

**Cross-Media Electronic Reporting and Records Rule
Information Collection Request
Draft Update**

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CDX
CENTRAL DATA
EXCHANGE

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1.0 Identification of the Information Collection

1.1 1(a) Title and Number of the Information Collection

This Information Collection Request (ICR) is entitled "A Cross-Media Electronic Reporting and Recordkeeping Rule", ICR Number 2002.04. OMB Control Number: 2025-005 (OMB comment #2025-0001).

1.2 1(b) Short Characterization

The U.S. Environmental Protection Agency (EPA) allows regulated entities to report electronically to EPA by allowing the use of electronic document receiving systems to receive electronic documents in satisfaction of certain document submission requirements in EPA's regulations.¹ The Cross-Media Electronic Reporting and Recordkeeping Rule (CROMERR) also allows state, tribal, and local environmental programs to seek EPA approval, as provided under 40 Code of Federal Regulations (CFR) 3.1000; to accept electronic documents to satisfy reporting requirements under authorized or delegated environmental programs that they administer. In seeking EPA approval, these state, tribal, and local environmental programs (referred to as States/Locals in the remainder of this ICR) must upgrade their receiving systems as needed in order to satisfy the criteria laid out at 40 CFR 3.2000. Regulated entities that use an electronic signature device in submitting electronic documents to the EPA or State/Local receiving system must comply with identity proofing requirements, as applicable.

CROMERR does not require any regulated entity to report electronically to EPA or State/Local jurisdiction. CROMERR establishes requirements for utilizing electronic reporting as an alternative to paper-based reporting. It does not require State/Local jurisdictions to implement electronic reporting; rather, it establishes the framework for implementing the electronic reporting alternative for federal laws that they administer. In this regard, regulated entities are affected only as follows:

- Entities that report electronically to EPA have to register with EPA's receiving system (e.g., log on to the EPA Web site and enter requested information); comply with the identity proofing provisions; and then commence electronic reporting (this ICR refers to these entities as direct reporters).
- State/Local jurisdictions must upgrade their electronic receiving systems as needed to meet CFR Section 3.2000 requirements. This includes upgrading electronic receiving systems, currently in existence, as well as systems to be developed in the future. These State/Local jurisdictions must apply for EPA program modification approval under CFR Section 3.1000. They also must implement the identity proofing requirements under CFR Section 3.2000(b)(5).
- Entities that report electronically to State/Local jurisdictions must comply with the identity proofing requirements under CFR Section 3.2000(b)(5). This ICR refers to these entities as indirect reporters.

This ICR examines these respondent requirements and associated burden. Sections 1.0 through 5.0 of the ICR describe the requirements for acceptable electronic reporting and receiving systems. Section 6.0 estimates the annual burden to direct reporters in registering

¹ EPA is using the term electronic reporting in a sense that excludes submission of a report via magnetic media, (i.e., via diskette, compact disc, or tape). EPA is also excluding transmission via hard copy facsimile. Likewise, EPA's use of the term "electronic document" throughout this ICR refers exclusively to documents that are transmitted via a telecommunications network, excluding hard copy facsimile.

with EPA's electronic receiving system. It also estimates the burden to direct and indirect reporters in complying with the rule's identity proofing requirements. Finally, it estimates State/Local burden in upgrading their receiving systems and seeking EPA approval. The ICR *does not* address the burden impacts (savings) to direct or indirect reporters in reporting electronically under EPA programs. EPA's programs will amend their program-specific ICRs to address these impacts.

The rule establishes requirements applicable to electronic reporting and receiving *systems*, as specified. Many of the activities to be conducted by direct reporters will be determined by the instructions associated with EPA's receiving system. Specifically, EPA has developed an Agency-wide receiving system, Central Data Exchange (CDX), which guides respondents through the registration and reporting procedures. In developing this ICR, EPA referred to the regulatory text, as well as CDX, in describing direct reporters' activities and associated burden.

The following paragraphs describe the activities that facilities and states would take under the rule.

1.3 Facility Electronic Reporting To EPA, State, and Local Receiving Systems

1.3.1 Facility Electronic Reporting to EPA Receiving System

40 CFR 3.10(a) and (b) establish Federal environmental reporting requirements that facilities must satisfy to submit electronic documents to EPA. Among other things, CFR Section 3.10(a) provides that a person may use an electronic document to satisfy a federal reporting requirement, or otherwise substitute for a paper document or submission permitted or required under other provisions of this title only if the person submits the electronic document to EPA's CDX, or to another EPA electronic document receiving system that the Administrator may designate for the receipt of specified submissions, complying with the system's requirements for submission. The electronic document must bear all valid electronic signatures as required under Title 40 to sign the paper document for which the electronic document substitutes, unless EPA announces special provisions to accept the signature on separate paper submission.

In accordance with the above requirements, as well as the requirements of CDX, direct reporters must register initially with CDX. They also must update their registration information as needed.

1.3.2 Facility Compliance with Identity Proofing Requirements

Direct and indirect reporters must comply with the identity proofing provisions of the CDX and rule, as applicable. As provided by CDX and CFR Section 3.2000(a)(2), any electronic document must bear the valid electronic signature of a signatory if that signatory would be required under the EPA or State/Local environmental program to sign the paper document for which the electronic document substitutes, unless the program makes special provisions to accept a handwritten signature on a separate paper submission, as specified.

In the case of an electronic document that must bear electronic signatures of individuals, as provided by the CDX or CFR Section 3.2000(a)(2), each signatory must sign either an electronic signature agreement or a subscriber agreement with respect to the electronic signature device used to create their electronic signature on the electronic document.

The CDX and CFR Section 3.2000(b)(5)(vii) require that, for each electronic signature device used to create an electronic signature on the document, the identity of the individual uniquely entitled to use the device and their relation to any entity for which they will sign electronic documents must be determined with legal certainty by EPA or State/Local, as applicable. In the case of priority reports, this determination must be made before the electronic document is received, by means of:

- Identifiers or attributes that are verified by attestation of disinterested individuals to be uniquely true of the individual in whose name the application is submitted, based on information or objects of independent origin, at least one item of which is not subject to change without governmental action or authorization.
- A method of determining identity no less stringent than the one above.
- Collection of either a subscriber agreement or a certification from a local registration authority that such an agreement has been received and securely stored.

1.4 Approval of State and Local Electronic Document Receiving Systems

State/Local governments that receive, or wish to begin receiving, electronic documents in lieu of paper documents to satisfy requirements under authorized programs must revise or modify the EPA-approved state or local environmental program to ensure that it meets the requirements of 40 CFR Part 3. In making these program revisions or modifications, the State/Local government must submit an application that complies with CFR Section 3.1000(b)(1), and use either the applicable procedures for revision or modification of such programs in other parts of this title; or, at their option, the procedures provided in subsections (b) - (e) of CFR Section 3.1000. The procedures provided in subsections (b) - (e) may only be used for revising or modifying an authorized program to provide for electronic reporting and for subsequent revisions or modifications to the electronic reporting elements of the authorized program as provided under CFR Section 3.1000(a)(4). CFR Section 3.1000(a)(1).

