

VT Department of Environmental Conservation
Electronic Submission Policy
May 8, 2023

Purpose

The Vermont Department of Environmental Conservation (DEC), in our effort to move to a paperless environment, is requiring the electronic submission of all applications, forms, compliance reports, monitoring data, other information received, and related payments.

Electronics submittals may be received via email, ANR Online, or other digital platforms. The preferred platform for receiving electronic submittals is through the ANR Online portal which is the Agency of Natural Resources' web-based submittal platform. ANR Online electronic submittals include applications, environmental and monitoring data, annual renewals, and electronic payments, etc. To support our effort to reduce the number of paper checks received and streamline the deposit process, DEC developed a Financial Database which allows fee coding to be imbedded into ANR Online payment forms and provides automated deposit/coding information.

Electronic Records are an Official Format for Public Records within DEC

The official format for public records within the custody of the Department of Environmental Conservation shall be an electronic format.

- Electronic submittals received via ANR Online are an official electronic record
- DEC Programs which receive paper documents shall maintain those records in an electronic format:
 - The paper documents shall be scanned and managed in an electronic format. Once the document has been scanned, the electronic copy is the official copy of record, and the paper copy is either recycled or shredded per DEC Record Retention policies [Y:\DEC AID\Records Management\GRS Procedures\CURRENT FINAL PROCEDURES](#).

Timeline/Effective Dates

DEC recognizes we regulate varying entities: municipalities; non-profits; companies and businesses; and private individuals, that operate multiple stores; gas stations; waste haulers; schools; consultants and other businesses, etc. The goal is to implement a two-tiered approach to mandating electronic submittals:

- By September 1, 2023 mandate electronic submittals for municipalities, non-profits, companies and businesses that provide multiple submissions.
- By February 1, 2024 mandate electronic submittals for the remaining entities and individuals that submit documents to the DEC.

DEC recognizes that there are certain instances where entities or individuals may not be able to comply with this electronic submittal policy and therefore has provided for a waiver process in those instances that are deemed qualifying. The DEC waiver guidelines and process are also outlined herein.

Waiver Process

Programs can issue waivers to this requirement on a case-by-case basis; however, it is the responsibility of the program issuing the waiver to scan any paper documents and submittals received and maintain those files in an electronic format as applicable. It is not acceptable to manage these files in a mixed format (paper and electronic). Hard-copy submittals shall only be maintained in paper format to the extent required by the DEC Record Retention policies.

Exemption for Programs subject to CROMERR

DEC Programs authorized to administer EPA regulatory programs must comply with the EPA Cross-Media Electronic Reporting Rule (CROMERR), which imposes specific performance-based requirements for electronic reporting and document submittal under all of EPA's environmental regulations. Under CROMERR, state-managed electronic reporting and submittal platforms must be approved as CROMERR-compliant by EPA before they can be used to accept electronic documents. ANR Online has been approved as CROMERR compliant, but the portal is not currently being used by all delegated Programs, and possibly might not be the right solution for a program to receive electronic submissions. Programs administering EPA-delegated programs, that are not already utilizing ANR Online will not be required to comply with the timelines for electronic submittal stated above. These EPA delegated programs not already using ANR Online may accept paper submittals without a waiver. Programs administering EPA-delegated programs should *not* accept electronic submittals, including submittals via email, unless they are being submitted through ANR Online.

Effective Date: May 8, 2023



Signed: John Beling, DEC Commissioner

DEC - ANR Online electronic submittal - Waiver process guidance and criteria

Original 7/15/2020; Revised 10/17/2022; Revised 5/08/2023

1. Guidelines for standing up a waiver process.
 - a. Use an easy-to-fill, self-explanatory form.
 - b. Consider waivers for submission of form(s) and payment(s) (both are expected to be mandated), either together (one waiver for both) or separately (a waiver for the form or the payment).
 - c. Include a DEC contact for assistance.
 - i. Plan a system for allowing DEC staff to fill the form on behalf of a requestor, to be followed by obtaining the requestor's signature on the completed form through U.S. Mail, in-person, or electronically.
 - d. Plan for outreach and training (internal and external).
 - e. Plan for how the waiver request form and process is made available to ensure it is accessible for anyone who might need to request one. This plan should address potential language and technical barriers as well as different methods and locations for sharing.
 - f. Plan for version control of paper/PDF forms retained for the non-ANR Online process.
2. Criteria to consider for granting a waiver (for both submittal of form(s) and electronic payment(s)).
 - a. Equipment or software
 - i. The investment in equipment (e.g., computer, mobile device, large format scanner) or software required for electronic submittal would constitute an undue financial burden; and
 - ii. Insufficient reasonable alternative means to access the equipment or software required for electronic submittal.
 - b. Connectivity
 - i. No access to internet, electrical, or other service required for electronic submittal.
 - c. Religious and/or cultural consideration
 - d. Limited English language proficiency
 - e. Limited digital or technological proficiency (we encourage persons to seek assistance first)
 - f. No credit card or bank account
3. Ineligibility for waiver
 - a. Waiver is unavailable due to requirements of federal or state law.
 - b. Requestor has already demonstrated capability to submit electronically.
4. Waiver application process – internal and external considerations
 - a. Utilize waiver request form template.
 - b. Establish clear review time or schedule.
 - i. Consider staff time to review waiver requests. Can it be designed more as a self-certification process that does not require any significant administrative or program staff time to review?
 - ii. What limitations are there to complete review (i.e., can this be turned around within one or two business days or are there internal/external approvals needed, federal or state requirements?)
 - c. Communicate decision and expiration date (if applicable) to requestor.
 - i. As appropriate, or required by state or federal regulations, provide a date upon which the waiver will expire. If there are programmatic regulations requiring a limited waiver timeline, a one-year period is recommended.

- ii. Include revocation language making clear that the waiver may be revoked if the requestor's circumstances requiring a waiver change or if applicable federal or state law change.
 - iii. Programs may consider some waivers to be granted indefinitely based on appropriate criteria (e.g., If reason for requesting waiver is religious and/or cultural) so long as there are no federal or state regulations requiring otherwise, **and** revocation language is included in the waiver document.
 - d. Business process
 - i. Review and process the waiver on a submission-by-submission basis, at program level.
 - ii. Record approved waivers and expiration dates (if applicable) within program databases, including a field for the applicable waiver criterion or criteria. Note that database fields may need to be established.
 - iii. For divisions and/or programs without databases, a form of tracking should be maintained (i.e., Excel Spreadsheet).