



## **e-DMR Reporting System Facility Participation Package**

**Virginia Department of Environmental Quality**  
Richmond, Virginia 23219

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# **1 Introduction**

## **1.1 Overview of the Electronic Discharge Monitoring Report (e-DMR) Reporting System**

The Virginia DEQ e-DMR Reporting System is a web-enabled information system that allows regulated facilities to send electronic Discharge Monitoring Reports (e-DMRs) to the Virginia Department of Environmental Quality (DEQ). This system is designed to provide an alternative to submitting handwritten or paper-based DMRs that is faster, more efficient, and requires less processing for both regulated facilities and the DEQ. As a fully operational electronic reporting system, all of the necessary legal, security, and electronic signature features have been included for this system to serve as a completely paperless reporting system.

## **1.2 Reasons for and Benefits of the e-DMR Reporting System**

- Improvements in data quality.
- Reduces the regulated party's compliance costs by offering a streamlined reporting method using readily available computer tools.
- On-line availability of DMR requirements and processing status.
- Gives the regulated party greater control over data quality.
- Saves DEQ implementation costs by reducing, and eventually better utilizing, resources required for managing paper-based DMR reports.
- Improves the overall effectiveness of the regulated party's and DEQ's wastewater discharge programs with faster response for data analyses, compliance assessment, and decision-making.

**1.3 Contact Information**

The e-DMR Reporting System Coordinator can be reached at: (800) 332-6542

**1.4 Overview of the e-DMR Reporting System.**

Because the e-DMR Reporting System is a web-enabled system, regulated parties will be able to access it at a minimal cost using existing Internet connections or Internet Service Providers (ISPs). The system provides wastewater facilities with the ability to retrieve up-to-date reporting requirements from the DEQ’s centralized data system, submit original or revised DMRs, as well as review on-line or print their previously submitted reports. In essence, the system will serve as an electronic file cabinet, which will also help wastewater facilities manage their own reporting requirements and view previous reports.

Access to the e-DMR web server and information for specific wastewater facilities will be restricted by authorized user names and passwords for those regulated parties that register as e-DMR users with the DEQ. In general, users of the e-DMR Reporting System will be granted one of three types of user accounts.

A permittee can register any staff member either as a “Viewer”, ”Preparer”, or “Certifier” for the e-DMR Reporting System using the form in Appendix A of this Facility Package. User rights and privileges are described below:

User	Account Privileges:
Viewer	<ul style="list-style-type: none"> <li>• Viewing and obtaining reporting requirements</li> <li>• Viewing the status of submitted e-DMRs</li> <li>• Viewing submitted data</li> </ul>
Preparer	<ul style="list-style-type: none"> <li>• All Viewer privileges, plus...</li> <li>• Ability to fill out and save DMR forms</li> </ul>
Certifier	<ul style="list-style-type: none"> <li>• All Preparer privileges, plus...</li> <li>• These users will be issued a PIN, allowing them to submit e-DMRs to DEQ</li> </ul>

**2 Who Can Participate**

In order to participate in the e-DMR Program, regulated parties will need Internet access and the ability to generate electronic DMRs in a format that meets the specifications in the DEQ’s XML file transfer protocol. In addition, wastewater facilities will need to:

- Meet the minimum system requirements described in Section 3.1
- Complete registration as an E-DMR Reporting System facility

### 3 Preparations for Electronic Reporting

#### 3.1 Minimum System Requirements

Regulated parties will need to have the ability to access the DEQ's e-DMR Reporting System web site through the Internet. Typically, such access is available either through a dedicated connection through the regulated party's local area network or through a modem connection to an Internet Service Provider.

In addition to the Internet connection, the regulated party will need an Internet browser program. The e-DMR application is verified to work with Microsoft Internet Explorer Version 6.0 or greater, which can be downloaded for free from <http://www.microsoft.com/downloads>. Facilities may find that other Internet browsers may work but the DEQ cannot ensure that all of the features of the e-DMR web system will be available.