State/Local governments that accept electronic documents in lieu of paper documents under an authorized program for which EPA has approved program revisions or modifications under the procedures provided in CFR Section 3.1000(a)(1), must keep EPA apprised of those changes to laws, policies, or the electronic document receiving systems that have the potential to affect program conformance with CFR Section 3.2000. Where the Administrator determines that such changes require EPA review and approval, EPA may request that the state or local government submit an application for program revision or modification; additionally, States or local governments may submit applications on their own initiative, for program revision or modification respecting their receipt of electronic documents. CFR Section 3.1000(a)(4)

To obtain EPA approval of program revisions or modifications using procedures provided under CFR Section 3.1000, a State/Local must submit an application to the Administrator that includes the elements at CFR Section 3.1000(b)(1)(i)-(iv).

A state, tribe, or local government that revises or modifies more than one (1) authorized program for receipt of electronic documents, in lieu of paper documents, may submit a consolidated application under this section covering more than one (1) authorized program, provided the consolidated application complies with this subsection for each authorized program. CFR Section 3.1000(b)(2).

The State/Local program must satisfy the requirements at 40 CFR 3.2000. Pursuant to CFR Section 3.2000(a), authorized programs that receive electronic documents, in lieu of paper documents, to satisfy requirements under such programs must use an acceptable electronic document receiving system as specified and require that any electronic document must bear the valid electronic signature of a signatory if that signatory would be required under the authorized program to sign the paper document for which the electronic document substitutes unless the program makes special provisions to accept a handwritten signature on a separate paper submission, where such provisions are addressed in the application submitted under CFR Section 3.1000(b)(1) and ensure that the paper submission contains references to the electronic document sufficient for legal certainty that the signature was executed with the intention to certify to, attest to, or agree to the content of that electronic document.

As provided at CFR Section 3.2000(b), an electronic document receiving system that receives electronic documents, submitted in lieu of paper documents, to satisfy requirements under an authorized program must be able to generate data with respect to any such electronic document, as needed and in a timely manner, including a copy of record for the electronic document, that meets the criteria specified at CFR Section 3.2000(b)(1) through (5).

2.0 Need for and Use of the Collection

2.1 2(a) Need and Authority for the Collection

EPA established these requirements to ensure compliance with the Government Paperwork Elimination Act (GPEA).² GPEA requires that federal agencies be prepared, by October 21, 2003, to allow persons who are required to maintain, submit, or disclose information, the option of doing so electronically, when practicable, as a substitute for paper; and to use electronic authentication (electronic signature) methods to verify the identity of the sender and the integrity of electronic content. GPEA specifically provides that electronic records, and their related electronic signatures, are not to be denied legal effect, validity, or enforceability merely because they are in electronic form.

Regulated entities must initially register with the EPA electronic document receiving system to establish a user account. EPA needs the registration information to identify the registrant, contact information, and registrant's organization. Registrants also select a password and user name during registration. This information is needed to ensure that only the registrant has access to their account.

The identity proofing provisions in CFR Section 3.2000(b)(5) are needed to strengthen the non-repudiation provisions of the rule. The electronic signature agreement, required at CFR Section 3.2000(b)(5)(v), establishes that the signatory was informed of their obligation to keep the signature device from compromise, by ensuring that it is not made available to anyone else. These provisions are intended to ensure that the Federal laws regarding the falsification of information submitted to the government still apply to any and all electronic transactions, and that fraudulent electronic submissions will be prosecuted to the fullest extent of the law. In establishing clear requirements for electronic reporting systems, this rule helps to minimize fraud by assuring that the responsible individuals can be readily identified.

EPA needs information submitted by State/Locals in their program modification applications to evaluate the State/Locals' upgraded systems to ensure they satisfy the criteria at CFR Section 3.2000.

EPA also needs the information to evaluate whether the State/Local's modified program has been satisfactorily revised or modified in regard to their receiving system. In particular, the application must include a certification that the State/Local has sufficient legal authority provided by lawfully enacted or promulgated statutes or regulations to implement the electronic reporting component of its authorized program covered by the application; and to enforce the affected programs using electronic documents collected under these programs. The certification must be signed by the governmental official who is legally competent to certify with respect to legal authority on behalf of their government. In the case of the state, this official must be the Attorney General or their designee. In the case of a tribe or local government, this official must be the chief administrative official or officer or their designee. As a legal matter, EPA believes that Attorneys General or their designees are the only officials capable of certifying with respect to their States' legal authority. Where there are substantial administrative obstacles to involving the Attorney General in such certifications, EPA urges the State Attorney General to provide for a legally-competent designee who is available to participate in the submission of the State's application.

² Title XVII of Pub. L. 105-277

2.2 2(b) Practical Utility and Users of the Data

Regulated entities must initially register with the EPA electronic document receiving system to establish a user account and create a password. EPA uses the information to identify the registrant (e.g., by name and/or organization), establish the account, and contact the registrant if needed. Regulated entities use the password to access their account and to protect it from unauthorized use.

EPA and State/Locals use the identity proofing information from registrants to determine each registrant's identity and relationship to their regulated entity. The information may be used in an EPA or State/Local enforcement action to rebut a signatory's attempt to repudiate their electronic signature and/or other elements of the document that was signed.

When EPA or State/Local agency receives a subscriber agreement, certification of receipt and secure storage, or other identity-proofing information, the agency will review, process, and file the submittal. EPA or State/Local agency would then provide the registrant with access to the receiving system (e.g., open its account) so that it may begin using the electronic signature device in reporting electronically.

EPA uses the information submitted by State/Locals in their program modification applications to evaluate the State/Locals' upgraded receiving systems against the criteria at CFR Section 3.2000(b)(1)-(5). For example, EPA will review the application to determine if the systems are able to generate data as needed, and in a timely manner, including copy of record for each electronic document received, sufficient to prove that the electronic document was not altered without detection during transmission or at any time after receipt.

EPA also reviews the application to ensure that the State/Local has taken all necessary steps to modify its regulations and statutes, as needed, so that it has authority to implement electronic reporting and enforce the affected programs using electronic documents collected under its programs. This includes, among other things, an evaluation of the Attorney General's certification under CFR Section 3.1000(b)(1)(i).

3.0 Nonduplication, Consultations, and Other Collection Criteria

3.1 3(a) Nonduplication

The rule established uniform, Agency-wide criteria for electronic receiving systems, thereby minimizing the potential for duplication or redundancy across EPA or state programs. In addition, EPA uses the Access Certificates for Electronic Services (ACES) program for electronic signature certification for the CDX system, as needed. The ACES program offers centralized signature certification for electronic reporters across the federal government.

Further, electronic reporting is voluntary, and will likely be used by facilities only if cost-effective and non-duplicative with their other compliance activities. CROMERR does not alter the reporting requirements under existing regulations and statutes, and does not affect whether a document must be created, submitted, or retained under the existing provisions of Title 40 of the CFR.

3.2 3(b) Public Notice

In compliance with the Paperwork Reduction Act of 1995, EPA issued a public notice in the Federal Register on November 14, 2007 (66 FR 46161). The public comment period extended through December 14, 2007. EPA received 3 written comments on the proposal in the one (1) month following publication of the Notice of Proposed Rulemaking (NPRM).

None of the comments were directly responsive to the subject matter of the Public Notice. Two appeared to be responses to an unrelated topic (Spill Prevention, Control and Countermeasure [SPCC] regulations) and the intent of the third comment could not be determined from a reading of it.

