U.S. Environmental Protection Agency

Information Collection Request

# **TITLE:** CROSS-MEDIA ELECTRONIC REPORTING RULE

# **OMB CONTROL NUMBER:** 2025-0003

# **EPA ICR NUMBER:** 2002.09

**ABSTRACT:** The legal framework for electronic reporting to EPA’s regulatory programs is established under Title 40 of the Code of Federal Regulations (CFR) Part 3, the Cross-Media Electronic Reporting Rule (CROMERR).[[1]](#footnote-3) U.S. Environmental Protection Agency (EPA) allows regulated entities, required by statutory and regulatory authorities, to submit digital data or documents electronically, in lieu of a paper document, provided specified conditions are met under 40 CFR 3.2.

CROMERR requires state, local and tribal governments implementing authorized or delegated environmental programs (40 CFR) to seek EPA approval, under 40 CFR 3.1000, and satisfy reporting requirements electronically. In seeking EPA approval, these state, local, and tribal governments must upgrade existing electronic document receiving systems or develop new receiving systems to satisfy the criteria laid out at 40 CFR 3.2000. Throughout this document, we refer to state, local, and tribal governments as “States/ Locals/Tribes.” Currently, EPA is aware of only one tribal government planning to develop such a system during the next three years.

CROMERR does not require regulated entities to report electronically. CROMERR establishes requirements for utilizing electronic reporting as an alternative to paper-based reporting. It does not require States/Locals/Tribes to implement electronic reporting, it establishes the framework for implementing the electronic reporting alternative for Federal laws they administer. Regulated entities are affected as follows:

* Regulated entities reporting electronically to EPA are required to register with EPA’s electronic document receiving system known as the Central Data Exchange (CDX) They must log on to the [EPA’s CDX Web site](https://cdx.epa.gov/), enter requested information, comply with the identity proofing provisions, and commence with electronic reporting. These entities are known as “direct reporters.”
* States/Locals/Tribes must ensure that their electronic document receiving systems meet the CROMERR requirements at 40 CFR 3.2000 prior to allowing electronic reporting under an authorized program. These States/Locals/Tribes must apply for EPA program modification approval under 40 CFR 3.1000. They also must implement the identity proofing requirements at 40 CFR 3.2000(b)(5).
* Regulated entities reporting electronically to States/Locals/Tribes must comply with the identity proofing requirements at 40 CFR 3.2000(b)(5). These entities are known as “indirect reporters.”
* Regulated entities opting to implement a Local Registration Authority (LRA) alternative for identity proofing must identify the individual collecting paper subscriber agreements from anyone intending to use electronic signature devices in a States/Locals/Tribes electronic document receiving system. These entities are known as “indirect reporting firms.”
* The LRA must collect and store paper subscriber agreements from individuals in indirect reporting firms. The LRA must also prepare an agreement collection certification, submit a certification of receipt, and ensure secure storage[[2]](#footnote-4) to the corresponding State/Local/Tribal agency.

Regulated entities submitting electronic documents, using an electronic signature device, to EPA or a State/Local/Tribal receiving system must comply with identity proofing requirements in CROMERR. There are two ways to do this.

1. Establish identity through verification by, and attestation of, a disinterested individual[[3]](#footnote-5), based on identifiers.
2. Include the user’s handwritten signature as part of the electronic signature agreement (ESA) process. An ESA executed on paper with a handwritten signature is called a “subscriber agreement.”

CROMERR establishes requirements applicable to electronic reporting and receiving systems. Many activities conducted by direct reporters are determined by instructions associated with CDX which guides direct reporters through the registration and reporting processes and procedures. In this ICR, EPA refers to the regulatory text and CDX to describe direct reporters’ activities and associated burden.

**Supporting Statement A**

# **NEED AND AUTHORITY FOR THE COLLECTION:**

*Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.*

EPA established the CROMERR requirements to ensure compliance with the Government Paperwork Elimination Act (GPEA) by October 21, 2003.[[4]](#footnote-6) GPEA mandates Federal agencies allow persons required to maintain, submit, or disclose information the option of doing so electronically, when practicable, as a substitute for paper. It includes use of electronic authentication 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.

**(1) Registering with EPA Electronic Document Receiving System**

Regulated entities must initially register with the EPA electronic document receiving system (i.e., CDX) to establish a user account. EPA needs the registration information for registrant identification, contact information, and registrant’s organization. Registrants select a password and username during registration to ensure security of the system and only the registrant has access to his/her account.

1. **Compliance with Identity Proofing Requirements**

The identity proofing provisions in 40 CFR 3.2000(b)(5) are needed to strengthen the non-repudiation provisions of CROMERR. The paper subscriber agreement or ESA[[5]](#footnote-7), required in Section 3.2000(b)(5)(v), establishes that the signatory was informed of their obligation to keep the signature device uncompromised and secure, (e.g., not made available to anyone else.) These provisions intend to ensure that the Federal laws, regarding the falsification of information submitted to the government, still apply to any and all electronic transactions, and fraudulent electronic submissions will be prosecuted to the fullest extent of the law. CROMERR establishes clear electronic reporting requirements for to minimize fraud by assuring responsible individuals can be readily identified.

**(3) Approval of States/Locals/Tribes Electronic Document Receiving System Applications**

EPA needs information submitted by States/Locals/Tribes in their program modification applications to evaluate their States/Locals/Tribes electronic document receiving systems and ensure they satisfy the criteria at 40 CFR 3.2000 (b) (1).

(b) *Electronic reporting under an EPA-authorized state, tribe, or local program.*

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

Information contained in the program modification application is used by EPA to evaluate whether the States/Locals/Tribes ’s modified program has been satisfactorily revised or modified regarding CROMERR requirements on their electronic document receiving system.

Specifically, the application must include a certification of 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. 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 a state, this official must be the Attorney General or designee. In the case of a tribe or local government, this official must be the chief administrative official or officer or designee. EPA requires an Attorney General, or their designee, to certify their states’ legal authority. Where there are substantial obstacles to Attorney General certifications, EPA requires the Attorney General to provide a legally competent designee to participate in the submission of the state’s application.

# **PRACTICAL UTILITY/USERS OF THE DATA:**

*Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.*

**(1) Registering with EPA Electronic Document Receiving System**

Regulated entities must register with the EPA electronic document receiving system (i.e., CDX) 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.

1. **Compliance with Identity Proofing Requirements**

EPA, States/Locals/Tribes, and LRAs 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 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 States/Locals/Tribes agency receives a paper subscriber agreement, an ESA, a certification of receipt and secure storage[[6]](#footnote-8), or other identity-proofing information, the agency will review, process, and file the submittal. EPA or States/Locals/Tribes agency would then provide the registrant with access to the electronic document receiving system (e.g., open its account) so that it may begin using the electronic signature device in reporting electronically.

**(3) Approval of States/Locals/Tribes Electronic Document Receiving System Applications**

EPA uses the information submitted by States/Locals/Tribes in their program modification applications to evaluate the upgraded or new electronic document receiving systems against the criteria at 40 CFR 3.2000(b)(1)-(5). For example, EPA will review the application to determine if systems are able to generate required data in a timely manner. This includes generation of a copy of record for each electronic document received and proof the electronic document cannot be altered without detection during transmission or at any time after receipt.

EPA also reviews the application to ensure States/Locals/Tribes 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 40 CFR 3.1000(b)(1)(i).

# **USE OF TECHNOLOGY:**

*Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.*

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.
* Translating, forwarding, and 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 to CDX users (e.g., user manuals, Help Desk).

# **EFFORTS TO IDENTIFY DUPLICATION:**

*Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.*

CROMERR establishes uniform, Agency-wide criteria for electronic document receiving systems, thereby minimizing the potential for duplication or redundancy across EPA or States/Locals/Tribes programs. Electronic reporting is voluntary and will likely be used by the regulated community only if cost-effective and non-duplicative with their other compliance activities. CROMERR does not alter the reporting requirements under existing regulations or statutes and does not affect whether a document must be created, submitted, or retained under existing 40 CFR provisions.

# **MINIMIZING BURDEN ON SMALL ENTITIES:**

*If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.*

CROMERR 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 CROMERR is voluntary. These changes will reduce the burden on all affected entities, including small businesses. In addition, regulated entities 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.

# **EFFECTS OF LESS FREQUENT COLLECTION:**

*Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.*

**(1) Registering with EPA Electronic Document Receiving System**

Regulated entities must initially register with EPA’s electronic document receiving system (i.e., CDX) 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.

1. **Compliance with Identity Proofing Requirements**

Regulated entities must comply with the identity proofing provisions of CDX and 40 CFR 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. 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. Regulated entities also must report any compromise or surrender of their electronic signature device to EPA or States/Locals/Tribes.

LRAs must report any breach of storage of its paper subscriber agreements. These are as‑needed submittals. If these reports were not collected, EPA and States/Locals/Tribes would not have a way to learn about the signature compromise/surrender or storage breaches. Hence, they would not be able 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 of an electronic signature device.

**(3) Approval of States/Locals/Tribes Electronic Document Receiving System Applications**

CROMERR sets forth timeframes for EPA receipt, review, and approval of States/Locals/Tribes program modification applications to implement electronic document receiving systems. States/Locals/Tribes that did not have an electronic document receiving system in use or substantially developed on or before October 13, 2005, must apply to EPA for program modification approval before receiving electronic documents (40 CFR 3.10000(a)(2)). If this frequency were not specified, EPA would not have assurance that States/Locals/Tribes are developing and using electronic document receiving systems that comply with CROMERR’s provisions at 40 CFR 3.2000.

# **GENERAL GUIDELINES:**

*Explain any special circumstances that require the collection to be conducted in a manner inconsistent with PRA Guidelines at 5 CFR 1320.5(d)(2).*

With the following exception, this ICR adheres to the guidelines listed at 5 CFR 1320.5(d)(2).

EPA notes that subscriber agreements must be kept on file until five years after deactivation of the associated electronic signature device. A five-year retention period is necessary to ensure that such records are available in case of an EPA or States/Locals/Tribes 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 States/Locals/Tribes. Because of this, EPA needed to establish a sufficiently long retention period for the subscriber agreements so that they would be available for such enforcement actions.

# **PUBLIC COMMENT AND CONSULTATIONS****:**

## **8a. Public Comment**

*If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the Agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the Agency in response to these comments. Specifically address comments received on cost and hour burden.*

In compliance with the Paperwork Reduction Act of 1995 (PRA), EPA issued a public notice in the *Federal Register* on September 30, 2024 (89 *FR* 79583). The notice indicates EPA’s plan to submit an ICR, “Cross-Media Electronic Reporting Rule” (EPA ICR No. 2002.09, OMB Control No. 2025–0003), to the Office of Management and Budget (OMB) for review and approval in accordance with the PRA. The notice requested comments on the information collection and burden estimates covered in the ICR. The public comment period extended through November 29, 2024. No public comments were received in response to the notice.

**8b. Consultations**

*Describe efforts to consult with persons outside the Agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.*

Most of the underlying assumptions in this ICR (e.g., hour and cost burden estimates) are based on EPA consultations with industry and States/Locals/Tribes during the development of the CROMERR requirements (i.e., the rulemaking process) and the renewal of previous CROMERR ICRs. In developing this current ICR, EPA carefully reviewed all of the ICR’s data and assumptions and determined that a few should be strengthened based on additional consultations.

Table 1 identifies the organizations contacted.