#### 3.2 Creation of Compatible XML Files

An e-DMR Reporting System participating party will need the ability to generate e-DMR files in a format that is compatible with the DEQ's XML transfer protocol specifications. The following options will enable a facility to generate these files:

**Option 1:** A regulated party may want to use the web based utility program on the e-DMR Reporting System website. This Graphic User Interface (GUI) utility is designed to assist regulated parties in the preparation of electronic Discharge Monitoring Reports (e-DMRs) for regulatory submission by either filling out a web form that looks similar to the paper DMR, or by converting the facility's DMR requirements into the Microsoft Excel (or other similar spreadsheet program) format, and copying that data into the space available on the web form. Either approach will convert the DMR data to a XML compatible file.

**Option 2:** A regulated party may want to modify its existing database applications or report generating software to generate XML compatible files as an alternative to a written or printed file output. Such an approach may involve reprogramming existing systems or developing a template that will translate information into the necessary XML format. A template is available for download from the e-DMR Reporting System website.

**Option 3:** A regulated party may purchase a vendor-provided software product that has the ability to generate XML compatible files. Currently, some software companies provide software or database systems that allow them to generate printed versions of wastewater discharge monitoring reports. Software vendors and environmental and engineering consulting firms may be interested in developing enhancements or software that contains XML compatible reporting features.

### **3.3 XML File Protocol**

The XML file protocol is a set of instructions for formatting the information found in the DMR into a text file. DEQ has adopted the national e-DMR XML file protocol. This file format was developed as part of an EPA/state initiative to develop a national standard for reporting discharge monitoring data. More information about the e-DMR XML file protocol can be found at the EPA data registry at <http://www.exchangenetwork.net> .

## 4 Application Process

### 4.1 Filing the Application

Besides satisfying the Minimum System Requirements (section 3.1), a regulated facility must fill out and submit two documents to DEQ:

1. **Form VADEQ-EDMR-1: Permittee Registration Form** is a form that indicates the regulated party's desire to participate in the e-DMR Program.. This form is also used to indicate what facility personnel should have Viewer, Preparer, and/or Certifier accounts within the e-DMR Reporting System.
2. **Form VADEQ-EDMR-2: Electronic Signature Application Agreement** is a formal agreement between each PIN holder and DEQ regarding the responsibilities and use of their PIN. The person requesting electronic signature authorization must sign form VADEQ-EDMR-2 in the presence of a notary public.

Send the completed forms to your respective regional e-DMR administrator. Regional office mailing addresses are the same as the address used to mail hard copy DMRs.

Regional addresses can also be obtained from:

<http://www.deq.state.va.us/regions/homepage.html>

### 4.2 Acceptance and Use of a PIN

Only individuals with a certifier account will be issued a PIN and will be allowed to transmit electronic DMR files. Each person will be issued a unique PIN that must not be shared with others. By accepting a PIN, the user agrees to be legally bound by and responsible for all uses of the electronic signature as if it were a hand-written signature. It must be kept confidential. Failure to maintain confidentiality of the PIN will result in suspension or deactivation of E-DMR Reporting System privileges.

Obtaining a PIN is a two-step process. A temporary PIN will be sent to the applicant via email upon acceptance of the Electronic Signature Application Agreement by the regional e-DMR administrator. During the first submittal, a Certifier with a temporary PIN will be prompted by E-DMR Reporting System to supply a permanent working PIN. The Certifier must supply the temporary PIN in order to generate the working PIN. The temporary PIN will no longer be useable once the working PIN has been assigned. This extra step is intended to enhance the confidentiality of the PIN in the event that someone other than the intended recipient views the temporary PIN.

Only permittees or an officially authorized representative of the permittee may obtain a PIN. Form VADEQ-EDMR-1: Permittee Registration Form, includes a section for the permittee to designate individuals who can serve as authorized representatives of the permittee.