3.3 3(c) Consultations

Inasmuch as this Public Notice concerns extending a currently effective body of regulation and does not propose to change this, no additional consultations were performed.

3.4 3(d) Effects of Less Frequent Collection

Facilities must initially register with the EPA electronic document receiving system to establish a user account. Registration information is collected at the time of registration (i.e., a one-time event) and updated if needed. Because it is a one-time activity, the information cannot be collected less frequently. If this information were not collected, EPA would not have a way to learn the identity of the registrant and establish its account.

Facilities must comply with the identity proofing provisions of the CDX and CFR Section 3.2000(b)(5), as applicable. These provisions provide that, in the case of priority reports for which an electronic signature device was used to create an electronic signature, a determination of identity must be made before the electronic document is received. EPA believes it is critical that registrants submit the identity proofing paperwork in advance of their priority reports so that the Agency can establish a link between each registrant, and its electronic signature device, to hold them accountable for their submittals.

Facilities must also report any compromise or surrender of its electronic signature device to EPA or State/Local. Local Registration Authority's (LRAs) must report any breach of storage of its subscriber agreements. These are as-needed submittals. If these reports were not collected, EPA and State/Locals would not have a way to learn about the signature compromise/surrender or storage breaches. Hence, they would not be in a position to take follow up action as needed

(e.g., to temporarily prevent access to an account whose signature device has been compromised). This could result in the unauthorized use an electronic signature device.

In addition, the rule sets forth timeframes for EPA receipt, review, and approval of State/Local program modification applications to implement electronic receiving systems. CFR Section 3.10000(a)(2) provides that a State/Local that does not have an electronic document receiving system on or before the date of publication of the rule must apply to EPA for program modification approval before receiving electronic documents. If this frequency were not specified, EPA would not have assurance that State/Locals are developing and using electronic document receiving systems that comply with the rule's provisions at CFR Section 3.2000.

CFR Section 3.1000(a)(3) provides that a State/Local with an existing receiving system must apply for EPA approval within two years of the date of publication of the rule. EPA believes the two (2) year timeframe will be sufficient to allow State/Locals to upgrade their systems and submit their applications. EPA believes that a shorter timeframe would make it difficult for State/Locals to comply. EPA believes that a longer timeframe would not enable it to review State/Local program modifications in a timely manner. EPA would not have assurances that the State/Local programs have sufficient regulatory or statutory authority to implement and enforce the programs using the electronic documents received.

3.5 3(e) General Guidelines

This ICR adheres to the guidelines stated in the Paperwork Reduction Act of 1995, OMB's implementing regulations, EPA's ICR Handbook, and other applicable Office of Management and Budget (OMB) guidance.

EPA notes that subscriber agreements must be kept on file until five (5) years after deactivation of the associated electronic signature device. EPA believes a five (5) year retention period is necessary to ensure that such records are available in case of an EPA or State/Local enforcement action. EPA recognizes that a registrant may use an electronic signature device in signing a range of enforcement-sensitive reports. Certain reports may have relevance to an enforcement action long after it is submitted to EPA or State/Local. Because of this, EPA needed to establish a sufficiently long retention period for the subscriber agreements so that they would available for such enforcement actions.

3.6 3(f) Confidentiality

EPA plans to give priority to receipt of the relatively high-volume environmental compliance reports that do not involve the submission of confidential business information (CBI) in developing the CDX, and in approving changes to authorized state and tribal programs related to electronic reporting. EPA believes that receipt of electronically transmitted CBI requires considerably stronger security measures than the initial version of CDX may be able to support, including provisions for encryption. While EPA plans to enhance CDX to accommodate CBI, EPA would want to first gain experience implementing CDX in the non-CBI arena, and also take the time to explore CBI security issues with companies that submit confidential data.

At the time EPA enhances CDX to accommodate CBI, EPA must treat the information in accordance with the confidentiality regulations set forth in 40 CFR Part 2, Subpart B. EPA also will ensure that the information collection procedures comply with the Privacy Act of 1974 and the OMB Circular 108.

3.7 3(g) Sensitive Questions

Persons registering with the CDX are asked to provide knowledge-based information (e.g., date of birth) to ensure the security of their password, user name, and other information supplied. If

the person loses his password or user name, or otherwise needs to confirm his identity to EPA, EPA could use his knowledge-based information to confirm his identity.

4.0 The Respondents and the Information Requested

4.1 4(a) Respondents and NAICS Codes

This information collection activity will likely have broad applicability across industries. Refer to Appendix I for a list of the North American Industrial Classification System (NAICS) codes associated with industries most likely affected by the rule.

4.2 4(b) Information Requested

4.3 Facility Electronic Reporting to EPA, State, and Local Receiving Systems

4.3.1 Facility Electronic Reporting to EPA Receiving System

Facilities must register their employees with CDX before reporting electronically to EPA. The employees must update their registration information if it changes.

(i) Data Items:

- An on-line registration application:
 - Registrant name
 - Organization name
 - Address
 - Knowledge-based information (e.g., user-supplied secret question-and-answer pair)

(ii) Respondent Activities:

- Log on to receiving system site and enter requested information
- Update the information, as needed

4.3.2 Facility Compliance with Identity Proofing Requirements

Direct and indirect reporters must comply with the identity proofing provisions of the CDX and rule, as applicable. The CDX and CFR Section 3.2000(a)(2) require that any electronic document must bear the valid electronic signature of a signatory if that signatory would be required under the authorized program to sign the paper document for which the electronic document substitutes, except as otherwise specified.

In the case of an electronic document that must bear electronic signatures of individuals as provided by the CDX and CFR Section 3.2000(a)(2), each signatory must sign either an electronic signature agreement, or a subscriber agreement with respect to the electronic signature device used to create their electronic signature on the electronic document.

The CDX and CFR Section 3.2000(b)(5)(vii) require that the identity of the individual uniquely entitled to use the device and their relation to any entity for which he or she will sign electronic documents must be determined with legal certainty by EPA or State/Local, as applicable. In the case of priority reports, this determination must be made before the electronic document is received, by means of:

- Identifiers or attributes that are verified by attestation of disinterested individuals to be uniquely true of the individual in whose name the application is submitted, based on information or objects of independent origin, at least one (1) item of which is not subject to change without governmental action or authorization.

- A method of determining identity no less stringent than the one above.
- Collection of either a subscriber agreement or a certification from a LRA that such an agreement has been received and securely stored.

The term “subscriber agreement” means an electronic signature agreement signed by an individual with ink on paper. The agreement must be signed by an individual with respect to an electronic signature device that the individual will use to create their electronic signatures requiring such individual to protect the electronic signature device from compromise; to promptly report to the agency or agencies relying on the electronic signatures created any evidence discovered that the device has been compromised; and to be held as legally bound, obligated, or responsible by the electronic signatures created as by a handwritten signature. This agreement must be stored until five (5) years after the associated electronic signature device has been deactivated.

The term “Local Registration Authority” means an individual who is authorized by a state to issue an agreement collection certification, whose identity has been established by notarized affidavit, and who is authorized in writing by a regulated entity to issue agreement collection certifications on its behalf. To become a LRA, an individual must have their identity established by notarized affidavit, and must be authorized in writing by the regulated entity to issue agreement collection certifications on its behalf. Once approved by EPA or State/Local, the LRA would collect subscriber agreements from each individual in the regulated entity that intends to use an electronic signature device in reporting electronically to EPA or State/Local system. The LRA would collect and store the subscriber agreements in a manner that prevents authorized or unauthorized access to these agreements by anyone other than the LRA. The LRA would prepare an agreement collection certification and submit a certification of receipt and secure storage to the EPA or State/Local.