**Table 1**

**Organizations EPA Contacted during the Development of this ICR**

| **Organization** | **Contact Name** | **Phone Number** |
| --- | --- | --- |
| **State/Local Agencies** | | |
| City of O'Fallon, Missouri | Marshall Suddarth | (636) 379-2212 |
| Maine Department of Environmental Protection (ME DEP) | Stacy Knapp | (207) 287-2235 |
| Tennessee Department of Environmental Conservation (TDEC) | Trevor Jackson  Angela J. Hall  Erin McComas | (615) 913-0133  (615) 306-3045  (615) 289-168 |
| Washington DC Department of Energy and Environment (DC DOEE) | Phill Fianna | (202) 535-2326 |

The following paragraphs summarize the feedback obtained from State/Local/Tribal agencies on the burden associated with various information collection activities.

**(1) Identity Proofing Activities**

* ***Receive, process, review, approve and file a non-electronic (paper) subscriber agreement.*** EPA was informed by the four State/Local/Tribal agencies contacted that the ICR’s draft burden for receiving, processing, reviewing, approving, and filing a non-electronic (paper) subscriber agreement (i.e., 34 minutes per subscriber agreement) was a realistic national average. Based on the consultation information, the average burden for receiving, processing, reviewing, approving, and filing a non-electronic (paper) subscriber agreement was not revised and thus, remained at 34 minutes per subscriber agreement.
* ***Receive, process, review, approve, and file an electronic subscriber agreement.*** EPA was informed by three of the four State/Local/Tribal agencies contacted that the ICR’s draft burden for receiving, processing, reviewing, approving, and filing an electronic subscriber agreement (i.e., 7 minutes per subscriber agreement) was a realistic national average. One State/Local/Tribal agency disagreed with the draft burden estimate because, at their agency, the subscriber agreements are automatically processed. Based on the consultation information, the average burden for receiving, processing, reviewing, approving, and filing an electronic subscriber agreement was not revised and thus, remained at 7 minutes per subscriber agreement.

**(2) Local Registration Authority Activities**

* ***Receive, process, review, and approve certification of receipt and secure storage.*** EPA was informed by two of the four State/Local/Tribal agencies contacted that the ICR’s draft burden for receiving, processing, reviewing, and approving a certification of receipt and secure storage (i.e., 10 minutes per certification) was a realistic national average. The remaining two State/Local/Tribal agencies did not provide feedback on this information collection activity. Based on the consultation information, the average burden for receiving, processing, reviewing, and approving a certification of receipt and secure storage was not revised and thus, remained at 10 minutes per certification.
* ***Receive notification of breach of security or compromised/surrendered electronic signature device and take action.*** EPA was informed by two of the four State/Local/Tribal agencies contacted that the ICR’s draft burden for receiving a notification of breach of security or compromised/surrendered electronic signature device, and taking action (i.e., 1 hour and 23 minutes per notification) was a realistic national average. The remaining two State/Local/Tribal agencies did not provide feedback on this information collection activity. Based on the consultation information, the average burden for receiving a notification of breach of security or compromised/surrendered electronic signature device, and taking action was not revised and thus, remained at 1 hour and 23 minutes per notification.
* ***Receive application to designate LRA.*** EPA was informed by one of the four State/Local/Tribal agencies contacted that the ICR’s draft burden for receiving an application to designate an LRA (i.e., 30 minutes per reporting firm) was a realistic national average. The remaining three State/Local/Tribal agencies did not provide feedback on this information collection activity. Based on the consultation information, the average burden for receiving an application to designate an LRA was not revised and thus, remained at 30 minutes per reporting firm.

**(3) On-Going Management Activities**

* ***Identify and resolve problems*** ***related to completing the registration and identity proofing processes.*** EPA was informed by three of the four State/Local/Tribal agencies contacted that the ICR’s draft burden for identifying and resolving problems related to completing the registration and identity proofing processes (i.e., 1 hour and 15 minutes per problem) was a realistic national average. One State/Local/Tribal agency indicated that the burden for this activity should be revised to 30 minutes. Based on the consultation information, the average burden for identifying and resolving problems was estimated to be 1 hour and 10 minutes per problem.
* ***Respond to information requests related to understanding/other questions regarding the registration and identity proofing processes.*** EPA was informed by three of the four State/Local/Tribal agencies contacted that the ICR’s draft burden for responding to information requests (i.e., 1 hour and 7 minutes per request) was a realistic national average. One State/Local/Tribal agency indicated that the burden for this activity should be revised to 20 minutes. Based on the consultation information, the average burden for responding to information requests was estimated to be 1 hour and 2 minutes per request.

**(4) State/Local Electronic Document Receiving System Application Activities**

* ***Read the CROMERR regulations.*** EPA was informed by three of the four State/Local/Tribal agencies contacted that the ICR’s draft burden for reading the regulations (i.e., 9 hours and 7 minutes per State/Local/Tribal agency) was a realistic national average. One State/Local/Tribal agency did not provide feedback on this information collection activity. Based on the consultation information, the average burden for reading the regulations was not revised and thus, remained at 9 hours and 7 minutes per State/Local/Tribal agency.
* ***Upgrade existing electronic document receiving system or develop new electronic document receiving system to meet 40 CFR 3.2000 and apply for EPA program modification approval under 40 CFR 3.1000 (State agencies).*** EPA was informed by two of the four State/Local/Tribal agencies contacted that the ICR’s draft burden for upgrading an existing electronic document receiving system or developing a new electronic document receiving system to meet 40 CFR 3.2000 and applying for EPA program modification approval (i.e., 370 hours per state agency) was a realistic national average. One State/Local/Tribal agency indicated that they agreed with the draft burden as it relates to upgrading the system but that the burden for developing a new system should be revised to 700 hours. The remaining State/Local/Tribal agency did not provide feedback on this information collection activity. Based on the consultation information, the average burden for upgrading an existing electronic document receiving system or developing a new electronic document receiving system to meet 40 CFR 3.2000 and applying for EPA program modification approval was estimated to be 426 hours and 20 minutes per State agency.
* ***Upgrade existing electronic document receiving system or develop new electronic document receiving system to meet 40 CFR 3.2000 and apply for EPA program modification approval under 40 CFR 3.1000 (Tribal/Local agencies).*** EPA was informed by one of the four State/Local/Tribal agencies contacted that the ICR’s draft burden for upgrading an existing electronic document receiving system or developing a new electronic document receiving system to meet 40 CFR 3.2000 and applying for EPA program modification approval (i.e., 331 hours per tribal/local agency) was a realistic national average. The remaining three State/Local/Tribal agencies did not provide feedback on this information collection activity. Based on the consultation information, the average burden for upgrading an existing electronic document receiving system or developing a new electronic document receiving system to meet 40 CFR 3.2000 and applying for EPA program modification approval was not revised and thus, remained at 331 hours per tribal/local agency.
* ***Submit amendment to original application for EPA program modification approval under 40 CFR 3.1000 (when receiving notice from EPA that the application is incomplete or does not satisfy the requirements at 40 CFR 3.2000).*** EPA was informed by two of the four State/Local/Tribal agencies contacted that the ICR’s draft burden for submitting an amendment to the original application for EPA program modification approval under 40 CFR 3.1000 (i.e., 24 hours per State/Local/Tribal agency) was a realistic national average. The remaining two State/Local/Tribal agencies did not provide feedback on this information collection activity. Based on the consultation information, the average burden for submitting an amendment to the original application for EPA program modification approval under 40 CFR 3.1000 was not revised and thus, remained at 24 hours per State/Local/Tribal agency.
* ***Submit notification to EPA about changes to laws, policies, or electronic document receiving systems that have the potential to affect program conformance with 40 CFR 3.2000 (State/Local/Tribal agencies with approved applications).*** EPA was informed by one of the four State/Local/Tribal agencies contacted that the ICR’s draft burden for submitting a notification to EPA about changes to laws, policies, or electronic document receiving systems that have the potential to affect program conformance with 40 CFR 3.2000 (i.e., 18 hours and 28 minutes per State/Local/Tribal agency) was a realistic national average. The remaining three State/Local/Tribal agencies did not provide feedback on this information collection activity. Based on the consultation information, the average burden for submitting a notification to EPA about changes to laws, policies, or electronic document receiving systems that have the potential to affect program conformance with 40 CFR 3.2000 was not revised and thus, remained at 18 hours and 28 minutes per State/Local/Tribal agency.

The above feedback is reflected in the burden assumptions of this ICR, as appropriate. Detailed information on EPA’s assumptions regarding these and other activities are fully discussed in Section 6 of this document.

# **PAYMENTS OR GIFTS TO RESPONDENTS:**

*Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.*

The Agency does not intend to provide payments or gifts to respondents as part of this collection.

# **PROVISIONS FOR PROTECTION OF INFORMATION:**

*Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or Agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.*

If a confidentiality claim were asserted, EPA would treat the information in accordance with the confidentiality regulations at 40 CFR Part 2, Subpart B. EPA also would ensure that the information collection procedures comply with the Privacy Act of 1974 and the OMB Circular 108.

# **JUSTIFICATION FOR SENSITIVE QUESTIONS:**

*Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the Agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.*

Persons registering with CDX are asked to provide knowledge-based information (e.g., date of birth) to ensure the security of their password, username, and other information supplied. If the person loses his/her password or username, or otherwise needs to confirm his/her identity to EPA, EPA could use the knowledge-based information to confirm his/her identity.

# **RESPONDENT BURDEN HOURS AND LABOR COSTS****:**

*Provide estimates of the hour burden of the collection of information. The statement should:*

* *Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.*
* *If this request for approval covers more than one form, provide separate hour burden estimates for each form and the aggregate the hour burdens.*
* *Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included as O&M costs under non-labor costs covered under question 13.*

## **12a. RESPONDENTS/NAICS CODES**

## The information collection requirements covered in this ICR will likely have broad applicability across industries. Refer to Appendix A for a list of the North American Industry Classification System (NAICS) codes associated with industries most likely affected by these requirements.

In this section, EPA first describes the estimated respondent universe. EPA then estimates the annual burden to respondents under the information collection requirements covered in this ICR.

EPA notes that, as used in this document, the term “respondent” includes:

* Direct reporters, indirect reporters, indirect reporting firms, and LRAs complying with the registration and identity proofing requirements covered in this ICR, as applicable. This includes:
* Private sector entities; and
* States/Locals/Tribes agencies that are regulated entities[[7]](#footnote-9).
* States/Locals/Tribes agencies administering electronic document receiving systems subject to CROMERR standards[[8]](#footnote-10). In this document, we refer to these respondents as “States/Locals/Tribes agencies acting as regulators.”
* States/Locals/Tribes agencies seeking EPA approval to allow electronic reporting under CROMERR[[9]](#footnote-11). In this document, we refer to these respondents as “States/Locals/Tribes agencies that are regulated entities.”

EPA estimates that, in total, 77,716 respondents will be subject to the information collection requirements covered in this ICR. This includes 51,211 direct reporters, 26,434 indirect reporters, 48 States/Locals/Tribes agencies acting as regulators, and 23 States/Locals/Tribes agencies that are regulated entities. The following paragraphs provide additional information on how these respondent universe estimates were derived.

1. **Direct Reporters**

PA estimates that, each year, 51,211 direct reporters will be subject to the information collection requirements covered in this ICR. This includes the 51,211 direct reporters expected to register with CDX. Of these 51,211 direct reporters, 21,258 direct reporters are expected to comply with identifier, attribute, or alternative method requirements (e.g., CDX 20-5-1); 2,838 direct reporters are expected to submit paper subscriber agreements, and 17,909 direct reporters are expected to submit ESAs.

