

TITLE 252. OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 4. RULES OF PRACTICE AND PROCEDURE

Subchapter 17 [NEW]

RULE IMPACT STATEMENT

252:4-17-1 [NEW]

252:4-17-2. [NEW]

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Appendix E. Electronic Signature Agreement

Before the Environmental Quality Board, February 23, 2007

1. **DESCRIPTION:** The Department is proposing a new Subchapter 17 and a new Appendix E to implement applicable portions of the United States Environmental Protection Agency's Cross Media Electronic Reporting Rule (CROMERR), as published in the October 13, 2005 issue of the *Federal Register* (70 FR 59848 - 59889), and which became effective January 11, 2006. The CROMERR requirements set mandatory standards for electronic document receiving systems operated by states with federally authorized, approved or delegated programs. Where states receive or intend to receive documents or reports electronically, CROMERR specifies criteria for their acceptable submission in order to ensure enforceability under the federally authorized program. The Department is required to submit an application to EPA by October 13, 2007 for approval of its CROMERR-compliant electronic document receiving system. The application must include an attorney's statement certifying that applicable rules and statutes are adequate, in force, and effective at the time the application is filed to meet the requirements of CROMERR. The application must also include a technical paper outlining how the Department's electronic document receiving system, and any known or anticipated future enhancements, meet the requirements of CROMERR.
2. **CLASSES OF PERSONS AFFECTED:** Members of the regulated community who submit electronic documents or reports to the DEQ pursuant to federally authorized, approved or delegated programs and DEQ staff who implement and administer the electronic document receiving system and related activities

3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** No costs are anticipated other than the DEQ's costs associated with implementing and administering the electronic document receiving system, unless members of the regulated community voluntarily purchase equipment in order to submit electronic reports to the DEQ.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** No information on cost impacts has been received from private or public entities.
5. **CLASSES OF PERSONS BENEFITTED:** Those members of the regulated community who prefer to submit electronic documents and reports required under a federally authorized program in lieu of paper
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** No significant impact to the public or the regulated community is anticipated. Participation by the regulated community is voluntary, so no mandated spending for electronic reporting equipment is necessary. The DEQ bears the costs associated with implementing and administering the electronic document receiving system. There could be small reductions in paper and postage costs for the regulated community if more reporting is done electronically.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** Political subdivisions will be impacted economically only to the extent that they voluntarily submit documents and reports required under a federally authorized program to the DEQ's electronic document receiving system. Associated costs or reductions in costs are not expected to be significant.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** No adverse impact on small business is expected.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** None.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** The DEQ received a grant from U.S. EPA to establish the technical components of its electronic document receiving system. The DEQ will absorb the on-going direct and indirect costs associated with implementing and administering the system.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** None.

12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** Monies received by the DEQ from appropriations, fees, and other monies received by the DEQ for the purpose of implementing and enforcing the requirements, including reporting requirements, of the Environmental Quality Code and federally authorized programs.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** Neither a loss nor a gain in revenues is expected in connection with the proposed rules.
14. **COOPERATION OF POLITICAL SUBDIVISION REQUIRED TO IMPLEMENT OR ENFORCE RULE:** Cooperation of political subdivisions is required only to the extent that such subdivisions voluntarily submit required reports to the DEQ electronically.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** No increased compliance costs are anticipated.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** The proposed rule is intended to provide a convenience with possible costs savings in paper and postage to the regulated community.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** Not applicable.
18. **IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL REDUCE THE RISK:** Not applicable.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** Not applicable.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** The proposed rules would have an impact on business entities only to the extent that they choose to submit required reports to the DEQ's electronic document receiving system. No quantifiable data exists.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: January 9, 2006