(i) Data Items:

- Identifiers or attributes that are verified by attestation of disinterested individuals to be uniquely true, as specified.
- Other information necessary to determine identity.
- Subscriber agreement.
- Application to designate a LRA, including notarized affidavit and a written authorization from the regulated entity to issue collection agreement certifications on its behalf.
- Agreement collection certification. This is a signed statement by which a LRA certifies that a subscriber agreement has been received from a registrant; the agreement has been stored in a manner that prevents authorized or unauthorized access to these agreements by anyone other than the local registration authority; and the local registration authority has no basis to believe that any of the collected agreements have been tampered with or prematurely destroyed.
- Certification of receipt and secure storage.
- Report of breach of security.
- Report of compromised or surrendered electronic signature.

(ii) Respondent Activities:

- Regulated entities must comply with the CDX and rule’s requirements for determining the identity of individuals who will use an electronic signature device:

- Submit information on identifiers or attributes or other identity-proofing information.
- Comply with subscriber agreement provisions:
 - Prepare, file, and submit a subscriber agreement.
 - Prepare, file, and submit new subscriber agreement, for employee turnover.
 - Contact the help desk for technical support.
 - Report compromised or surrendered electronic signature device and prepare/submit new subscriber agreement if necessary.
- Comply with the requirements for a local registration authority:
 - Develop a process or plan to implement the requirement, designate the LRA, and submit application to agency.
 - Register the local authority with the receiving system.
 - Prepare subscriber agreements and send to local authority.
 - Prepare agreement collection certification after securely storing subscriber agreements, and submit certification of receipt and secure storage.
 - Prepare new subscriber agreements and submit to local authority, for employee turnover.
 - Submit updated certification of receipt and secure storage.
 - Redesignate local authority, due to turnover.
 - Register new local authority.
 - Report breach of security or compromise/surrender of electronic signature device.
 - Prepare new subscriber agreements and send to LRA.
 - Prepare and submit certification of receipt and secure storage.
- Conduct ongoing management.

4.4 Approval of State and Local Electronic Document Receiving Systems

To obtain EPA approval of program revision or modification using procedures provided under CFR Section 3.1000, a State /Local must submit an application for program revision to EPA that includes the elements specified in CFR Section 3.1000(b)(1)(i)-(iv).

A State/Local government that revises or modifies more than one (1) authorized program for receipt of electronic documents, in lieu of paper documents, may submit a consolidated application covering more than one authorized program, provided the consolidated application complies with applicable requirements for each authorized program.

A State/Local government that accepts electronic documents in lieu of paper documents under an authorized program for which EPA has approved program revisions or modifications under the procedures provided in CFR Section 3.2000(a)(1) must keep EPA apprised of those changes to laws, policies, or the electronic document receiving systems that have the potential to affect program conformance with CFR Section 3.2000.

The State/Local program must satisfy the requirements at 40 CFR 3.2000. Pursuant to CFR Section 3.2000, authorized programs that receive electronic documents, in lieu of paper documents, to satisfy requirements under such programs must use an acceptable electronic document receiving system as specified and require that any electronic document must bear valid electronic signatures to the same extent that the paper submission for which it substitutes would bear handwritten signatures under the authorized program, unless otherwise specified. An electronic document receiving system that receives electronic documents, submitted in lieu

of paper documents, to satisfy requirements under an authorized program must be able to generate data with respect to any such electronic document, as needed and in a timely manner, including a copy of record for the electronic document, that meets the criteria specified at CFR Section 3.2000(b)(1) through (5).

(i) Data Items:

- An application for program revision that includes the following elements:
- 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 certification to implement the electronic reporting component of its authorized programs covered by the application in conformance with CFR Section 3.2000 and to enforce the affected programs using electronic documents collected under these programs B together with copies of the relevant statutes and regulations B signed by the State Attorney General or their designee, or in the case of an authorized tribal or local government program, by the chief administrative official or officer of the governmental entity or their designee.
- A listing of all state or local government electronic document receiving systems to accept the electronic documents being addressed by the program modification or revisions that are covered by the application, together with a description for each such system that specifies how the system meets the applicable criteria in CFR Section 3.2000(b) with respect to those electronic documents.
- A schedule of upgrades for electronic document receiving systems that have the potential to affect the program's continued conformance with CFR Section 3.2000, if appropriate.
- Other such information as the Administrator may request to fully evaluate the application.
- Appraisals to EPA of changes to laws, policies, or electronic document receiving systems.

(ii) Respondent Activities:

- State/Local jurisdictions with receiving systems must upgrade them as needed to meet CFR Section 3.2000 and apply for EPA program modification approval under CFR Section 3.1000.
- State/Local jurisdictions must keep EPA apprised of changes to laws, policies, or electronic document receiving systems.

5.0 The Information Collected - Agency Activities, Collection Methodology, and Information Management

5.1 5(a) Agency Activities

EPA Activities

- Develop and operate the CDX.
- Process and file applications submitted by State/Locals seeking to modify their programs, as required by CFR Section 3.1000.

EPA and State/Local Jurisdictions

- Collect identifiers or attributes or other requested information.
- Collect subscriber agreements:
 - Receive, process, review, approve, and file new subscriber agreements.
 - Receive, process, review, approve, and file new subscriber agreements, for employee turnover.
 - Receive, process, review, and approve report of compromise or surrender of electronic signature device.
- Collect submittals from LRAs:
 - Receive application to designate first-time LRA.
 - Receive, process, review, and approve certification of receipt and secure storage.
 - Receive application to designate LRA, for LRA turnover.
 - Receive, process, review and approve updated certification of receipt and secure storage, for employee turnover.
 - Receive notification of breach of security or compromise/surrender of electronic signature and take action.
 - Receive, process, review, and approve certification of receipt and secure storage, for breach of security or compromise/surrender of electronic signature device.
- Conduct ongoing management
 - Identify and resolve problems.
 - Respond to information requests.

5.2 5(b) Collection Methodology and Management

The CDX serves as EPA's primary gateway for electronic documents received by EPA. CDX functions include:

- Access management allowing or denying an entity access to CDX.
- Data interchange accepting and returning data via various file transfer mechanisms.
- Signature/certification management providing devices and required scenarios for individuals to sign and certify what they submit.
- Submitter and data authentication assuring that electronic signatures are valid and data is uncorrupted.
- Transaction logging providing date, time, and source information for data received to establish "chain of custody".

- Acknowledgment and provision of copy of record providing the submitter with confirmations of the data received.
- Archiving placing files received and transmission logs into secure, long-term storage.
- Error-checking flagging obvious errors in documents and document transactions, including duplicate documents and unauthorized submissions.
- Translation and forwarding converting submitted documents into formats that will load to EPA databases, and forwarding them to the appropriate systems.
- Outreach providing education and other customer services (such as user manuals, Help Desk) to CDX users.