Table 2 presents information on the annual number of direct reporters expected to register with CDX during the three-year period covered by the ICR. To estimate the annual number of direct reporters expected to register with CDX, EPA used historical information on the annual number of registrants for years 2021 through 2023. In particular, EPA used the average annual number of registrants for the 2021-2023 period. As shown in Table 2, EPA estimates that, on average, 51,211 direct reporters will register with CDX each year.

**Table 2**

**Annual Number of Direct Reporters Expected to Register with  
EPA’s CDX during the Three-Year Period Covered by the ICR a**

|  |  |
| --- | --- |
| **Respondent Universe** | **Average Annual**  **Number of Registrants b, c** |
| Private Sector Entities | 44,758 |
| States/Locals/Tribes Agencies that are Regulated Entities | 6,453 |
| **Total** | **51,211** |

a Table includes rounding error.

b Table contains data current as of July 2024.

c Federal government direct reporters are not reflected in the table because they are exempt  
from ICR requirements.

Table 3 presents information on the annual number of direct reporters expected to comply with identifier, attribute, or alternative method requirements (e.g., CDX 20-5-1) during the three-year period covered by the ICR.[[10]](#footnote-12) To estimate the annual number of direct reporters expected to comply with identifier, attribute, or alternative method requirements, EPA referred to user data from the CDX web site. In particular, EPA used data on the number of times CDX web pages related to the use of identifier, attribute, or alternative method requirements were visited (i.e., viewed) by unique users. As shown in Table 3, EPA estimates that, on average, 21,258 direct reporters will comply with identifier, attribute, or alternative method requirements each year.

**Table 3**

**Annual Number of Direct Reporters Expected to Comply with**

**with Identifier, Attribute, or Alternative Method Requirements**

**during the Three-Year Period Covered by the ICR a, b**

|  |  |
| --- | --- |
| **Respondent Universe** | **Average Annual Number of**  **Direct Reporters c** |
| Private Sector Entities | 18,579 |
| States/Locals/Tribes Agencies that are Regulated Entities | 2,679 |
| **Total** | **21,258** |

a Table includes rounding error.

b Table contains data current as of February 2024.

c Federal government direct reporters are not reflected in the table because they are exempt  
from ICR requirements.

Table 4 presents information on the estimated annual number of paper subscriber agreements and ESAs to be submitted to EPA during the three-year period covered by the ICR. To estimate the annual number of paper subscriber agreements and ESAs, EPA referred to data from the CDX web site. EPA used data on the number of times CDX web pages related to paper subscriber agreements and ESAs were visited (i.e., viewed) by unique users. As shown in Table 4, EPA estimates that, on average, direct reporters will submit 2,838 paper subscriber agreements and 17,909 ESAs.

**Table 4**

**Annual Number of Paper Subscriber Agreements  
and ESAs to be Submitted to EPA  
during the Three-Year Period Covered by the ICR a, b**

|  |  |
| --- | --- |
| **Type of Submission** | **Annual Number of Submissions c** |
| **Private Sector Entities** | |
| Paper Subscriber Agreements | 2,480 |
| ESAs | 15,652 |
| *Subtotal* | *18,132* |
| **States/Locals/Tribes Agencies that Are Regulated Entities** | |
| Paper Subscriber Agreements | 358 |
| ESAs | 2,257 |
| *Subtotal* | *2,615* |
| **Total** | |
| Paper Subscriber Agreements | 2,838 |
| ESAs | 17,909 |
| **Total** | *20,747* |

a Table includes rounding error.

b Table contains data current as of February 2024.

c Federal government direct reporters are not reflected in the table because they are exempt  
from ICR requirements.

1. **Indirect Reporters**

EPA assumes that only a portion of indirect reporters will use the LRA alternative. The remaining indirect reporters will comply with the paper subscriber agreement or ESA provisions. This section provides information on the annual number of paper subscriber agreements and ESAs to be submitted by indirect reporters during the three-year period covered by this ICR.

Table 5 presents information on the estimated annual number of paper subscriber agreements and ESAs to be submitted to State/Tribes/Locals during the three-year period covered by the ICR. As shown in the table, EPA estimates that, on average, indirect reporters will submit 24,399 paper subscriber agreements and 5,441 ESAs each year.

**Table 5**

**Annual Number of Paper Subscriber Agreements and ESAs  
Expected to be Submitted to State/Local/Tribal Systems  
during the Three-Year Period Covered by the ICR**

|  |  |  |  |
| --- | --- | --- | --- |
| **Type of Submission** | **Systems with**  **Non-SCS Solutions** | **Systems with**  **SCS Solutions** | **Total** |
| **Private Sector Entities** | | | |
| Paper Subscriber Agreements | 20,986 | 339 | 21,325 |
| ESAs | 2,332 | 2,424 | 4,756 |
| *Subtotal* | *23,318* | *2,763* | *26,081* |
| **States/Locals/Tribes Agencies that Are Regulated Entities** | | | |
| Paper Subscriber Agreements | 3,025 | 49 | 3,074 |
| ESAs | 336 | 349 | 685 |
| *Subtotal* | *3,361* | *398* | *3,759* |
| **Total** | | | |
| Paper Subscriber Agreements | 24,011 | 388 | 24,399 |
| ESAs | 2,668 | 2,773 | 5,441 |
| **Total** | **26,679** | **3,161** | **29,840** |

a Table includes rounding error.

b Table contains SCS data from CDX, and are current as of July 2024.

c Federal government indirect reporters are not reflected in the table because they are exempt from ICR requirements.

As shown in Table 5, for purposes of this ICR, paper subscriber agreements and ESAs submitted by indirect reporters are categorized into two groups based on the State/Local/Tribal electronic document receiving system: (1) systems with non-SCS solutions and (2) systems with SCS solutions. Appendix B provides detailed information on the methodology used to estimate the annual number of paper subscriber agreements and ESAs to be submitted to systems with non-SCS solutions. The annual number of paper subscriber agreements and ESAs to be submitted to systems with SCS solutions is based on data from CDX.

1. **Indirect Reporting Firms**

As stated earlier, EPA assumes that only a portion of indirect reporters will use the LRA alternative. The remaining indirect reporters will comply with the paper subscriber agreement or ESA provisions. This section provides information on the number of indirect reporting *firms* expected to use the LRA alternative during the three-year period covered by this ICR.

EPA estimates that 4,774 indirect reporting *firms* will use the LRA alternative. This includes 4,177 small *firms* and 597 medium-size and large *firms*.

EPA uses the above number of indirect reporting *firms* to estimate the annual number of indirect reporters that will submit paper subscriber agreements to LRAs. Appendix B provides detailed information on the methodology used to estimate the annual number of paper subscriber agreements expected to be submitted to LRAs during the three-year period covered by this ICR.

1. **States/Locals/Tribes Agencies Acting as Regulators**

EPA estimates that, currently, 48 States/Locals/Tribes agencies administer electronic document receiving systems subject to CROMERR.

1. **States/Locals/Tribes Agencies That Are Regulated Entities**

Based on information currently available to EPA on the submission and approval of program modification applications under 40 CFR 3.1000 (i.e., CROMERR applications), EPA estimates that, on average, 13 States/Locals/Tribes (i.e., 6 state agencies and 7 tribal/local agencies) will upgrade their existing electronic document receiving systems or develop new electronic document receiving systems to comply with the CROMERR standards at 40 CFR 3.2000, and submit CROMERR applications each year.

EPA also estimates that, on average, 9 States/Locals/Tribes (i.e., 4 state agencies and 5 tribal/local agencies) will submit amendments to their original CROMERR applications each year. These agencies are expected to submit an amendment when receiving notice from EPA that their application is incomplete or does not satisfy the requirements at 40 CFR 3.2000.

In addition, EPA estimates that, on average, one States/Locals/Tribes (i.e., 1 state agency and 0 tribal/local agencies) will submit notifications to EPA about changes to laws, policies, or electronic document receiving systems each year.

Based on the above information, EPA estimates that, each year, 23 States/Locals/Tribes agencies will be regulated entities during the three-year period covered by this ICR.

## **12b. INFORMATION REQUESTED** **& Respondent Activities**

Following is a description of the data items and activities associated with the information collection requirements covered in this ICR.

**(1) Registering with EPA Electronic Document Receiving System**

Employees reporting information electronically to EPA for regulated entities must register with EPA’s electronic document receiving system (CDX) before submitting reports electronically. The employees must update their registration information if it changes.

1. 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:

Employees (i.e., registrants) must perform the following activities:

* Log on to receiving system site and enter requested information (e.g., registrant name, email address, phone number, organization).
* Update the information, as needed.

**(2) Compliance with Identity Proofing Requirements**

Direct reporters, indirect reporters, indirect reporting firms, and LRAs must comply with the identity proofing provisions of CDX and CROMERR, as applicable. In addition, States/Locals/Tribes that accept electronic documents to satisfy reporting requirements under the authorized or delegated environmental programs they administer must process, review, and approve the identity proofing information submitted by indirect reporters.

CDX and 40 CFR 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. Electronic documents must bear electronic signatures of individuals as provided by CDX and 40 CFR 3.2000(a)(2), each signatory must sign either a paper subscriber agreement or ESA with respect to the electronic signature device used to create their electronic signature on the electronic document.

CDX and 40 CFR 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 States/Locals/Tribes, 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 paper 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 a handwritten signature. The agreement must be signed by an individual with respect to an electronic signature device that the individual will use to create his/her electronic signature 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 years after the associated electronic signature device has been deactivated.

The term “Local Registration Authority” means an individual who is authorized by a States/Locals/Tribes 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. Once approved by EPA or States/Locals/Tribes, the LRA would collect paper subscriber agreements from each individual in the regulated entity that intends to use an electronic signature device in reporting electronically to EPA or States/Locals/Tribes electronic document receiving system. The LRA would collect and store the paper 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 EPA or States/Locals/Tribes.

i) Data Items:

* Compliance with identity proofing requirements by means of identifiers, attributes, or alternative method:
  + Identifiers or attributes that are verified by attestation of disinterested individuals to be uniquely true, as specified.
  + Other information necessary to determine identity.
* Compliance with paper subscriber agreement or ESA provisions:
  + Paper subscriber agreement or ESA.
  + Report of compromised or surrendered electronic signature.
* Submission of paper subscriber agreement to LRA:
  + Paper subscriber agreement.
  + Report of breach of security.
  + Report of compromised or surrendered electronic signature.
* Designation of LRA:
  + Application to designate a LRA, including notarized affidavit and a written authorization from the regulated entity to issue collection agreement certifications on its behalf.
* Collection of paper subscriber agreements by LRA:
  + Agreement collection certification. This is a signed statement by which an LRA certifies that a paper 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 LRA; and the LRA has no basis to believe that any of the collected agreements have been tampered with or prematurely destroyed.
  + Certification of receipt and secure storage.

(ii) Respondent Activities:

***Direct and indirect reporters*** must perform the following activities, as applicable:

* Comply with requirements for identifier, attribute, or alternative method:
  + Prepare and submit information on identifiers, attributes, or other identity-proofing information.
* Comply with paper subscriber agreement or ESA provisions:
  + Prepare and submit a paper subscriber agreement or ESA.
  + Store paper subscriber agreement or ESA.
  + Report compromised or surrendered electronic signature device.
  + Contact the Help Desk for technical support.
* Submit paper subscriber agreement to LRA:
  + Prepare paper subscriber agreement and send to LRA.
  + Prepare and submit new paper subscriber agreement to LRA, for employee turnover.
  + Report breach of security or compromise/surrender of electronic signature device.
  + Prepare and submit new paper subscriber agreement to LRA subsequent to breach of security or compromise of electronic signature device.
* Conduct ongoing management:
  + Identify and resolve problems related to completing the registration and identity proofing processes.