### 4.3 Acceptance as an e-DMR Reporting System Facility

After receiving and processing Form VADEQ-EDMR-1: Permittee Registration Form and Form VADEQ-EDMR-2: Electronic Signature Application Agreement, the regulated party will be notified by email if they have been accepted as an e-DMR Reporting System facility. After DEQ receives and processes EDMR forms 1 and 2 , website login names and passwords will be delivered via email and authorized PIN users will receive their temporary PIN via email.

## 5 Procedures for e-DMR Submissions

### 5.1 Obtaining Reporting Requirements

e-DMR facility's reporting requirements are available through the DEQ's e-DMR Reporting System website. The requirements are available in three formats:

- Online viewable & printable format
- XML format for reporting requirements download and integration with a facility's IT systems
- Excel format

### 5.2 e-DMR Submission Steps

#### 5.2.1 Original DMR Submission

Regulated parties have three options for submitting data:

- **Online Entry Forms:** The regulated party will select the appropriate date range for their facility in from the "Create a New Report" screen and select the "Online Entry" option. The facility will then fill out the Web DMR form. The regulated party can refer to the e-DMR Users Guide or Webpage-specific online help for further submission instructions.  
*This option is ideal for facilities that currently do not use a spreadsheet or database program to store or track their DMR results and can therefore use the e-DMR application to directly enter their DMR results.*
- **Copy and Paste Using Excel Templates:** The user can download a blank Excel file from the e-DMR system that contains the parameters that the facility must report. The facility can then use this spreadsheet to enter in their DMR results while being disconnected from the Internet. Then, when the user is ready to submit to DEQ, he or she can copy the data from the Excel file and paste this information into the Web form.  
*This option is ideal for facilities that currently use a spreadsheet program such as Microsoft Excel to store or track their DMR results. Using the Copy*

*and Paste approach allows the facility to avoid needing to “double enter” their DMR results.*

- **XML File Upload:** If the regulated party chooses to upload DMR results, data required to be reported must be entered into a text file using the XML format. Each XML submission must include the reporting requirements followed by the reported data set. Each file must be given a unique submission ID by the reporting facility to identify each submission. A file must contain DMR data for the reporting period and will be considered to be one file requiring only one submission number. Any subsequent resubmission of data will require a different submission number. The file is then transmitted by the certifier through the e-DMR Website to the DEQ. The regulated party can refer to the e-DMR Users Guide or online help for further submission instructions.

### 5.2.2 DMR Revisions

If a revision must be made to data that was previously reported, the regulated party must follow the proper resubmission procedure:

- **Online Entry Forms:** If the regulated party is using the online data entry forms to enter and submit DMR result, he or she will need to browse for the original submission by going to the “Submittals/Revisions” screen, then edit the data and resubmit the report.
- **Copy and Paste Using Excel:** If the regulated party is copying and pasting DMR submissions from Excel, he or she will need to browse for the original submission by going to the “Submittals/Revisions” screen, then copy and paste in the corrected report data.
- **XML File Upload:** If the regulated party is uploading XML files, they must create a new text file in XML format. All data, not just the corrected data, must be included in the revised submittal. The XML format includes provisions for indicating that the submission is a revision, and will indicate the submission ID of the previously submitted information. This file is sent in the same manner as an original submission, with its own unique submission ID. The e-DMR Reporting System tracks each submission by creating a chronology of submissions for each regulated party.

When making a revision, the system will ask the regulated party to enter a reason for the revision. The regulated party should clearly state the reason for the revision, and for multi-page or multi-outfall DMRs should describe which pages or outfalls have revisions.

### 5.3 Receipt Notification

Confirmation of the “Received” status will be provided to the regulated party through the e-DMR Reporting System after the DMR is submitted. Additionally, the System will email a receipt message to the Certifier’s email account. The regulated party can view the submission status at the e-DMR Reporting System website once the submission of DMR data has been processed. It is the regulated party’s responsibility to verify that all the data has been received by DEQ.