5.3 5(c) Small Entity Flexibility

The rule allows electronic reporting by permitting the use of electronic document receiving systems to receive electronic documents in satisfaction of certain document submission requirements in EPA's regulations. Electronic reporting under the rule is voluntary. These changes will reduce the burden on all affected entities, including small businesses. In addition, facilities will find that the initial set up process requires little expenditure of time and resources, and in the long run, this process will reduce the time spent on submissions each year.

5.4 5(d) Collection Schedule

The collection frequencies associated with the CDX system and ACES program include the following:

- Facilities must initially register with the electronic document receiving system and obtain electronic signature certification, if applicable.
- Facilities must comply with requirements for determining the identity of individuals who use electronic signature devices (e.g., prepare/submit subscriber agreements or certification of receipt and secure storage), before submitting electronic reports using the associated device.
- Registrants must submit a notice of compromise or surrender of electronic signature device promptly, should this occur.
- LRAs must submit a notice of breach of secure storage promptly, should this occur.

A State/Local government that does not have an existing electronic document receiving system for receiving electronic documents in lieu of paper documents to satisfy requirements of an authorized program on or before publication of the final rule must, using specified procedures, apply for, and receive EPA approval of revisions or modifications to such program before the program may receive electronic documents in lieu of paper documents to satisfy requirements of such program.

A State/Local government that has an existing electronic document receiving system and that seeks to receive electronic documents, in lieu of paper documents, to satisfy requirements of an authorized program must submit an application to revise or modify such authorized program no later than two years after publication of the final rule. On a case-by-case basis, this deadline may be extended by the Administrator, upon request, where the Administrator determines that the State/Local government needs additional time to make legislative or regulatory changes in order to meet the requirements of this part.

Within 75 calendar days of receiving an application for program revision or modification, the Administrator will respond with a letter that either notifies the State/Local government that the application is complete or identifies deficiencies in the application that render the application

incomplete. The State/Local government receiving a notice of deficiencies may amend the application and resubmit it. Within 30 calendar days of receiving the amended application, the Administrator will respond with a letter that either notifies the applicant that the amended application is complete or identifies remaining deficiencies that render the application incomplete.

Except where an opportunity for public hearing is required, if the Administrator does not take any action on a specific request for revision or modification of a specific authorized program addressed by an application submitted within 180 calendar days of notifying the State/Local government that the application is complete, the specific request for program revision or modification for the specific authorized program is considered automatically approved by EPA at the end of the 180 calendar days unless the review period is extended at the request of the State/Local government submitting the application.

If a State/Local government submits material to amend its application after the date that the Administrator sends notification that the application is complete, this new submission will constitute withdrawal of the pending application and submission of a new, amended application for program revision or modification, and the 180-day time period will begin again only when the Administrator makes a new determination and notifies the State/Local government under that the amended application is complete.

6.0 Estimating the Hour and Cost Burden of the Collection

6.1 6(a) Estimating Respondent Burden

EPA estimates respondent hour and cost burden associated with all of the requirements covered in this ICR in Exhibits 1 and 2. EPA obtained its hour, cost, and universe estimates for activities in this ICR from the Agency's technical background document, *Cross Media Electronic Reporting Rule Cost Benefit Analysis*.

6.2 6(b) Estimating Respondent Costs

Labor Costs

The estimated average hourly labor cost (including overhead and fringe), by labor category, for facilities and States is shown in Table 1. These labor rates were used to calculate the labor cost to all respondents in conducting the reporting activities covered in this ICR, as shown in Exhibits 1 and 2.

Table 1. Average Hourly Respondent Labor Cost, by Labor Category

Respondent	Legal	Managerial	Technical	Clerical
Facilities	\$54.65	\$35.02	\$34.73	\$15.28
States/Locals	\$36.37	\$36.37	\$27.54	\$13.07

a Labor rates included in this table were obtained from the Bureau of Labor Statistics, "National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2006", posted at <http://www.bls.gov/news.release/ocwage.t01.htm> and at http://www.bls.gov/oes/current/naics2_99.htm#b11-0000.

Capital and Operation and Maintenance (O&M) Costs

This ICR estimates capital and O&M costs based on information in the CROMERR CBA. The CBA estimates capital and O&M costs for State/Locals to upgrade their electronic receiving systems to satisfy CROMERR's standards at 40 CFR 3.2000. As explained in the CBA, EPA estimates that a percentage of State/Locals would need to upgrade their systems for copy of record, Secure Sockets Layer (SSL), email notification, electronic signatures, and/or electronic signature agreement provisions. The capital/start-up and maintenance costs associated with these upgrades, as well as the percentage of State/Locals with systems performing the upgrades are shown in Table 2.³

³ Capital costs in Exhibit 2 have been annualized at the OMB-approved discount rate of seven percent over ten years.

Table 2: Summary of State/Local System Upgrade Costs` Per Receiving System

	Copy of Record			SSL			Email Notification		E-Signature		E-Signature Agreement Upgrade	
	Cost Per System Upgrade		% of States Needing Upgrade	Cost Per System Upgrade		% of States Needing Upgrade	Cost Per System Upgrade	% of States Needing Upgrade	Cost Per System Upgrade	% of States Needing Upgrade	Cost Per System Upgrade	% of States Needing Upgrade
	Startup Cost	Annual Maintenance		Startup Cost	Annual Maintenance							
State Environmental Agencies	\$208,333	\$28,333	58%	\$25,000	\$600	27%	\$56,000	7%	\$15,270	10%	\$31,232	100%
All Other State and Local Agencies	\$50,000	\$10,000	58%	\$25,000	\$600	27%	\$56,000	7%	\$15,270	10%	\$31,232	100%

The estimate is based on the number of states, twenty-eight (28), who have informed EPA that they have existing systems that are subject to CROMERR and need to be upgraded.

In addition, this ICR estimates a postage cost of \$2.50 for certified mail delivery (e.g., for registrants that submit subscriber agreements to EPA or State/Local), and \$0.37 per submittal for employee registrants that submit subscriber agreements to their LRA. The ICR estimates \$2.50 for obtaining a notarized affidavit. The ICR also estimates \$5.00 in postage for a State/Local to submit its program modification application.

6.3 6(c) Estimating Agency Hour and Cost Burden

The estimated average hourly labor cost (including overhead and fringe), by labor category, for EPA is shown in Table 3. These labor rates were used to calculate agency costs associated with the activities covered in this ICR, as shown in Exhibit 3.⁴

Table 3. Average Hourly Agency Labor Cost, by Labor Category

	Legal	Managerial	Technical	Clerical
EPA	\$38.86	\$32.88	\$27.65	\$14.03

^a Labor rates included in this table were obtained from the U.S. Office of Personnel Management website at http://www.opm.gov/oca/08tables/html/g_s_h.asp. Rates were used as follows per OMB direction: Legal at GS 14, Managerial at GS 13, Technical at GS 12, and Clerical at GS 6.

6.4 6(d) Estimating the Respondent Universe and Total Hour and Cost Burden

Respondent Universe

The number of direct and indirect reporting facilities expected to register to conduct electronic reporting during the three (3) year period covered by this ICR is shown in Table 4. It shows that EPA expects 24,942 small facilities on average to register for electronic reporting to EPA or State/Local receiving systems each year. Each facility is expected to have three employees, on average, who will register with the receiving system, for an average total of 74,825 employee registrants each year.