***Indirect reporting firms and LRAs*** must perform the following activities, as applicable:

* Designating a LRA:
  + Develop a process or plan to implement the requirement, designate the LRA, and submit LRA application to agency.
  + Register the LRA with the electronic document receiving system.
  + Redesignate LRA, due to turnover, and send application materials.
  + Register new LRA with electronic document receiving system.
* Collect paper subscriber agreements from reporters:
  + Collect and securely store paper subscriber agreements.
  + Prepare agreement collection certification after securely storing paper subscriber agreements, and submit certification of receipt and secure storage.
  + Collect and securely store paper subscriber agreements, for employee turnover.
  + Prepare agreement collection certification after securely storing paper subscriber agreements, and submit certification of receipt and secure storage, for employee turnover.
  + Collect and securely store paper subscriber agreements, for breach of security/compromise of electronic signature device.
  + Prepare agreement collection certification after securely storing paper subscriber agreements, and submit certification of receipt and secure storage, for breach of security/compromise of electronic signature device.

***States/Locals/Tribes agencies acting as regulators*** must perform the following activities:

* Collect identifiers, attributes, or alternative information:
  + Receive, process, review, and approve identifier, attribute, or alternative information.
* Collect paper subscriber agreements or ESAs:
  + Receive, process, review, approve, and file new paper subscriber agreements or ESAs.
  + Receive, process, review, and approve report of compromise or surrender of electronic signature device.
* Collect submittals from LRAs:
  + Receive, process, review, and approve certification of receipt and secure storage.
  + 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 device 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.
* Collect applications for designation of LRAs:
  + Receive application to designate first-time LRA.
  + Receive application to designate LRA, for LRA turnover.
* Conduct ongoing management:
  + Identify and resolve problems related to completing the registration and identity proofing processes.
  + Respond to information requests related to understanding/other questions regarding the registration and identity proofing processes.

**(3) Approval of States/Locals/Tribes Electronic Document Receiving System Applications**

To obtain EPA approval of authorized program revision or modification using procedures provided under 40 CFR 3.1000, a State /Local/Tribe must submit an application for program revision to EPA that includes the elements specified in Sections 3.1000(b)(1)(i) through(iv). This ICR does not require or mandate any forms, however the Agency provides voluntary templates for guidance and to expedite submittal of all required documentation.

A States/Locals/Tribes 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.

If the States/Locals/Tribes receives a notice from EPA that its application is incomplete or does not satisfy the requirements at 40 CFR 3.2000, the States/Locals/Tribes must submit an amendment to the original application that includes the missing information.

A States/Locals/Tribes 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 40 CFR 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 40 CFR 3.2000.

The States/Locals/Tribes program must satisfy the requirements at 40 CFR 3.2000. Pursuant to 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 Sections 3.2000(b)(1) through (5).

(i) Data Items:

* An application (or application amendment) for program revision that includes the following elements:
  + A certification that the States/Locals/Tribes 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 40 CFR 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 Attorney General or 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 designee.
  + A listing of all States/Locals/Tribes 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 40 CFR 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 40 CFR 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/Locals/Tribes agencies that are regulated entities*** must perform the following activities:

* Upgrade existing electronic document receiving system or develop new electronic document receiving system to meet 40 CFR 3.2000 requirements and apply for EPA program modification approval under 40 CFR 3.1000.
* Submit amendment to original application for EPA program modification approval under 40 CFR 3.1000.
* Submit notification to EPA about changes to laws, policies, or electronic document receiving systems that have the potential to affect program conformance with 40 CFR 3.2000.

## **12c. COLLECTION SCHEDULE**

The collection frequencies associated with CDX include the following:

* Registrants must initially register with the electronic document receiving system and obtain electronic signature certification, if applicable.
* Regulated entities must comply with requirements for determining the identity of individuals who use electronic signature devices (e.g., prepare/submit paper subscriber agreements, ESAs, 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.

States/Locals/Tribes that did not have an electronic document receiving system in use or substantially developed on or before October 13, 2005, must, using specified procedures, apply for and receive EPA approval of revisions or modifications to the authorized program before the program may receive electronic documents in lieu of paper documents to satisfy requirements of such program.

Within 75 calendar days of receiving an application for program revision or modification, the Administrator will respond with a letter that either notifies the States/Locals/Tribes that the application is complete or identifies deficiencies in the application that render the application incomplete. The States/Locals/Tribes 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 States/Locals/Tribes 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 States/Locals/Tribes submitting the application.

If a States/Locals/Tribes 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 States/Locals/Tribes under that the amended application is complete.

## **12d. RESPONDENT BURDEN HOURS AND LABOR COSTS**

This ICR estimates the total annual respondent hourly burden associated with the information collection requirements under CROMERR. Most of the hour estimates are based on the Agency’s cost benefit analysis developed as part of the CROMERR rulemaking process*[[11]](#footnote-13),* and consultations with industry and States/Locals/Tribes. Appendix C (Exhibit C-1) includes detailed information on the burden hours (total and by labor type) per respondent, as well as the overall burden hours for all respondents. The total annual respondent costs associated with the information collection requirements under CROMERR. These costs are based on the cost of labor, capital, and operation and maintenance (O&M). Appendix C (Exhibit C-1) includes detailed information on respondent costs.

Using the burden hours discussed in Section 6(a) and the hourly respondent labor costs outlined in this section, EPA estimated the labor costs associated with the information collection requirements covered in this ICR.

1. **Direct Reporters, Indirect Reporters, Indirect Reporting Firms, and  
   Local Registration Authorities**

EPA estimates an average hourly respondent labor cost (including fringe and overhead) of $82.74 for legal staff, $53.03 for managerial staff, $52.59 for technical staff, and $23.14 for clerical staff. These respondent labor costs were obtained from the previously approved CROMERR ICR (i.e., EPA ICR Number 2002.08, dated April 28, 2021), and adjusted to 2024 levels using Employment Cost Indexes developed by the Bureau of Labor Statistics.[[12]](#footnote-14)

1. **States/Locals/Tribes Agencies**

EPA estimates an average hourly respondent labor cost (including fringe and overhead) of $55.07 for legal staff, $55.07 for managerial staff, $41.71 for technical staff, and $19.80 for clerical staff. These respondent labor costs were obtained from the previously approved CROMERR ICR (i.e., EPA ICR Number 2002.08, dated April 28, 2021), and adjusted to 2024 levels using Employment Cost Indexes developed by the Bureau of Labor Statistics.[[13]](#footnote-15)

# **RESPONDENT CAPITAL AND O&M COSTS:**

*Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).*

*The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should consider costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling, and testing equipment; and record storage facilities.*

*If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate.*

*Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.*

**Capital Costs**

Capital costs usually include any produced physical good needed to provide the needed information, such as machinery, computers, and other equipment.

1. **Direct Reporters, Indirect Reporters, Indirect Reporting Firms, and  
   Local Registration Authorities**

EPA does not anticipate that direct reporters, indirect reporters, indirect reporting firms, and LRAs will incur capital costs in carrying out the information collection requirements covered in this ICR.

1. **States/Locals/Tribes**

EPA anticipates that State/Local/Tribal agencies will incur capital costs in upgrading their existing electronic document receiving systems or developing new electronic document receiving systems to satisfy CROMERR standards at 40 CFR 3.2000 (e.g., copy of record, Secure Sockets Layer (SSL), e-mail notification, paper subscriber agreement, ESA, electronic signature).

To estimate the average capital cost per agency for upgrading existing electronic document receiving systems or developing new electronic document receiving systems that satisfy the CROMERR standards at 40 CFR 3.2000, EPA used the weighted-average calculations in Table 6. EPA multiplied the percentage of State/Local/Tribal agencies that, in their program modification applications, indicated that they would opt for a custom, commercial off-the-shelf (COTS), core shared CROMERR services (SCS), or advanced SCS solution by the capital cost associated with each solution type. Then, EPA added the products for each solution type to calculate an overall weighted-average capital cost.

**Table 6**

**Assumptions and Weighted-Average Equations Used in Estimating Capital Cost to**

**States/Locals/Tribes for Upgrading Existing Electronic Document Receiving Systems  
or Developing New Electronic Document Receiving Systems**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Solution**  **Type** | **State Agencies** | | | **Tribal/Local Agencies** | | |
| **Capital**  **Cost for**  **Solution**  **Type** | **Program Modification**  **Applications** | | **Capital**  **Cost for**  **Solution**  **Type** | **Program Modification**  **Applications** | |
| **Number** | **Percent** | **Number** | **Percent** |
| Custom | $222,300 | 3 | 0.500 | $85,000 | 1 | 0.143 |
| Commercial off-the-shelf (COTS) or Core shared CROMERR services (SCS) | $85,000 | 1 | 0.167 | $85,000 | 3 | 0.429 |
| Advanced SCS | $12,100 | 1 | 0.167 | $12,100 | 2 | 0.286 |
| **Weighted Average**  **Capital Cost** | ($222,300 x 0.500) + ($85,000 x 0.167) + ($12,100 x 0.167) =  **$127,366** | | | ($85,000 x 0.143) + ($85,000 x 0.429) + ($12,100 x 0.286) =  **$52,081** | | |

For state and tribal/local agencies, the capital costs for custom, COTS, core SCS, and advanced SCS solutions were obtained from the previously approved CROMERR ICR (i.e., EPA ICR Number 2002.08, dated April 28, 2021), and adjusted to 2024 levels using Consumer Price Indices developed by the U.S. Bureau of Labor Statistics.[[14]](#footnote-16)

As shown in Table 6, EPA estimates that each state agency will incur a capital cost of $127,366, and that each tribal/local agency will incur a capital cost of $52,081. EPA notes that capital costs for tribal/local agencies are estimated to be lower than the capital costs for state agencies because tribal/local agencies are expected to have simpler electronic document receiving systems that cover fewer programs and fewer electronic reports than state systems.

The above capital costs are shown in Appendix C (Exhibit C-1) for all applicable respondent activities.

**(3) Operation and Maintenance Costs**

O&M costs are those costs associated with an information collection requirement incurred continually over the life of the ICR.

1. **Direct Reporters, Indirect Reporters, Indirect Reporting Firms, and  
   Local Registration Authorities**

O&M costs include:

* EPA estimates that registrants that submit paper subscriber agreements to EPA or States/Locals/Tribes will incur a cost of $5.62 to mail a one-ounce letter by certified mail (i.e., $0.73 for first-class letter postage, $4.85 for the certified-mail fee, and $0.04 for standard business envelope). [[15]](#footnote-17), [[16]](#footnote-18), [[17]](#footnote-19)
* EPA estimates that registrants that submit paper subscriber agreements to their LRA will incur a cost of $0.77 to mail a one-ounce letter using first-class mail (i.e., $0.73 for first-class letter postage and $0.04 for standard business envelope).[[18]](#footnote-20), [[19]](#footnote-21)
* EPA estimates that indirect reporting firms that implement the LRA alternative and submit an LRA application to the Agency will incur a cost of $9.24. This cost includes:
* $3.62 for obtaining a notarized affidavit to establish the identity of an LRA. This O&M cost was obtained from the previously approved CROMERR ICR (i.e., EPA ICR Number 2002.08, dated April 28, 2021), and adjusted to 2024 levels using Consumer Price Indexes developed by the U.S. Bureau of Labor Statistics.[[20]](#footnote-22)
* $5.62 to mail a one-ounce letter by certified mail (i.e., $0.73 for first-class letter postage, $4.85 for the certified-mail fee, and $0.04 for standard business envelope).[[21]](#footnote-23), [[22]](#footnote-24), [[23]](#footnote-25)
* EPA estimates that, in submitting a certification of receipt and secure storage, the LRA will incur a cost of $4.04 to mail a first-class large envelope (i.e., $3.71 for first‑class large envelope (not more than nine ounces) postage and $0.33 for catalog envelope). [[24]](#footnote-26), [[25]](#footnote-27)

The above O&M costs are shown in Appendix C (Exhibit C-1) for all applicable respondent activities.