### 5.4 Checking Submission Status

The e-DMR Reporting System website includes a method for tracking the status of submissions from regulated parties. The following submission status information is available on the website:

<b>Status</b>	<b>Explanation</b>
Received by e-DMR Reporting System	The e-DMR Reporting System server has received and successfully stored the e-DMR submission. This does <b>NOT</b> indicate whether or not the submission meets the necessary reporting requirements for the regulated party.
Accepted by e-DMR Reporting System	The e-DMR Reporting System has successfully processed the information and submission and the e-DMRs are available for viewing or printing.
Rejected by e-DMR Reporting System	The e-DMR Reporting System server did not accept the e-DMR submission. A system message will be provided which explains the reason the submission could not be interpreted or accepted by the e-DMR Reporting System Server. The report must be resubmitted.

## **6 Trouble Shooting**

### **6.1 e-DMR Reporting System or Internet System Failure**

The DEQ's e-DMR Reporting System Server has been designed with fail-over protections to provide reliable service on a continual basis. However, if the e-DMR Reporting System server is not responding, the Certifier should try again at a later time. There could be a temporary problem with your local Internet service provider, the Internet connection, with unusually heavy Internet traffic, or with the e-DMR Reporting System server itself. A temporary inability to transmit data to the e-DMR Reporting System server does NOT relieve the regulated party of its obligation to report DMR data to the DEQ within the time frames required by the permit. In such a situation, please contact the regional DEQ e-DMR System Administrator for further instructions.

### **6.2 Regulated Party Computer System Failure**

If the party's Internet Service provider or connection, XML conversion utility, or other facility hardware or software is not working, it is the party's responsibility to correct the problem. Such difficulties are **not** a valid reason for a failure to submit required data on time. Routine "best practices" should be followed so that the DMRs can be submitted before the reporting deadline, so any computer problems can be corrected before the submission deadline. If a facility is unable to submit the required DMRs to the e-DMR Reporting System, contact the regional e-DMR System Administrator to review reporting requirements and to determine options for reporting information to the DEQ.

### **6.3 Additional Assistance for Trouble Shooting**

A listing of frequently asked questions (FAQ) is included on the DEQ e-DMR Website. This page will be updated as needed to include current questions and information on e-DMR Reporting System. Technical Support questions or comments can also be submitted to the e-DMR Reporting System Administrator using the email address provided by e-DMR Reporting System.

For difficulties with commercial XML translation utilities or other software problems, please contact the vendor or supplier of the software.

## **7 Changes in Registration**

The DEQ reserves the right to suspend or terminate a regulated party's status as an e-DMR Reporting System user as needed, in order to manage and preserve the integrity of the reporting system. The regulated party has the right to request that their e-DMR Reporting System account, or the associated user accounts, be made inactive. Electronic signatures may be suspended, inactivated, or changed in accordance with Form VADEQ-EDMR-2: Electronic Signature Application Agreement.

### **7.1 Suspension of e-DMR Reporting System Status**

The DEQ reserves the right to suspend or revoke a regulated party's privilege in using e-DMR Reporting System. Reasons for suspension include:

- Repeated failure to submit data in the correct format
- Failure to protect the confidentiality of a PIN
- Submitting data files infected with a computer virus or otherwise threatening the integrity of the reporting system

The regulated party will be notified by mail that they have been suspended, the reason for the suspension, and what actions are required from the facility to be reinstated. During the period of suspension, the regulated party must submit all required monitoring data through paper DMR submissions.

### **7.2 Deactivation Procedures**

A regulated party may choose, at any time, to discontinue participation in the e-DMR Program. If a regulated party wishes to discontinue participation, they should notify DEQ and agree upon a deactivation date, using the following process:

1. Submit Form VADEQ-EDMR-3: Deactivation Request Form to request deactivation of their e-DMR Reporting System status by a date certain.
2. The regulated party may change to paper submission of DMRs after the date stated in the Deactivation Request Form.