It also shows that EPA expects 3,083 facilities owned by medium-size and large firms to register for electronic reporting to EPA or State/Local receiving systems each year. Each facility is expected to have an average of six (6) employees who will register with the receiving system, for an average total of 18,500 employee registrants, on average.

The following paragraphs discuss these universe estimates in relation to the reporting requirements of the rule.

⁴ Updated hourly wage rates were inflated to 2007 dollars. The Bureau of Labor Statistics (BLS) employment cost index (available at <http://www.bls.gov/news.release/eci.t02.htm>) was used to inflate the wage rates

Table 4. Average Annual Number of Direct and Indirect Reporting Facilities and Employees Expected to Register with the CDX and State/Local Systems During the Three-Year Life of ICR

	Number of Facilities per Year			Average Annual Number of Facilities During Three Years	Average Annual Number of Employee Registrants During Three Years
	Year 1	Year 2	Year 3		
Direct Reporters					
Small Firms	2,874	2,586	2,327	2,596	7,787
Medium-Size and Large Firms	355	320	288	321	1,926
Indirect Reporters					
Small Firms	24,738	22,263	20,037	22,346	67,038
Medium-Size and Large Firms	3,058	2,752	2,477	2,762	16,574

Data reported in this table was obtained from table 2-20 of the CROMERRR Cost Benefit Analysis (CBA).

6.5 Facility Electronic Reporting to EPA, State, and Local Receiving Systems

6.5.1 Facility Electronic Reporting to EPA Receiving System

As shown in Table 4, EPA estimates that, on average, 9,713 facility employees (i.e., employees of direct reporting facilities), will register with EPA’s electronic document receiving system each year. These registrants are expected to call the CDX Help Desk and complete the online registration application. EPA estimates that ten (10) percent of registrants each year will need to update their registration information. These assumptions are reflected in Exhibit 1.

6.5.2 Facility Compliance With Identity Proofing Requirement

The CDX and rule provide a range of ways for determining the identity of individuals using electronic signature devices for priority reports. This could include the use of identifiers or attributes that are verified by attestation of disinterested individuals to be uniquely true of the individual, as specified. It also may include other methods no less stringent than the use of such identifiers or attributes. Finally, it may include the collection of either a subscriber agreement or a certification from a LRA that such an agreement has been received and securely stored.

For purposes of this ICR, EPA has made the assumption that all registrants to the CDX and State/Local systems will comply with the requirements for a subscriber agreement or LRA certification. We recognize, however, that the other methods (e.g., submittal of identifiers or attributes) could also be used. For example, the submittal of identifiers or attributes may be required by a Certificate Authority to determine one’s identity before issuing an electronic signature certificate.⁵

Under the identity-proofing requirements, EPA estimates that small firms will comply with the subscriber agreement requirements. This includes, on average, 7,787 registrants from small direct reporter facilities. It also includes 67,038 registrants from small indirect reporter facilities.

⁵ In this regard, the General Services Administration (GSA) has established an electronic signature certification program, ACES. EPA may use ACES for certain of its information collections, if applicable. The federal government has already received approval from the OMB to request respondent information to issue electronic signature certificates under the ACES program. Refer to the Supporting Statement, ACES for the burden to individuals under the ACES program.

Note that EPA estimates that each registrant from an indirect reporter firm will register with 1.3 receiving systems, on average.

EPA further estimates that medium-size and large firms will comply with the LRA requirements. This includes, on average, 1,926 employee registrants from medium or large-size direct reporter facilities and 16,574 employee registrants from medium-size or large indirect reporter facilities. EPA further assumes that each medium-size and large firm owns, on average, three (3) facilities, for a total of 18 employee registrants each. EPA estimates that each firm will designate a LRA, who will collect subscriber agreements from its firm's employees. Note that EPA assumes that a medium-size or large indirect reporter firm will register with 1.3 receiving systems, on average. These assumptions are reflected in Exhibit 1.

6.6 Approval of State and Local Electronic Document Receiving Systems

To obtain EPA approval of a program revision or modification using procedures provided under CFR Section 3.1000, a state or local government must submit an application for program revision to EPA that includes the elements specified in CFR Section 3.1000(b)(1)(i)-(iv). A State/Local government that revises or modifies more than one authorized program for receipt of electronic documents, in lieu of paper documents, may submit a consolidated application covering more than one authorized program, provided the consolidated application complies with applicable requirements for each authorized program. The State/Local program must satisfy the requirements at 40 CFR 3.2000.

Based on the CBA, this ICR estimates that 45 state environmental protection agencies (state EPAs) and 138 other State/Local jurisdictions (e.g., counties, tribes) will upgrade their receiving systems and submit program modification applications to EPA during the three-year life of this ICR.

Because the exhibits in this ICR present *annual* costs over three (3) years, EPA has divided the number of State/Local jurisdictions by three. Hence, Exhibit 2 estimates annual burden for 15 State EPAs and 46 other State/Local jurisdictions annually (i.e., 45 State EPAs / 3 years' 15 per year; 138 other State/Local Jurisdictions / 3 years' 46 per year).

EPA further estimates that each State EPA will have, on average, three receiving systems each. Each other State/Local will have one receiving system each. EPA assumes the State/Locals will incur capital/start-up costs in upgrading their receiving systems according to the burden assumptions in Table 2 of this document. These assumptions are reflected in Exhibit 2.

6.7 6(e) Bottom Line Hour and Cost Burden

Respondent Tally

The total annual hour and cost burden to facilities and to State/Locals under the rule is summarized in Exhibit 4. As shown in the exhibit, EPA estimates the annual facilities respondent burden to be 63,318 hours and \$5, 476,114. The annual States respondent burden is estimated to be 78,035 hours and \$10,345,003. The bottom line burden to respondents over three (3) years is 234,105 hours and \$ \$31,035,010..

Agency Tally

Exhibit 5 summarizes the total annual hour and cost burden to EPA under the rule. As shown in the exhibit, EPA estimates that the annual Agency burden is 148,873 hours and \$13,219,442. The bottom line burden to the Agency over three years is 446,620 hours and \$39,658,326.

6.8 6(f) Reasons for Change in Burden

The annual burden estimated in this ICR has decreased since the previous ICR. This reduction is due to an update in the number of affected facilities (decrease in the number), and thus the number of respondents, based on the CBA report estimates of facilities and respondents for 2008-2011.

6.9 6(g) Burden Statement

The public reporting burden in this ICR is estimated to be about 10 minutes for an individual that reports electronically to the CDX. This includes time for preparing the on-line application and calling the CDX Help Desk.

The public reporting burden in this ICR is estimated to be 15 minutes for an individual that prepares and submits a subscriber agreement. The public record keeping burden for the individual is estimated to be 5 minutes for filing an agreement on site.

The public reporting burden is estimated to be approximately 30 minutes for the LRA. This includes time for preparing and submitting the certification of receipt and secure storage to EPA or State/Local agency. The public record keeping burden is estimated to be approximately 30 minutes for the LRA. This includes time for compiling subscriber agreements from employee registrants within the LRA's firm, placing them in secure storage, and preparing and filing the agreement collection certification.

The public reporting burden in this ICR is estimated to range from 210 hours for a Local government to 330 hours for State EPA seeking to implement an electronic receiving system. This includes time for preparing and submitting the program modification application to EPA.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. OEI-2003-0001, which is available for public viewing at the OEI Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is 202-566-1752. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search", then key in the docket ID number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. OEI-2003-0001 and EPA ICR No. 2002.03.