# **AGENCY** **COSTS:**

*Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.*

1. **Registering with EPA Electronic Document Receiving System**

EPA activities associated with facility reporting to EPA’s electronic document receiving system (i.e., CDX) include:

* Develop, operate, and maintain CDX.

1. **Compliance with Identity Proofing Requirements**

EPA activities associated with the identity proofing requirements covered in this ICR include:

* Collect identifiers or attributes or other information:
  + Receive, process, review, and approve identifier, attribute, or alternative information.
* Collect paper subscriber agreements or ESAs:
  + Receive, process, review, approve, and file paper subscriber agreements or ESAs.
  + Receive, process, review, and approve report of compromise or surrender of electronic signature device.
* Conduct ongoing management:
  + Identify and resolve problems related to completing the registration and identity proofing processes.
  + Respond to information requests related to understanding/other questions regarding the registration and identity proofing processes.

**(3) Approval of States/Locals/Tribes Electronic Document Receiving System Applications**

EPA activities associated with the approval of States/Locals/Tribes electronic document receiving systems include:

* Process and file applications submitted by States/Locals/Tribes seeking to modify their programs, as required by 40 CFR 3.1000.
* Process and file amendment to original application for EPA program modification approval under 40 CFR 3.1000.
* Process and file appraisals of changes to laws, policies, or electronic document receiving systems that have the potential to affect program conformance with 40 CFR 3.2000.

## **14b. Agency Burden and Labor Cost**

This ICR estimates the total annual Agency hour and cost burden associated with the information collection requirements under CROMERR (see Exhibit C-2 in Appendix C). EPA estimates an average hourly labor cost of $80.19 for legal staff (GS-14, Step 1), $67.86 for managerial staff (GS-13, Step 1), $57.07 for technical staff (GS-12, Step 1), and $28.96 for clerical staff (GS-06, Step 1). To derive these hourly estimates, EPA referred to the General Schedule (GS) Salary Table 2024.[[26]](#footnote-28) This publication summarizes the unloaded (base) hourly rate for various labor categories in the Federal government. EPA then applied the standard government overhead factor of 1.6 to the unloaded rate to derive loaded hourly rates.

## **14c. Agency Non-Labor Costs**

EPA estimates that, each year, the Agency will incur a capital cost of $169,200 in CDX development, operation, and maintenance activities. This capital cost was obtained from the previously approved CROMERR ICR (i.e., EPA ICR Number 2002.08, dated April 28, 2021), and adjusted to 2024 levels using Consumer Price Indexes developed by the U.S. Bureau of Labor Statistics.[[27]](#footnote-29)

# **CHANGE IN BURDEN:**

*Explain the reasons for any program changes or adjustments reported in the burden or capital/O&M cost estimates.*

The annual respondent burden estimate in OMB’s inventory for the previously approved CROMERR ICR (EPA ICR Number 2002.08) was 81,985 hours. The annual respondent burden estimate for this ICR (EPA ICR Number 2002.09) is 65,320 hours. This represents a decrease of 16,665 hours.

The decrease in respondent burden can be attributed primarily to two reasons. First, a decrease in the number of direct reporters that will register with EPA’s electronic document receiving system. Second, a decrease in the number of indirect reporters that will comply with paper subscriber agreement and ESA provisions associated with systems with SCS solutions. Both estimates are based on data from CDX. Thus, the Agency believes that the revised estimates accurately reflect the number of respondents.

The overall change in respondent burden is considered an “adjustment,” because it results from changes in the respondent universe and hourly burden estimates used in the development of the ICR.

# **PUBLICATION OF DATA****:**

*For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.*

This collection does not specifically involve the publication of data.

# **DISPLAY OF OMB CONTROL NUMBER AND EXPIRATION DATE ON INSTRUMENTS:**

*If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.*

The Agency plans to display the expiration date for OMB approval of the information collection on all instruments.

# **CERTIFICATION STATEMENT:**

*Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”*

This information collection complies with all provisions of the Certification for Paperwork Reduction Act Submissions.

# **BURDEN STATEMENT**

1. **Registering with EPA Electronic Document Receiving System – Direct Reporters**

The reporting burden is estimated to be 18 minutes for a facility employee to register with CDX. This includes time for preparing the on-line application and calling the CDX Help Desk. There are no recordkeeping requirements associated with registering with the CDX application.

1. **Compliance with Identity Proofing Requirements – Direct and Indirect Reporters**

The reporting burden is estimated to be about 2 minutes for a registrant to prepare and submit identifier, attribute, or alternative information. There are no recordkeeping requirements associated with this requirement, and as such, there is no recordkeeping burden. Note that, in this ICR, the burden associated with preparing and submitting identifier, attribute, or alternative information is applicable to direct reporters only.

The reporting burden is estimated to range from 5 minutes to 6 minutes for a registrant to prepare and submit a paper subscriber agreement or ESA. The recordkeeping burden is estimated to be about 7 minutes to store an agreement on site.

1. **Implementation of Local Registration Authority Alternative – Indirect Reporting Firms and Local Registration Authorities**

The reporting burden is estimated to be 13 hours for a firm to develop a process or plan to use the LRA alternative, designate the LRA, submit the LRA application to the agency, and register the LRA with the electronic document receiving system. There are no recordkeeping requirements associated with this requirement, and as such, there is no recordkeeping burden.

The reporting burden is estimated to be 1 hour for a firm to redesignate the LRA, due to turnover; send the LRA application to the agency; and register the new LRA with the electronic document receiving system. There are no recordkeeping requirements associated with this requirement, and as such, there is no recordkeeping burden.

The reporting burden is estimated to be 10 minutes for a LRA to prepare and submit a certification of receipt and secure storage after receiving a paper subscriber agreement. The recordkeeping burden is estimated to be 10 minutes for a LRA to compile paper subscriber agreements from employee registrants within the LRA’s firm and place them in secure storage.

1. **Compliance with Identity Proofing Requirements – States/Locals/Tribes Agencies Acting as Regulators**

The reporting burden is estimated to range from 7 minutes to 34 minutes for a States/Locals/Tribes agency to receive, process, review, and approve paper subscriber agreements or ESAs. There are no recordkeeping requirements associated with this requirement, and as such, there is no recordkeeping burden.

The reporting burden is estimated to be 30 minutes for a States/Locals/Tribes agency to receive, process, review, and approve an LRA application. There are no recordkeeping requirements associated with this requirement, and as such, there is no recordkeeping burden.

The reporting burden is estimated to be 2.20 hours for a States/Locals/Tribes agency to resolve problems involving paper subscriber agreements or certifications and respond to information requests. There are no recordkeeping requirements associated with this requirement, and as such, there is no recordkeeping burden.

**(5) Approval of States/Locals/Tribes Electronic Document Receiving System  
Applications – States/Locals/Tribes Agencies that Are Regulated Entities**

The reporting burden is estimated to range from 331 hours to 426 hours for a States/Locals/Tribes agency to prepare and submit the CROMERR application to EPA, depending on whether the States/Locals/Tribes agency is planning to use a commercial off-the-shelf [COTS] or shared CROMERR services [SCS] solution, or develops its own electronic document receiving system). The recordkeeping burden is estimated to be 9.12 hours to read the regulations.

The reporting burden is estimated to be 24 hours for a States/Locals/Tribes agency to prepare and submit an amendment to its original CROMERR application to EPA. The recordkeeping burden is estimated to be 9.12 hours to read the regulations.

The reporting burden is estimated to be about 18.47 hours for a States/Locals/Tribes agency to notify EPA about changes to laws, policies, or electronic document receiving systems that have the potential to affect program conformance with 40 CFR 3.2000. The recordkeeping burden is estimated to be 9.12 hours to read the regulations.

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. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA’s regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

# **ATTACHMENTS**

None

# **ADDITIONAL TABLES AND APPENDICES**

See following pages.



**Appendix A**

**List of North American Industry Classification System (NAICS)**

**Codes Associated with Industries Most Likely Affected by the**

**Information Collection Requirements Covered in this ICR**

11 Agriculture, Forestry, Fishing and Hunting

111 Crop Production

112 Animal Production

113 Forestry and Logging

114 Fishing, Hunting and Trapping

115 Support Activities for Agriculture and Forestry

21 Mining

211 Oil and Gas Extraction

212 Mining (except Oil and Gas)

213 Support Activities for Mining

22 Utilities

221 Utilities

23 Construction

233 Building, Developing, and General Contracting

234 Heavy Construction

235 Special Trade Contractors

31 Manufacturing

311 Food Manufacturing

312 Beverage and Tobacco Product Manufacturing

313 Textile Mills

314 Textile Product Mills

315 Apparel Manufacturing

316 Leather and Allied Product Manufacturing

321 Wood Product Manufacturing

322 Paper Manufacturing

323 Printing and Related Support Activities

324 Petroleum and Coal Products Manufacturing

325 Chemical Manufacturing

326 Plastics and Rubber Products Manufacturing

327 Nonmetallic Mineral Product Manufacturing

331 Primary Metal Manufacturing

332 Fabricated Metal Product Manufacturing

333 Machinery Manufacturing

334 Computer and Electronic Product Manufacturing

335 Electrical Equipment, Appliance, and Component Manufacturing

336 Transportation Equipment Manufacturing

337 Furniture and Related Product Manufacturing

339 Miscellaneous Manufacturing

42 Wholesale Trade

421 Wholesale Trade, Durable Goods

422 Wholesale Trade, Nondurable Goods

44-45 Retail Trade

441 Motor Vehicle and Parts Dealers

442 Furniture and Home Furnishings Stores

443 Electronics and Appliance Stores

444 Building Material and Garden Equipment and Supplies Dealers

445 Food and Beverage Stores

446 Health and Personal Care Stores

447 Gasoline Stations

448 Clothing and Clothing Accessories Stores

451 Sporting Goods, Hobby, Book, and Music Stores

452 General Merchandise Stores

453 Miscellaneous Store Retailers

454 Nonstore Retailers

48-49 Transportation and Warehousing

481 Air Transportation

482 Rail Transportation

483 Water Transportation

484 Truck Transportation

485 Transit and Ground Passenger

Transportation

486 Pipeline Transportation

487 Scenic and Sightseeing Transportation

488 Support Activities for Transportation

491 Postal Service

492 Couriers and Messengers

493 Warehousing and Storage

51 Information

511 Publishing Industries

512 Motion Picture and Sound Recording

Industries

513 Broadcasting and Telecommunications

514 Information Services and Data Processing Services

52 Finance and Insurance

521 Monetary Authorities Central Bank

522 Credit Intermediation and Related Activities

523 Securities, Commodity Contracts, and Other Financial Investments and Related Activities

524 Insurance Carriers and Related Activities

525 Funds, Trusts, and Other Financial Vehicles

53 Real Estate and Rental and Leasing

531 Real Estate

532 Rental and Leasing Services

533 Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)

54 Professional, Scientific, and Technical Services

541 Professional, Scientific, and Technical Services

55 Management of Companies and Enterprises

551 Management of Companies and Enterprises

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

621 Ambulatory Health Care Services

622 Hospitals

623 Nursing and Residential Care Facilities

624 Social Assistance

71 Arts, Entertainment, and Recreation

711 Performing Arts, Spectator Sports, and Related Industries

712 Museums, Historical Sites, and Similar Institutions

713 Amusement, Gambling, and Recreation Industries

72 Accommodation and Food Services

721 Accommodation

722 Food Services and Drinking Places

81 Other Services (except Public Administration)

811 Repair and Maintenance

812 Personal and Laundry Services

813 Religious, Grantmaking, Civic, Professional, and Similar

814 Private Households

92 Public Administration

921 Executive, Legislative, and Other General Government Support

922 Justice, Public Order, and Safety Activities

923 Administration of Human Resource Programs

924 Administration of Environmental Quality Programs

925 Administration of Housing Programs, Urban Planning, and C

926 Administration of Economic Programs

927 Space Research and Technology

928 National Security and International Affair

**Appendix B**

**Methodology for Estimating the Annual Number of Indirect Reporters, Paper Subscriber Agreements, ESAs, and Indirect Reporting Firms Associated with States/Locals/Tribes Electronic Document Receiving Systems with Non-Shared CROMERR Services Solutions during the Three-Year Period Covered by the ICR**

This appendix describes the methodology for estimating the annual number of indirect reporters, paper subscriber agreements, electronic signature agreements (ESAs), and indirect reporting firms associated with State/Local/Tribal electronic document receiving systems with non-shared CROMERR services (SCS) solutions during the three-year period covered by the Information Collection Request (ICR).