### **7.3 Changing e-DMR Reporting System Accounts and PINs**

Certain account information can be modified under the "My Account" section of the e-DMR System. If any Viewer, Preparer, or Certifier accounts requires updates to information that cannot be directly updated from this screen (such as changing the user's status from Viewer to Certifier), a new Form VADEQ-EDMR-1: Permittee Registration

Form must be completed and submitted to the DEQ. In order to ensure that the new Certifier has been separately designated as an authorized representative for the regulated party, Form VADEQ-EDMR-1 should specifically identify the individual as an authorized representative. In order to receive a PIN for electronic signature purposes, the authorized representative must complete a new Form VADEQ-EDMR-2: Electronic Signature Application Agreement.

If the security of the PIN number has been compromised, PIN holders should immediately contact the e-DMR Reporting System Coordinator to request that a PIN be deactivated. A new PIN will be issued after DEQ receives the written request.

The following items require that the DEQ be notified and the facility e-DMR Reporting System registration or PIN authorization be changed:

- The facility's authorized representative(s) has changed
- The facility has a reason to believe that the PIN security has been compromised
- DEQ has a reason to believe that the PIN security has been compromised.

## **8 Other Available Resources**

### **8.1 XML Transmission Protocol**

A complete copy of the data format required by DEQ is available from EPA's national XML schema registry at <http://www.exchangenetwork.net>. The registry link at this website includes the complete e-DMR XML schema.

### **8.2 XML Conversion Utilities**

In order to submit the e-DMR data to the DEQ using the XML transmission protocol, wastewater facilities can choose to use the web based utility on the e-DMR Reporting System website provided by the DEQ, or develop software in house to generate compatible XML data files, or purchase commercial software from an outside source. It is the wastewater discharge facility's responsibility to ensure that the e-DMR file complies with the XML protocol's data standards.

The choice of software and its ability to meet the XML protocol and DEQ requirements rests solely with the facility and/or its vendor. The DEQ cannot officially review, approve, or endorse any software that may be acquired or developed by the permittee to capture and transmit the DMR data.

**A Form VADEQ-EDMR-1: Permittee Registration Form**

## VIRGINIA DEQ

**Form VADEQ-EDMR-1: Permittee Registration Form**

INSTRUCTIONS: Complete this form to register a regulated party for electronic reporting, including any changes to permit requirements that may be necessary to allow the identified facility to submit Discharge Monitoring Reports electronically. This form should also be used to identify or change authorized representatives who may be assigned an electronic signature for the Virginia DEQ e-DMR Reporting System. Please check the appropriate boxes on the form below.

## Part A. Facility Information (\* indicates required information)

<b>* Permit Number:</b>	
<b>* Facility Name:</b>	
<b>* Mailing Address:</b>	Street: _____ _____ City, State, Zip:
<input type="checkbox"/> New Registration <input type="checkbox"/> Revised Facility or Account information <input type="checkbox"/> Request for Reactivation	

## Part B. User Account Information (\* indicates required information)

* Account Action: <input type="checkbox"/> Add <input type="checkbox"/> Update <input type="checkbox"/> Delete		* Account Type: <input type="checkbox"/> Viewer <input type="checkbox"/> Preparer <input type="checkbox"/> Certifier	
<b>General Information</b>			
*Last Name:		Suffix:	
*First Name:		Middle Name/Initial:	
Title:	<input type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Dr.		
*Last 4 digits of SSN#:	(Note: An alternate 4-digit number may be provided. Please retain for future reference.)		
Job Title:			
Employer's Name:			
<b>Contact Information</b>			
*e-mail:			
*Mailing Address (street):	_____		
(city, state, zip):	_____		
*Phone Number(s):			

* Account Action: <input type="checkbox"/> Add <input type="checkbox"/> Update <input type="checkbox"/> Delete		* Account Type: <input type="checkbox"/> Viewer <input type="checkbox"/> Preparer <input type="checkbox"/> Certifier	
<b>General Information</b>			
*Last Name:		Suffix:	
*First Name:		Middle Name/Initial:	
Title:	<input type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Dr.		
*Last 4 digits of SSN#:	(Note: An alternate 4-digit number may be provided. Please retain for future reference.)		
Job Title:			
Employer's Name:			
<b>Contact Information</b>			
*e-mail:			
*Mailing Address (street):	_____		
(city, state, zip):	_____		
*Phone Number(s):			