EXHIBIT 1
ELECTRONIC REPORTING - REVISION
ESTIMATED ANNUAL FACILITY PROGRAM HOUR AND COST BURDEN (AS RESPONDENT)

	Hours and Labor Costs Per Respondent Per Activity								Capital and O&M Costs per Respondent per Activity		Total Hours and Costs		
	Leg.	Mgr.	Tech.	Cler.	Respon.	Labor	Capital/		Number of	Total	Total		
	\$54.65	\$35.02	\$34.73	\$15.28	Hours/	Cost/	Startup	O&M	Respon.	Hours/	Cost/		
INFORMATION COLLECTION ACTIVITY	/Hour	/Hour	/Hour	/Hour	Activity	Activity	Cost	Cost	Activities	year	Year		
FACILITY ELECTRONIC REPORTING TO EPA RECEIVING SYSTEMS													
Log on to the receiving system site and enter requested information	0.00	0.00	0.15	0.00	0.15	\$5.21	\$0.00	\$0.00	9,713	1,457	\$50,600		
Update the information as needed	0.00	0.00	0.02	0.00	0.02	\$0.69	\$0.00	\$0.00	971	20	\$675		
Subtotal	0.00	0.00	Varies	0.00	Varies	Varies	\$0.00	Varies	Varies	1,477	\$102,403		
FACILITY COMPLIANCE WITH IDENTITY PROOFING REQUIREMENTS													
Comply with Requirement for Identifier, Attribute, or Alternative method													
Prepare and submit requested information	0.00	0.25	1.00	0.10	1.35	\$45.01	\$0.00	\$0.00	0	0	\$0		
Comply with the Subscriber Agreement Form													
Prepare, file, and submit a subscriber agreement	0.00	0.00	0.25	0.00	0.25	\$8.68	\$0.00	\$2.50	94,331	23,583	\$1,054,862		
Prepare, file, and submit a new subscriber agreement, for employee turnover	0.00	0.00	0.25	0.00	0.25	\$8.68	\$0.00	\$2.50	9,433	2,359	\$105,486		
Contact the help desk for technical support	0.00	0.00	0.03	0.00	0.03	\$1.04	\$0.00	\$0.00	94,331	7,439	\$98,284		
Report compromise/surrendered electronic agreement and prepare/submit new subscriber agreement if necessary	0.00	0.00	0.08	0.00	0.08	\$2.78	\$0.00	\$0.00	943	76	\$2,621		
Comply with the requirements for a local registration authority													
Develop a process or plan to implement the requirement, designate the LRA, and submit application to agency	1.00	0.00	12.00	0.00	13.00	\$471.41	\$0.00	\$5.00	1,016	13,208	\$484,013		
Register the local authority with the receiving system	0.00	0.00	0.18	0.00	0.18	\$6.25	\$0.00	\$0.00	1,016	444	\$6,351		
Prepare subscriber agreements and send to local authority	0.00	0.00	0.25	0.00	0.25	\$8.68	\$0.00	\$0.37	23,318	5,830	\$211,087		
Prepare agreement collection certification and submit certification of receipt and secure storage	0.00	0.00	1.00	0.00	1.00	\$34.73	\$0.00	\$0.00	1,016	1,016	\$35,284		
Prepare new subscriber agreements and submit to local authority, for employee turnover	0.00	0.00	0.25	0.00	0.25	\$8.68	\$0.00	\$0.37	2,370	593	\$21,458		
Submit updated certification of receipt and secure storage	0.00	0.00	0.08	0.00	0.08	\$2.78	\$0.00	\$0.00	2,370	190	\$6,586		
Redesignate local authority, due to turnover	0.00	0.00	1.00	0.00	1.00	\$34.73	\$0.00	\$5.00	109	109	\$4,322		
Register new local authority	0.00	0.00	0.18	0.00	0.18	\$6.25	\$0.00	\$0.00	109	48	\$680		
Report breach of security or compromise/surrender of electronic signature device	0.00	0.00	0.08	0.00	0.08	\$2.78	\$0.00	\$0.00	21	2	\$58		
Prepare new subscriber agreements and send to LRA subsequent to breach of security/compromise of electronic signature device	0.00	0.00	0.25	0.00	0.25	\$8.68	\$0.00	\$0.37	4,689	1,173	\$42,444		
Prepare and submit certification fo receipt and secure storage	0.00	0.00	0.08	0.00	0.08	\$2.78	\$0.00	\$0.00	21	2	\$58		
Conduct on-going management													
Conduct on-going management	0.00	0.00	1.00	0.00	1.00	\$34.73	\$0.00	\$0.00	5,770	5,770	\$200,385		
Subtotal	1.00	0.25							Varies	61,841	\$2,325,255		
TOTAL	0.00	Varies	Varies	0.00	Varies	Varies	\$0.00	Varies	Varies	63,318	\$2,427,658		

**EXHIBIT 3
ELECTRONIC REPORTING - REVISION
ESTIMATED ANNUAL EPA HOUR AND COST BURDEN**

	Capital and O&M Costs per Respondent per Activity										
	Hours and Labor Costs Per Respondent Per Activity						Activity		Total Hours and Costs		
	Leg. \$38.86	Mgr. \$32.88	Tech. \$27.65	Cler. \$14.03	Respon. Hours/	Labor Cost/	Capital/ Startup	O&M	Number of Respon.	Total Hours/	Total Cost/
	/Hour	/Hour	/Hour	/Hour	Activity	Activity	Cost	Cost	Activities	year	Year
INFORMATION COLLECTION ACTIVITY											
EPA ACTIVITIES											
Develop and operate the CDX	15,000	30,000	90,000	30,000	165,000	\$4,478,700	\$3,416,667	\$3,416,667	1	165,000	\$11,312,034
Process and file receiving system documentation submitted by State seeking to modify their programs, as required by section 3.1000	0	0	160	0	160	\$4,424	\$0.00	\$0.00	15	2,400	\$66,360
Process and file receiving system documentation submitted by Locals seeking to modify their programs, as required by section 3.1000	0	0	80	0	80.00	\$2,212	\$0.00	\$0.00	46	3,680	\$101,752
Subtotal	15,000	30,000	Varies	30,000	165,240	Varies	Varies	Varies	Varies	171,080	\$11,480,146
EPA AND STATE/LOCAL JURISDICTIONS											
Collecting Identifier, Attribute, or Alternative Information											
Receive, process, review and approve identifier, attribute, or alternative information	0.00	0.00	0.50	0.00	0.50	\$13.83	\$0.00	\$0.00	0	0	\$0
Collecting Subscriber Agreements											
Receive, process, review, approve and file new subscriber agreements	0.00	0.00	0.17	0.00	0.17	\$4.70	\$0.00	\$0.00	94,331	16,037	\$443,405
Receive, process, review, approve and file new subscriber agreements, for employee turnover	0.00	0.00	0.17	0.00	0.17	\$4.70	\$0.00	\$0.00	9,433	1,604	\$44,341
Receive, process, review, approve report compromise/surrender electronic signature device	0.00	0.00	0.17	0.00	0.17	\$4.70	\$0.00	\$0.00	943	376	\$4,434
Collecting Submittals Under LRA											
Receive application to designate first-time LRA	0.00	0.00	0.50	0.00	0.50	\$13.83	\$0.00	\$0.00	1,016	508	\$14,046
Receive, process, review, and approve certification of receipt and secure storage	0.00	0.00	0.17	0.00	0.17	\$4.70	\$0.00	\$0.00	1,016	173	\$4,776
Receive application to designate LRA, for LRA turnover	0.00	0.00	0.50	0.00	0.50	\$13.83	\$0.00	\$0.00	109	54	\$1,504
Receive, process, review and approve updated certification of receipt and secure storage, for employee turnover	0.00	0.00	0.17	0.00	0.17	\$4.70	\$0.00	\$0.00	2,370	403	\$11,142
Receive notification of breach of security or compromise/surrender of electronic signature device and take action	0.00	0.00	1.00	0.00	1.00	\$27.65	\$0.00	\$0.00	21	21	\$578
Receive, process, review and approve certification of receipt and secure storage, for breach of security	0.00	0.00	0.17	0.00	0.17	\$4.70	\$0.00	\$0.00	21	4	\$98
Conduct on-going management											
Identify and resolve problems	0.00	0.00	1.00	0.00	1.00	\$27.65	\$0.00	\$0.00	5,770	5,770	\$159,535
Respond to information requests	0.00	0.00	1.50	0.00	1.50	\$41.48	\$0.00	\$0.00	5,770	8,655	\$239,302
Subtotal	Varies	Varies	Varies	Varies	Varies	Varies	\$0.00	\$0.00	Varies	33,605	\$12,239,338
TOTAL	0.00	Varies	Varies	Varies	Varies	Varies	\$0.00	Varies	Varies	204,685	\$12,207,194