Section 1 of this document describes the methodology used to estimate the annual number of indirect reporters. Section 2 describes the methodology used to estimate the annual number of paper subscriber agreements and ESAs. Section 3 describes the methodology for estimating number of indirect reporting firms. Section 4.describes the methodology for estimating the number of paper subscriber agreements submitted to Local Registration Authorities (LRAs).

1. **Annual Number of Indirect Reporters**

This section describes the methodology for estimating the annual number of indirect reporters expected to report to States/Locals/Tribes electronic document receiving systems with non-SCS solutions during the three-year period covered by the ICR. Section 1.1 provides an overview of the methodology, Section 1.2 provides a detailed discussion of the methodology, and Section 1.3 presents the results.

* 1. **Overview**

EPA estimated the number of regulated entities reporting to States/Locals/Tribes electronic document receiving systems by first identifying states with existing and new systems and compiling them into a table (referred to as the “Master Table” in this analysis).[[28]](#footnote-30), [[29]](#footnote-31) We then referred to survey data compiled by EPA in 2002 from states that estimated the number of regulated entities subject to their respective receiving systems by environmental program. We updated these state estimates to current (2024) levels based on analysis of respondent universe growth rates in EPA program ICRs. We then extrapolated the updated survey data to the states in the Master Table to estimate their number of regulated entities. The extrapolation was performed by first finding the total number of commercial establishments in each state based on U.S. Census data, comparing the number of establishments in the survey states to the states in the Master Table, and using a scaling factor to extrapolate the number of regulated entities in the survey states to the states in the Master Table based on their respective number of commercial establishments. We performed this extrapolation by environmental program for all states in the Master Table. Finally, we estimated the number of employees (i.e., indirect reporters) based on the number of regulated entities.

* 1. **Detailed Discussion**

EPA took the following steps to carry out the methodology.

Find the Number of States with Receiving Systems, by State Environmental Program

1. *Identify states with existing and new electronic document receiving systems.* To identify states with existing electronic document receiving systems, we referred to data on states that have received EPA's approval of the to revise/modify its program to allow electronic reporting. To identify states with new electronic document receiving systems, we referred to data on states that have submitted applications to revise/modify their program to allow electronic reporting.
2. *Estimate the number of existing and new state receiving systems, by environmental program (e.g., air, water).* Existing and new receiving systems were categorized into state environmental programs based on the statute associated with the authorized program (e.g., Clean Air Act (CAA), Clean Water Act (CWA)). Attachment B-1 presents a table of the states with existing and new receiving systems, by state environmental program. This table is called the “Master Table” in this appendix.

Estimate the **Number of Regulated entities**, by State Environmental Program

1. *Estimate number of regulated entities by state environmental program, based on CROMERR cost-benefit analysis (CBA) survey data.* To obtain information on the number of regulated entities by state environmental program, we referred to “Table V-2. Existing State Receiving Systems” of *Cross-Media Electronic Reporting and Records Rule (CROMERRR) Cost Benefit Analysis - Final*; dated November 17, 2004. This table contains information on the number of regulated entities associated with state receiving systems reported in a survey conducted by EPA during the summer of 2002. Attachment B-2 shows the number of regulated entities by state environmental program based on CBA survey data.
2. *Update CBA’s facility estimate for each state environmental program, based on ICR respondent data.* The data on number of regulated entities developed under Step C are based on 2002 data. To bring these numbers to the present (2024), we took the following steps:

* Obtained data on annual number of respondents in the ICRs listed in Attachment B-3. For each ICR, we obtained respondent universe estimates for at least two different years to enable us to estimate the annual percent change in the universe.
* Estimated the annual percent change in number of respondents for each ICR.
* Multiplied the annual percent change by 22 to estimate percent change over the 2002‑2024 period (i.e., 2024 – 2002 = 22).
* Applied the 2002-2024 percent change to facility estimates to update the number of regulated entities for each environmental program.

Attachment B-4 shows the ICR data used to update the CBA’s facility estimates, by state environmental program.

Extrapolate Updated State Survey Data on Number of Regulated entities to All States in Master Table

1. *Develop a scaling factor for use in extrapolation.* We referred to U.S. Census Bureau data on number of establishments (i.e., regulated entities) by employment size for states.[[30]](#footnote-32) Based on these data, which are presented in Attachment B-5, we obtained the following information for each environmental program:

* Number of commercial establishments in the survey states for which respondent data were available; and
* Number of commercial establishments in states in the Master Table with existing and/or planned receiving systems.

We then used these data to derive a scaling factor to be used in Step F. This scaling factor was derived using the following equation:

|  |  |
| --- | --- |
| *Scaling Factor =* | *Number of establishments in states in Master Table* |
| *Number of establishments in survey states* |

1. *Extrapolate the CBA’s updated facility estimates to states with existing and new receiving systems.* In deriving the total number of regulated entities in all states in the Master Table, we first estimated the total number of regulated entities associated with each environmental program. To do this, we multiplied the updated survey data (Step D) by the corresponding scaling factor derived in Step E. This gave us the total number of regulated entities reporting to the receiving systems of states in the Master Table, by environmental program. We then added up the total number of regulated entities in states in the Master Table across all environmental programs.
2. *Estimate annual number of regulated entities subject to the ICR requirements*. In estimating the annual number of regulated entities subject to the ICR requirements, we made the following assumptions:

* Existing receiving systems: For purposes of this analysis, we assume that existing systems have been in operation since 2005. EPA estimates that 30 percent of regulated entities began to use the receiving system in the first year (i.e., 2005) and 10 percent in each subsequent year.
* New receiving systems: We assume that one third of regulated entities will begin reporting in each year of the three-year period covered by the ICR. In each year of the ICR, EPA estimates that 30 percent of regulated entities will begin to use the receiving system in the first year and 10 percent in each subsequent year.

The above implementation rates for use of an electronic receiving system were taken from the CBA (Exhibit 2-5).

1. *Estimate average annual number of regulated entities subject to the ICR requirements, by employment size*. In estimating the average annual number of regulated entities by employment size, we referred to the U.S. Census Bureau data presented in Attachment B-5. Based on these data, in the U.S., 70 percent of establishments have less than 20 employees and 30 percent of establishments have 20 or more employees. We applied these percentages to the annual number of regulated entities in Step G. Once we estimated the annual number of regulated entities for each year from 2024 through 2026 (i.e., the three-year period covered by the ICR), we obtained the average over three years.
2. *Estimate average annual* ***number of facility employees (i.e., indirect reporters)*** *subject to the ICR requirements*. In estimating the average annual number of facility employees, we assumed that small firm regulated entities have three employees and that medium/large firm regulated entities have six employees. These estimates were taken from the CBA (Section 2.3.3, “Facilities;” page 26).
3. *Estimate average annual number of facility employees subject to the ICR requirements by type of ownership (i.e., private sector vs. States/Locals/Tribes ) and remove Federal government entities from this analysis.* In estimating the average annual number of facility employees by type of ownership, we referred to data published by the U.S. Bureau of Labor Statistics on the number of employees in the U.S.[[31]](#footnote-33) These data indicate that 85.73 percent of U.S. employees work for the private sector, 12.36 percent of employees work for States/Locals, and 1.91 percent of employees work for the Federal government. We applied these percentages to the annual number of facility employees in Step I. We then excluded Federal government employees from the analysis because they are exempt from ICR requirements.

Attachments B-6 and B-7 present details on the application of the above methodology to existing and new receiving systems, respectively.

* 1. **Results**

Exhibit B-1 presents information on the average annual number of facility employees expected to register and comply with identity proofing requirements of States/Locals/Tribes electronic document receiving systems.

**Exhibit B-1**

**Average Annual Number of Facility Employees  
Expected to Register and Comply with Identity Proofing Requirements of States/Locals/Tribes Electronic Document Receiving Systems**

**during the Three-Year Period Covered by the ICR a**

|  |  |  |  |
| --- | --- | --- | --- |
| **Type of Firm** | **Average Annual Number of Facility Employees b** | | |
| **Existing Receiving Systems** | **New Receiving System** | **All Receiving Systems**  **(i.e., Existing and New)** |
| **Private Sector** | | | |
| Small Firms | 3,621 | 7,332 | 10,953 |
| Medium-Size and Large Firms | 3,102 | 6,286 | 9,388 |
| *Subtotal* | *6,723* | *13,618* | *20,341* |
| **States/Locals** | | | |
| Small Firms | 522 | 1,057 | 1,579 |
| Medium-Size and Large Firms | 447 | 906 | 1,353 |
| *Subtotal* | *969* | *1,963* | *2,932* |
| **All (Private Sector and States/Locals)** | | | |
| Small Firms | 4,143 | 8,389 | 12,532 |
| Medium-Size and Large Firms | 3,549 | 7,192 | 10,741 |
| **Total** | **7,692** | **15,581** | **23,273** |

a Exhibit includes rounding error.

b Federal government employees are not reflected in the table because they are exempt from ICR requirements.

1. **Annual Number of Paper Subscriber Agreements and ESAs**

For facility employees that report to States/Locals/Tribes electronic document receiving systems with non-SCS solutions, EPA assumes that all *facility employees* (i.e., indirect reporters) from small firms and 98 percent of *facility employees* from medium-size and large firms will comply with the paper subscriber agreement or ESA requirements. (Refer to Exhibit B-1 for number of facility employees by firm size.) In addition, EPA estimates that indirect reporting regulated entities submit information to 1.3 States/Locals/Tribes electronic document receiving systems, on average; hence, their employees must submit paper subscriber agreements or ESAs for 1.3 receiving systems, on average.[[32]](#footnote-34) EPA assumes that 90 percent of employees from indirect reporting regulated entities will submit paper subscriber agreements and the remaining 10 percent will submit ESAs. EPA further assumes that 89 percent of the paper subscriber agreements and ESAs will be new submissions. Exhibit B-2 summarizes these assumptions and presents sample calculations.

