



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 18 2009

Mr. Wayne Gieselman  
Chair, ECOS Planning Committee  
The Environmental Council of the States  
444 North Capitol Street, NW, Suite 445  
Washington, DC 20001

Dear Mr. Geiselman:

Thank you for your letter of August 20, 2009, that shared the concerns of the Environmental Council of the States (ECOS) members with respect to implementation of the Cross-Media Electronic Reporting Rule (CROMERR). As you know, the Environmental Protection Agency (EPA) promulgated CROMERR to establish a set of standards for state information systems that receive reports electronically from regulated entities. The purpose of these standards is to establish a legal framework for e-reporting that ensures electronic documents submitted under environmental programs can be depended upon in enforcement proceedings.

As you noted, ECOS has played an invaluable role in the development and implementation of CROMERR. ECOS reviewed both the regulatory text and the preamble language of the proposed and final rules, providing comments that improved the quality of the regulation and the accompanying explanatory text in the preamble. ECOS has also served as a communications conduit between the states and EPA during the rule's implementation. We hope that ECOS will continue to play an active role in program implementation to further our shared goals of creating user friendly systems, which also provide effective deterrent to the submission of fraudulent environmental data.

The attachment to your letter includes two examples of state electronic reporting systems that attempt to satisfy the requirements of CROMERR. The Massachusetts case study seems to attribute obligations to second factor authentication that instead arise from the requirement that the state determine the relationship between the registrant and the entity for which the registrant is signing. Fortunately, registrant signing authority can be determined in a number of relatively simple ways. For example, one method would be to have an official of record provide (electronically or on paper) the names of those who are authorized to sign on behalf of the company.

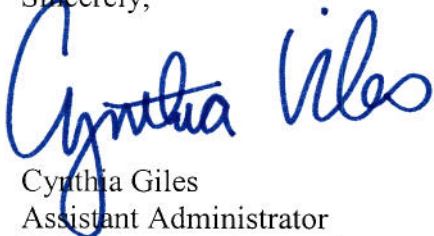


Similarly, the problems reported with the New Jersey system appear to stem principally from the dual-registration employed by the system described, not requirements of CROMERR. CROMERR does not mandate duplicate registration or the other features of the described system that appear to have given rise to user complaints.

EPA staff in the Office of Enforcement and Compliance Assurance and the Office of Environmental Information stand ready to assist representatives from New Jersey and other members of ECOS in finding ways to improve and streamline electronic reporting processes that are consistent with CROMERR.

Thank you again for your letter and we will continue to work with ECOS on streamlining electronic reporting.

Sincerely,



Cynthia Giles  
Assistant Administrator  
Enforcement and Compliance Assurance



Linda A. Travers  
Acting Assistant Administrator  
Chief Information Officer  
Office of Environmental Information