Part B (continued)

* Account Action: <input type="checkbox"/> Add <input type="checkbox"/> Update <input type="checkbox"/> Delete		*Account Type: <input type="checkbox"/> Viewer <input type="checkbox"/> Preparer <input type="checkbox"/> Certifier	
<b>General Information</b>			
*Last Name:		Suffix:	
*First Name:		Middle Name/Initial:	
Title:	<input type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Dr.		
*Last 4 digits of SSN#:	(Note: An alternate 4-digit number may be provided. Please retain for future reference.)		
Job Title:			
Employer's Name:			
<b>Contact Information</b>			
*e-mail:			
*Mailing Address (street):			
(city, state, zip):			
*Phone Number(s):			

Part C. Facility Registration

It is requested that the above identified regulated party be registered for electronic reporting, It is agreed that authorized representatives for the regulated party will follow permit requirements and the procedures for the electronic submission of DMR forms, as described in the Facility Participation Package.

Please establish or revise the above user accounts in accordance with the information provided for each identified User Account. The persons who are indicated to receive Certifier accounts are hereby designated as Authorized Representatives for the regulated party for all reporting purposes. Each person to receive a Certifier account in e-DMR Reporting System must submit a completed Electronic Signature Application Agreement.

It is certified under penalty of law that the information submitted in this registration and all attachments is true, accurate and complete. There are significant penalties for submitting false information, including the possibility of fine and imprisonment.

\_\_\_\_\_

Permittee Name (type or print)                      Permittee Signature                      Date

\_\_\_\_\_

Official Title (type or print)

For Office Use Only:

	Name	Date
Received by:		
Approved by:		
CEDS updated:		
e-DMR updated:		

	Date
Trial Start:	
Full e-DMR:	

Part B (continued – supplemental page)

* Account Action: <input type="checkbox"/> Add <input type="checkbox"/> Update <input type="checkbox"/> Delete		*Account Type: <input type="checkbox"/> Viewer <input type="checkbox"/> Preparer <input type="checkbox"/> Certifier	
<b>General Information</b>			
*Last Name:		Suffix:	
*First Name:		Middle Name/Initial:	
Title:	<input type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Dr.		
*Last 4 digits of SSN#:	(Note: An alternate 4-digit number may be provided. Please retain for future reference.)		
Job Title:			
Employer's Name:			
<b>Contact Information</b>			
*e-mail:			
*Mailing Address (street):			
(city, state, zip):			
*Phone Number(s):			

* Account Action: <input type="checkbox"/> Add <input type="checkbox"/> Update <input type="checkbox"/> Delete		*Account Type: <input type="checkbox"/> Viewer <input type="checkbox"/> Preparer <input type="checkbox"/> Certifier	
<b>General Information</b>			
*Last Name:		Suffix:	
*First Name:		Middle Name/Initial:	
Title:	<input type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Dr.		
*Last 4 digits of SSN#:	(Note: An alternate 4-digit number may be provided. Please retain for future reference.)		
Job Title:			
Employer's Name:			
<b>Contact Information</b>			
*e-mail:			
*Mailing Address (street):			
(city, state, zip):			
*Phone Number(s):			

* Account Action: <input type="checkbox"/> Add <input type="checkbox"/> Update <input type="checkbox"/> Delete		*Account Type: <input type="checkbox"/> Viewer <input type="checkbox"/> Preparer <input type="checkbox"/> Certifier	
<b>General Information</b>			
*Last Name:		Suffix:	
*First Name:		Middle Name/Initial:	
Title:	<input type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Dr.		
*Last 4 digits of SSN#:	(Note: An alternate 4-digit number may be provided. Please retain for future reference.)		
Job Title:			
Employer's Name:			
<b>Contact Information</b>			
*e-mail:			
*Mailing Address (street):			
(city, state, zip):			
*Phone Number(s):			