**Exhibit B-2**

**Assumptions and Equations Used in Estimating Annual Number of  
Paper Subscriber Agreements and ESAs Associated with State/Local/Tribal  
Electronic Document Receiving Systems with Non-SCS Solutions**

|  |  |  |
| --- | --- | --- |
| **Type of Firm** | **Annual Number of**  **Paper Subscriber Agreements** | **Annual Number of**  **ESAs** |
| Small Firms | ( [Annual Number of Facility Employees] x  [1.3 Receiving Systems per Facility Employee] x 0.90 ) x 0.89  = (12,532 x 1.3 x 0.90 ) x 0.89  = 13,050 | ( [Annual Number of Facility Employees] x  [1.3 Receiving Systems per Facility Employee] x 0.10 ) x 0.89  = (12,532 x 1.3 x 0.10 ) x 0.89  = 1,450 |
| Medium-Size and Large Firms | ( ([Annual Number of Facility Employees] x 0.98) x  [1.3 Receiving Systems per Facility Employee] x  0.90 ) x 0.89  = ( (10,741 x 0.98) x 1.3 x 0.90 ) x 0.89  = 10,961 | ( ([Annual Number of Facility Employees] x 0.98) x  [1.3 Receiving Systems per Facility Employee] x  0.10 ) x 0.89  = ( (10,741 x 0.98) x 1.3 x 0.10 ) x 0.89  = 1,218 |
| All Firms | = 13,050 + 10,961  **= 24,011** | = 1,450 + 1,218  **= 2,668** |

Based on the above assumptions, EPA estimates that, on average, facility employees that report to States/Locals/Tribes electronic document receiving systems with non-SCS solutions will prepare 21,008 paper subscriber agreements and 2,335 electronic subscriber agreements each year.

1. **Indirect Reporting Firms**

EPA estimates that, on average, 12,532 reporters from small indirect reporting firms will register and comply with identify proofing requirements of States/Locals/Tribes electronic document receiving systems with non-SCS solutions each year (see Exhibit B-1). Each small firm is expected to have an average of three employees[[33]](#footnote-35), for a total of 4,177 small *firms* (i.e., 12,532 reporters ÷ 3 employees/firm).

EPA also estimates that, on average, 10,741 reporters from medium-size and large indirect reporting firms will register with States/Locals/Tribes electronic document receiving systems each year (see Exhibit B-1). Each medium-size and large firm is expected to have an average of 18 employees[[34]](#footnote-36), for a total of 597 medium-size and large *firms* (i.e.,  10,741 reporters ÷ 18 employees/firm).

1. **Paper Subscriber Agreements Submitted to Local Registration Authorities**

EPA assumes that two percent of medium-size and large firms will use the LRA alternative. EPA also assumes that indirect reporting firms submit information to 1.3 States/Locals/Tribes electronic document receiving systems, on average; hence, their employees must submit paper subscriber agreements for 1.3 receiving systems, on average.[[35]](#footnote-37) Based on these assumptions, EPA estimates that, on average, *employees* from indirect reporting firms will prepare and send to their LRA a total of 280 paper subscriber agreements each year (i.e., [10,741 medium-size and large firm employees x 0.02] x 1.3 paper subscriber agreements/employee).

**Attachment B-1**

**Number of Existing and New States/Locals/Tribes Electronic Document  
Receiving Systems, by State Environmental Program  
(also referred to as the “Master Table”)**

| **State** | **Existing Systems** | | | **New Systems** | | |
| --- | --- | --- | --- | --- | --- | --- |
| **Air** | **Water** | **Waste** | **Air** | **Water** | **Waste** |
| Alabama | X | X | X |  |  |  |
| Alaska | X |  | X |  |  |  |
| American Samoa |  |  |  |  |  |  |
| Arizona | X | X | X |  |  |  |
| Arkansas | X | X | X |  |  |  |
| California |  | X | X |  | X | X |
| Colorado | X | X | X |  | X |  |
| Connecticut | X | X | X |  |  |  |
| Delaware | X | X | X |  |  |  |
| District of Columbia | X | X | X |  |  |  |
| Florida | X | X | X |  |  |  |
| Georgia | X | X | X |  |  |  |
| Guam |  |  | X |  |  |  |
| Hawaii | X | X | X |  |  |  |
| Idaho | X | X | X |  |  |  |
| Illinois | X |  | X |  | X |  |
| Indiana | X | X | X |  | X |  |
| Iowa | X | X |  |  |  |  |
| Kansas | X | X | X |  |  |  |
| Kentucky | X | X | X | X | X |  |
| Louisiana |  | X | X |  |  |  |
| Maine | X | X | X |  |  |  |
| Maryland |  | X | X |  | X |  |
| Massachusetts | X | X | X |  |  |  |
| Michigan | X | X | X |  | X |  |
| Minnesota | X | X | X |  |  |  |
| Mississippi | X | X | X |  |  |  |
| Missouri | X | X | X |  |  |  |
| Montana |  |  | X |  |  |  |
| Nebraska |  | X | X |  |  |  |
| Nevada |  |  | X | X | X |  |
| New Hampshire | X | X | X |  |  |  |
| New Jersey | X | X | X |  |  |  |
| New Mexico | X |  | X |  |  |  |
| New York | X | X | X |  |  |  |
| North Carolina | X | X | X | X | X |  |
| North Dakota | X | X | X |  |  |  |
| Northern Mariana Islands |  |  |  |  |  |  |
| Ohio | X | X | X |  | X |  |
| Oklahoma | X | X | X |  |  |  |
| Oregon |  | X | X |  |  |  |
| Pennsylvania |  | X | X |  |  |  |
| Puerto Rico |  | X |  |  |  |  |
| Rhode Island | X |  | X |  |  |  |
| South Carolina | X | X | X |  |  |  |
| South Dakota |  |  | X |  |  |  |
| Tennessee | X | X | X |  |  |  |
| Texas | X | X | X |  |  |  |
| U.S. Virgin Islands |  |  | X |  |  |  |
| Utah |  |  | X |  |  |  |
| Vermont | X | X | X |  |  |  |
| Virginia |  | X | X |  | X |  |
| Washington | X | X | X |  | X |  |
| West Virginia | X |  | X |  |  |  |
| Wisconsin | X | X | X |  |  |  |
| Wyoming | X | X | X |  |  |  |

Data current as of September 2024.

**Attachment B-2**

**Number of Regulated entities Associated with Existing State Electronic Document Receiving Systems  
in the CROMERR Cost-Benefit Analysis Survey, by State Environmental Program**

**(Data Current as of Summer 2002)**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **State** | **Air** | | | | | | | | **Water** | | | | **Waste, USTs, Emergency Planning** | | |
| **Air**  **(CEM)** | **Air**  **Permits** | **Air**  **(NEI)** | **Air**  **Title V**  **Emissions** | **Emission**  **Reports**  **(Non-Title V)** | **Air**  **Quality** | **PTO**  **Applications** | **Asbestos**  **Notification** | **EDMR** | **Drinking/**  **Ground**  **Water** | **Wastewater** | **UIC** | **HW**  **Annual**  **Report** | **UST** | **Risk**  **Management** |
| Florida |  |  |  |  |  |  |  |  | 3 |  |  |  |  |  |  |
| New Jersey | 12 | 1,500 |  |  |  |  |  |  |  |  |  |  |  | 1,000 |  |
| New Mexico |  |  | 200 |  |  |  |  |  |  |  |  |  |  |  |  |
| North Dakota |  |  |  |  |  |  |  |  |  |  |  | 250 |  |  |  |
| Ohio |  | 200 |  | 780 | 2,400 |  | 780 |  |  | 5,700 | 1,550 |  | 480 |  | 500 |
| Pennsylvania |  |  |  |  |  | 125 |  | 6,000 |  |  |  |  |  |  |  |
| Wisconsin | 5,200 | | | | | | | | 22 |  |  |  | 600 |  |  |

a For purposes of this analysis, data for Wisconsin’s “Consolidated (air, haz waste)” program was divided among the “Air” and “HW Annual Report” categories. Specifically, 90 percent of the regulated entities were allocated to the “Air” category and the remaining 10 percent were allocated to the “HW Annual Report” category. This allocation was based on Ohio’s data and available information on the number of hazardous waste handlers that reported to the 2007 Hazardous Waste Report.

Source: U.S. Environmental Protection Agency (USEPA), “Table V-2. Existing State Receiving Systems” of Cross-Media Electronic Reporting and Records Rule (CROMERRR) Cost Benefit Analysis, Final; November 17, 2004.

Acronyms

CEM Continuous Emissions Monitoring

EDMR Electronic Discharge Monitoring Report

HW Hazardous Waste

NEI National Emission Inventory

PTO Permit to Operate

UIC Underground Injection Control

UST Underground Storage Tank

**Attachment B-3**

**List of ICRs Used in Analysis, by Environmental Program**

|  |  |
| --- | --- |
| **ICR Numbers** | **ICR Name** |
| **Air** | |
| 1587.14  1587.15 | State Operating Permit Regulations |
| **Water** | |
| 270.47  270.48 | Public Water System Supervision Program |
| **Waste, USTs, Emergency Planning** | |
| 976.18  976.19 | Hazardous Waste Report, Notification of Regulated Waste Activity, and Part A Hazardous Waste Permit Application and Modification |
| 1360.15  1360.17 | Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures |

Source: Office of Management and Budget (OMB). Information Collection Review Data on RegInfo.gov. Data current as of September 9, 2024. Available at <https://www.reginfo.gov/public/do/PRAMain>.