EXHIBIT 4
ELECTRONIC REPORTING - REVISION
TOTAL ESTIMATED RESPONDENT HOUR AND COST BURDEN SUMMARY (FROM EXHIBITS 1 AND 2)

	Annual Burden Hours	Annual Labor Cost	Annual Capital/Startup Cost	Annual O&M Cost	Total Annual Cost
Facilities	63,318	\$5,199,840	\$0	\$276,275	\$5,476,114
States	14,717	\$417,926	\$4,450,658	\$305	\$4,868,889
Total	78,035	\$5,617,765	\$4,450,658	\$276,580	\$10,345,003
3-year Total	234,105	\$16,853,296	\$13,351,974	\$829,740	\$31,035,010

EXHIBIT 5
ELECTRONIC REPORTING - REVISION
TOTAL ESTIMATED EPA HOUR AND COST BURDEN SUMMARY (FROM EXHIBIT 3)

	Annual Burden Hours	Annual Labor Cost	Annual Capital/Startup Cost	Annual O&M Cost	Total Annual Cost
EPA	204,685	\$5,569,973	\$3,416,667	\$3,416,667	\$12,207,194
3-year Total	614,055	\$16,709,919	\$10,250,001	\$10,250,001	\$36,621,581

Appendix A. List of the NAIC Codes Associated with Industries Most Likely Affected by the Rule

11	Agriculture, Forestry, Fishing and Hunting	331	Primary Metal Manufacturing
111	Crop Production	332	Fabricated Metal Product Manufacturing
112	Animal Production	333	Machinery Manufacturing
113	Forestry and Logging	334	Computer and Electronic Product Manufacturing
114	Fishing, Hunting and Trapping	335	Electrical Equipment, Appliance, and Component Manufacturing
115	Support Activities for Agriculture and Forestry	336	Transportation Equipment Manufacturing
21	Mining	337	Furniture and Related Product Manufacturing
211	Oil and Gas Extraction	339	Miscellaneous Manufacturing
212	Mining (except Oil and Gas)		
213	Support Activities for Mining	42	Wholesale Trade
22	Utilities	421	Wholesale Trade, Durable Goods
221	Utilities	422	Wholesale Trade, Nondurable Goods
23	Construction	44-45	Retail Trade
233	Building, Developing, and General Contracting	441	Motor Vehicle and Parts Dealers
234	Heavy Construction	442	Furniture and Home Furnishings Stores
235	Special Trade Contractors	443	Electronics and Appliance Stores
31	Manufacturing	444	Building Material and Garden Equipment and Supplies Dealers
311	Food Manufacturing	445	Food and Beverage Stores
312	Beverage and Tobacco Product Manufacturing	446	Health and Personal Care Stores
313	Textile Mills	447	Gasoline Stations
314	Textile Product Mills	448	Clothing and Clothing Accessories Stores
315	Apparel Manufacturing	451	Sporting Goods, Hobby, Book, and Music Stores
316	Leather and Allied Product Manufacturing	452	General Merchandise Stores
321	Wood Product Manufacturing	453	Miscellaneous Store Retailers
322	Paper Manufacturing	454	Nonstore Retailers
323	Printing and Related Support Activities	48-49	Transportation and Warehousing
324	Petroleum and Coal Products Manufacturing	481	Air Transportation
325	Chemical Manufacturing	482	Rail Transportation
326	Plastics and Rubber Products Manufacturing	483	Water Transportation
327	Nonmetallic Mineral Product Manufacturing	484	Truck Transportation
		485	Transit and Ground Passenger Transportation
		486	Pipeline Transportation

487	Scenic and Sightseeing Transportation	621	Ambulatory Health Care Services
488	Support Activities for Transportation	622	Hospitals
491	Postal Service	623	Nursing and Residential Care Facilities
492	Couriers and Messengers	624	Social Assistance
493	Warehousing and Storage		
51	Information	71	Arts, Entertainment, and Recreation
511	Publishing Industries	711	Performing Arts, Spectator Sports, and Related Industries
512	Motion Picture and Sound Recording Industries	712	Museums, Historical Sites, and Similar Institutions
513	Broadcasting and Telecommunications	713	Amusement, Gambling, and Recreation Industries
514	Information Services and Data Processing Services		
52	Finance and Insurance	72	Accommodation and Food Services
521	Monetary Authorities - Central Bank	721	Accommodation
522	Credit Intermediation and Related Activities	722	Food Services and Drinking Places
523	Securities, Commodity Contracts, and Other Financial Investments and Related Activities	81	Other Services (except Public Administration)
524	Insurance Carriers and Related Activities	811	Repair and Maintenance
525	Funds, Trusts, and Other Financial Vehicles	812	Personal and Laundry Services
		813	Religious, Grantmaking, Civic, Professional, and Similar
53	Real Estate and Rental and Leasing	814	Private Households
531	Real Estate	92	Public Administration
532	Rental and Leasing Services	921	Executive, Legislative, and Other General Government Support
533	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	922	Justice, Public Order, and Safety Activities
54	Professional, Scientific, and Technical Services	923	Administration of Human Resource Programs
541	Professional, Scientific, and Technical Services	924	Administration of Environmental Quality Programs
55	Management of Companies and Enterprises	925	Administration of Housing Programs, Urban Planning, and C
551	Management of Companies and Enterprises	926	Administration of Economic Programs
		927	Space Research and Technology
		928	National Security and International Affairs
56	Administrative and Support and Waste Management and Remediation Services		
561	Administrative and Support Services		
562	Waste Management and Remediation Services		
61	Educational Services 611 Educational Services		
62	Health Care and Social Assistance		