR system checklist. Please refer to the system-specific cover sheet for application documentation that may be required.

EPA NYSRIS Reporting Tool

Users: Supplemental NetWorX for additional NPDES reporting. See: [Final National Pollutant Discharge Elimination System \(NPDES\) Electronic Reporting Rule](#).

- EPA-authored programs applying to use NYSRIS are not required to complete a CROMERR system checklist. Please refer to the system-specific cover sheet for application documentation that may be required.

EPA Compliance Monitoring Data Portal

Users: Reporting of drinking water lab sample data.

- EPA-authored programs applying to use CMDF are not required to complete a CROMERR system checklist. Please refer to the system-specific cover sheet for application documentation that may be required.

EPA Combined Air Initiation Reporting System

Users: Clean Air Act reporting under 40 CFR parts 50-52.

- EPA Combined Air Initiation Reporting System Checklist Template [Download](#) (PWS-AR-11-0022)

- EPA Combined Air Emissions Reporting System Checklist Template [Download](#) (PWS-AR-11-0022)

• EPA-authored programs applying for CROMERR can use the template checklist listed above. SLT Reviewers will ultimately have to electronically sign the Range of Behavior (ROB).

Commercially-developed off-the-shelf solutions

Some vendors of Commercially-Developed Off-the-shelf Solutions (CDOSS) might have templates that can be used for the CROMERR checklist for data, field, or third (SLT) agencies using their vendor product. CROMERR applicants using vendor products may want to reach out to the vendor to see if their vendor has a template they can use. Please note: CROMERR is a rule and not a software certification program. So, although programs pursuing these solutions must still submit CROMERR applications requesting SLT to EPA, they do not need to submit a CROMERR system checklist to EPA.

In the past, EPA received vendor templates for this solution. However, EPA is no longer providing templates for CDOSS because vendor templates were not regularly being updated by vendors to reflect revisions to their CROMERR software. The modules in the templates not accurately reflecting the multi-locatable business processes and system functions. To obtain the most recent version, please contact the vendor of your CDOSS system.

Custom-built systems

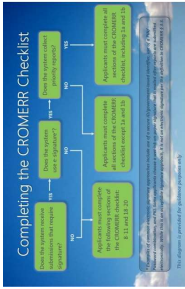
Applicants pursuing an off-the-shelf solution or custom-developed solutions such as Shared CROMERR Services usually have custom-built templates.

To ensure timely, such applicants are encouraged to work with the CROMERR program during the design phase and to submit system documentation for draft review.

- [EPA CROMERR System Checklist](#) (CDOSS-17-00, 2019)

• Typically, applicants with custom-built systems are required to provide additional documentation beyond the CROMERR checklist that describes their system's conformance with the CROMERR datasets.

For more information about documenting signature approaches on CROMERR applications, review the diagram for additional detail, or reference the full text version of the [Completing the CROMERR Checklist](#) diagram.



Maintaining compliance

Applicants are responsible for informing the CROMERR program about changes that may affect their CROMERR compliance. Examples of significant changes could include changes to the type of life forms that affect how the **CROMERR** is maintained, as well as changes to the technologies that may be used for the transfer or for creating electronic Signatures on transmitted reports.

For information, see: [Notification and Approval of Changes to Approved CROMERR Applications, EPA Status, Times, and Local Government](#) (CDOSS-17-00, May 2020) and [EPA's Modification to Approved Applications](#).

Information for Publicly Owned Treatment Works (POTW)

EPA's Office of Water (OW) and Office of Research and Information developed a hybrid approach for processing requests to modify approved POTW NPDES pretreatment programs to allow for electronic reporting.

For more information, see:

- [EPA CROMERR for POTW Pretreatment Program Guide](#) (CDOSS-17-00)