**Attachment B-4a**

**ICR Data Used to Update Number of Regulated entities Obtained from CROMERR CBA**

**Air Program**



**Attachment B-4b**

**ICR Data Used to Update Number of Regulated entities Obtained from CROMERR CBA**

**Water Program**



**Attachment B-4c**

**ICR Data Used to Update Number of Regulated entities Obtained from CROMERR CBA**

**Waste, USTs, Emergency Planning Programs**



**Attachment B-5**

**Number of Establishments (Regulated entities) by Employment Size, 2021**

| **STATE** | **Less than 20 Employees** | **20 or More Employees** | **Total** |
| --- | --- | --- | --- |
| United States | 5,727,696 | 2,420,910 | 8,148,606 |
| Alabama | 65,680 | 37,834 | 103,514 |
| Alaska | 15,748 | 5,893 | 21,641 |
| Arizona | 105,285 | 49,474 | 154,759 |
| Arkansas | 45,099 | 23,473 | 68,572 |
| California | 750,890 | 247,692 | 998,582 |
| Colorado | 133,189 | 46,638 | 179,827 |
| Connecticut | 60,512 | 27,997 | 88,509 |
| Delaware | 19,667 | 8,886 | 28,553 |
| District of Columbia | 14,366 | 9,723 | 24,089 |
| Florida | 468,608 | 148,353 | 616,961 |
| Georgia | 176,518 | 77,211 | 253,729 |
| Hawaii | 22,040 | 10,448 | 32,488 |
| Idaho | 40,873 | 13,991 | 54,864 |
| Illinois | 227,764 | 93,031 | 320,795 |
| Indiana | 95,443 | 55,469 | 150,912 |
| Iowa | 55,289 | 27,708 | 82,997 |
| Kansas | 49,488 | 25,569 | 75,057 |
| Kentucky | 57,380 | 34,750 | 92,130 |
| Louisiana | 71,227 | 36,237 | 107,464 |
| Maine | 31,077 | 11,442 | 42,519 |
| Maryland | 96,862 | 44,355 | 141,217 |
| Massachusetts | 126,919 | 53,169 | 180,088 |
| Michigan | 152,730 | 71,946 | 224,676 |
| Minnesota | 104,832 | 48,004 | 152,836 |
| Mississippi | 38,475 | 21,330 | 59,805 |
| Missouri | 101,443 | 50,843 | 152,286 |
| Montana | 31,607 | 9,109 | 40,716 |
| Nebraska | 38,381 | 17,161 | 55,542 |
| Nevada | 50,350 | 23,155 | 73,505 |
| New Hampshire | 26,542 | 12,283 | 38,825 |
| New Jersey | 173,167 | 60,783 | 233,950 |
| New Mexico | 29,168 | 14,785 | 43,953 |
| New York | 416,539 | 119,219 | 535,758 |
| North Carolina | 168,656 | 78,802 | 247,458 |
| North Dakota | 16,888 | 7,928 | 24,816 |
| Ohio | 159,130 | 93,111 | 252,241 |
| Oklahoma | 64,293 | 30,458 | 94,751 |
| Oregon | 87,232 | 33,472 | 120,704 |
| Pennsylvania | 202,625 | 102,008 | 304,633 |
| Rhode Island | 21,021 | 7,968 | 28,989 |
| South Carolina | 78,071 | 38,825 | 116,896 |
| South Dakota | 19,853 | 8,098 | 27,951 |
| Tennessee | 88,553 | 55,904 | 144,457 |
| Texas | 429,328 | 208,855 | 638,183 |
| Utah | 66,988 | 23,313 | 90,301 |
| Vermont | 15,308 | 5,388 | 20,696 |
| Virginia | 138,860 | 67,411 | 206,271 |
| Washington | 145,690 | 53,164 | 198,854 |
| West Virginia | 21,482 | 13,834 | 35,316 |
| Wisconsin | 93,382 | 49,114 | 142,496 |
| Wyoming | 17,178 | 5,296 | 22,474 |

Source: U.S. Census Bureau, “The Number of Firms and Establishments, Employment, and Annual Payroll by State, Industry, and Enterprise Employment Size: 2021,” December 21, 2023. Available online at: <https://www.census.gov/data/tables/2021/econ/susb/2021-susb-annual.html>. These are the latest Statistics of U.S. Businesses (SUSB) annual data.

**Attachment B-6**

**Application of Methodology to Existing Receiving Systems**





**Attachment B-7**

**Application of Methodology to New Receiving Systems**





**Appendix C**

**Respondent and EPA Burden Calculation Exhibits**













1. In this document, 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 also is excluding transmission via hard copy facsimile. Likewise, EPA’s use of the term “electronic document” throughout this document refers exclusively to documents that are transmitted via a telecommunications network, excluding hard copy facsimile. [↑](#footnote-ref-3)
2. In this context, “secure storage” means that the paper subscriber agreements have been stored in a manner that prevents unauthorized access to these agreements by anyone other than the local registration authority. [↑](#footnote-ref-4)
3. Per 40 CFR 3.2, a “disinterested individual” means an individual who is not connected with the person in whose name the electronic signature device is issued. A disinterested individual is not any of the following: The person's employer or employer's corporate parent, subsidiary, or affiliate; the person's contracting agent; member of the person's household; or relative with whom the person has a personal relationship. [↑](#footnote-ref-5)
4. Title XVII of Pub. L. 105 277. [↑](#footnote-ref-6)
5. Pursuant to 40 CFR 3.3, “subscriber agreement” means an electronic signature agreement signed by an individual with a handwritten signature. This agreement must be stored until five years after the associated electronic signature device has been deactivated. “Electronic signature agreement” means an agreement signed by an individual with respect to an electronic signature device that the individual will use to create his or her 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. [↑](#footnote-ref-7)
6. Certifications of receipt and secure storage are provided by LRAs. In this context, “secure storage” means that the paper subscriber agreements have been stored in a manner that prevents unauthorized access to these agreements by anyone other than the local registration authority. [↑](#footnote-ref-8)
7. Addressing States/Locals/Tribes agencies as “respondents” is consistent with EPA’s interpretation of the definition of respondent in the PRA. [↑](#footnote-ref-9)
8. Addressing States/Locals/Tribes agencies as “respondents” is consistent with EPA’s interpretation of the definition of respondent in the PRA. [↑](#footnote-ref-10)
9. Addressing States/Locals/Tribes agencies as “respondents” is consistent with EPA’s interpretation of the definition of respondent in the PRA. [↑](#footnote-ref-11)
10. One method to determine the identity of an individual is by means of identifiers, attributes, or alternative methods that are verified (and that may be re-verified at any time) by attestation of disinterested individuals to be uniquely true of (or attributable to) 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. [↑](#footnote-ref-12)
11. U.S. Environmental Protection Agency (EPA). *Cross-Media Electronic Reporting Rule (CROMERR) Cost Benefit Analysis – Final*, November 17, 2004. Available at <https://www.regulations.gov/document/EPA-HQ-OEI-2003-0001-0248>. [↑](#footnote-ref-13)
12. U.S. Bureau of Labor Statistics. “Supplemental News Release Tables; Historical Datasets; Continuous Data 1975 - Present;” July 31, 2024. Available at <https://www.bls.gov/eci/tables.htm>. Civilian Workers, All Industries, All Occupations, Total Compensation, Current dollar index number. December 2020=142.2 and June 2024=165.5. [↑](#footnote-ref-14)
13. U.S. Bureau of Labor Statistics, “Supplemental News Release Tables; Historical Datasets; Continuous Data 1975 - Present;” July 31, 2024. Available at <https://www.bls.gov/eci/tables.htm>. State and local government workers, All Industries, All Occupations, Total Compensation, Current dollar index number. December 2020=144.9 and June 2024=165.9. [↑](#footnote-ref-15)
14. U.S. Bureau of Labor Statistics. "All items in U.S. city average, all urban consumers, not seasonally adjusted, U.S. City Average, 1982-84=100;” September 9, 2024. Available at <https://data.bls.gov/timeseries/CUUR0000SA0?amp%253bdata_tool=XGtable&output_view=data&include_graphs=true>. December 2020=260.474 and July 2024=314.540. Capital cost was rounded to the nearest hundred. [↑](#footnote-ref-16)
15. U.S. Postal Service; “First-Class Mail Prices.” Available at <https://pe.usps.com/text/dmm300/Notice123.htm#_c037>. [↑](#footnote-ref-17)
16. U.S. Postal Service; “Extra Services Prices.” Available at <https://pe.usps.com/text/dmm300/Notice123.htm#_c191>. [↑](#footnote-ref-18)
17. Standard business envelope cost based on current market price, as of September 2024 (i.e., box of 500 standard business envelopes with gummed closure at $20.49). [↑](#footnote-ref-19)
18. U.S. Postal Service; “First-Class Mail Prices.” Available at <https://pe.usps.com/text/dmm300/Notice123.htm#_c037>. [↑](#footnote-ref-20)
19. Standard business envelope cost based on current market price, as of September 2024 (i.e., box of 500 standard business envelopes with gummed closure at $20.49). [↑](#footnote-ref-21)
20. U.S. Bureau of Labor Statistics. "All items in U.S. city average, all urban consumers, not seasonally adjusted, U.S. City Average, 1982-84=100;” September 9, 2024. Available at <https://data.bls.gov/timeseries/CUUR0000SA0?amp%253bdata_tool=XGtable&output_view=data&include_graphs=true>. December 2020=260.474 and July 2024=314.540. Capital cost was rounded to the nearest hundred. [↑](#footnote-ref-22)
21. U.S. Postal Service; “First-Class Mail Prices.” Available at <https://pe.usps.com/text/dmm300/Notice123.htm#_c037>. [↑](#footnote-ref-23)
22. U.S. Postal Service; “Extra Services Prices.” Available at <https://pe.usps.com/text/dmm300/Notice123.htm#_c191>. [↑](#footnote-ref-24)
23. Standard business envelope cost based on current market price, as of September 2024 (i.e., box of 500 standard business envelopes with gummed closure at $20.49). [↑](#footnote-ref-25)
24. U.S. Postal Service; “First-Class Mail Prices.” Available at <https://pe.usps.com/text/dmm300/Notice123.htm#_c037>. [↑](#footnote-ref-26)
25. Catalog envelope cost based on current market price, as of September 2024 (i.e., 6 x 9 brown kraft catalog envelopes, box of 100, at $33.19). [↑](#footnote-ref-27)
26. US Office of Personnel Management, “Base Hourly Rate,” *2024 General Schedule (Base)*, January 2024. Available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2024/general-schedule>. [↑](#footnote-ref-28)
27. U.S. Bureau of Labor Statistics. "All items in U.S. city average, all urban consumers, not seasonally adjusted, U.S. City Average, 1982-84=100;” September 9, 2024. Available at <https://data.bls.gov/timeseries/CUUR0000SA0?amp%253bdata_tool=XGtable&output_view=data&include_graphs=true>. December 2020=260.474 and July 2024=314.540. Capital cost was rounded to the nearest hundred. [↑](#footnote-ref-29)
28. “Existing electronic document receiving system” means an electronic document receiving system that is being used to receive electronic documents, in lieu of paper documents, to satisfy requirements under an authorized program on October 13, 2005 or the system, if not in use, has been substantially developed on or before that date as evidenced by the establishment of system services or specifications by contract or other binding agreement (40 CFR 3.3). Pursuant to 40 CFR 3.1000(a)(3), States/Tribes/Locals with an existing electronic document receiving system for an authorized program must submit an application to revise or modify such authorized program in compliance with 40 CFR 3.1000(a)(1) no later than January 13, 2010. [↑](#footnote-ref-30)
29. “New electronic document receiving system” refers to an electronic document receiving system that was not being used to receive electronic documents, in lieu of paper documents, to satisfy requirements under an authorized program on October 13, 2005 or the system, if not in use, that had not been substantially developed on or before that date. Pursuant to 40 CFR 3.1000(a)(2), States/Tribes/Locals with new electronic document receiving systems must receive EPA approval of revisions or modifications to the authorized program before the program may receive electronic documents, in lieu of paper documents, to satisfy program requirements. [↑](#footnote-ref-31)
30. U.S. Census Bureau, “Number of Firms, Number of Establishments, Employment, and Annual Payroll by Enterprise Employment Size for the United States and States, Totals: 2021,” December 21, 2023. Available at <https://www.census.gov/data/tables/2021/econ/susb/2021-susb-annual.html>. These are the latest Statistics of U.S. Businesses (SUSB) annual data. [↑](#footnote-ref-32)
31. U.S. Bureau of Labor Statistics. “Quarterly Census of Employment and Wages; Number of Employees (US Total, All Industries, All Establishment Sizes, All Employees); 2023 (Annual).” Available online at: <http://data.bls.gov/pdq/querytool.jsp?survey=en>. [↑](#footnote-ref-33)
32. This assumption was taken from *Cross-Media Electronic Reporting and Records Rule (CROMERRR) Cost Benefit Analysis, Final*, dated November 17, 2004. [↑](#footnote-ref-34)
33. This assumption was taken from Cross-Media Electronic Reporting and Records Rule (CROMERRR) Cost Benefit Analysis, Final, dated November 17, 2004. [↑](#footnote-ref-35)
34. This assumption was taken from Cross-Media Electronic Reporting and Records Rule (CROMERRR) Cost Benefit Analysis, Final, dated November 17, 2004. [↑](#footnote-ref-36)
35. [↑](#footnote-ref-37)