Virginia DEQ

**B Form VADEQ-EDMR-2: Electronic Signature Application Agreement**

TERMS AND CONDITIONS AGREEMENT FOR REPORTING REGULATORY DATA (DMR'S) USING ELECTRONIC DATA INTERCHANGE TO VIRGINIA DEQ USING E-DMR REPORTING SYSTEM (This Agreement), by and between DEQ, and the permittee ("Certifier") who has signed and returned this agreement, is effective on the date on which DEQ issues the initial PIN(s), in response to receipt and acceptance of Certifier's signed TCA Memorandum.

1. RECITALS. The intent of this agreement is to create legally binding obligations upon the parties using e-DMR Reporting System, to ensure that e-DMRs shall be admissible as evidence on the same basis as paper documents. The parties intend to be legally bound by the eDMRs.

2. VALIDITY AND ENFORCEABILITY

2.1 This Agreement has been executed by the parties to evidence their mutual intent to create binding regulatory reporting documents using electronic transmission and receipt of such records.

2.2 Any records properly communicated pursuant to this Agreement shall be considered to be a "writing" or "in writing"; and any such records which contain or to which there is affixed, a Signature, as defined by paragraph 8 of this Agreement, ("Signed Documents") shall be deemed for all purposes (a) to have been "signed" and (b) to constitute an "original" when printed from electronic files or records established and maintained in the normal course of business.

2.3 The conduct of the parties pursuant to this Agreement, including the use of Signed Records properly communicated pursuant to the Agreement, shall, for all legal purposes, evidence a course of dealing and a course of performance accepted by the parties in furtherance of this Agreement.

2.4 The Certifier agrees not to contest the validity or enforceability of Signed Documents under the provisions of any applicable law relating to whether certain agreements are to be in writing or signed by the party to be bound thereby. Signed Documents, if introduced as evidence on paper in any judicial, arbitration, mediation or administrative proceedings, will be admissible as between the parties to the same extent and under the same conditions as other business records originated and maintained in documentary form. Neither party shall contest the admissibility of copies of the Signed Documents under the Federal Rules of Evidence as inadmissible or in violation of either the business records exception of the rule on hearsay, or the best evidence rule, or on the basis that the Signed Documents were not originated or maintained in documentary (paper) form.

3. RECEIPT. A Document shall be deemed to have been properly received by DEQ when it is accessible by DEQ, can be fully processed by the translator at the e-DMR Reporting System server, and is syntactically correct to the XML protocol as modified by DEQ. No

Document shall satisfy any reporting requirement or be of any legal effect until it is received.

4. **VERIFICATION.** Upon receipt of a Document, the e-DMR Reporting System server shall process the Document to make it accessible to DEQ. The status of each submission is available for review by the Certifier on the e-DMR Reporting System website. If the submission has been rejected, the Certifier is responsible for resending the Document
5. **DATE OF RECEIPT.** DEQ will consider an electronically filed report received when it can be fully processed by the translator at the DEQ's e-DMR server, i.e., when the document is retrievable from the electronic mailbox by DEQ, syntactically conforms to applicable XML protocol as modified by DEQ, and is able to be successfully translated by the e-DMR Reporting System server.
6. **RE-TRANSMISSION.** If the Document is rejected by the e-DMR Reporting System server, then the Certifier must re-send the document and follow any recovery procedures stated in the applicable Virginia DEQ e-DMR Reporting System Facility Participation Package. If the e-DMR Reporting System website does not indicate that the Document has been received within 48 hours, the Certifier should re-transmit the Document.
7. **INABILITY TO TRANSMIT.** Circumstances, both foreseeable and unforeseeable, may prevent a reporting party from conducting EDI. Nevertheless, no Certifier will be excused from the requirement to file reports with the Agency by the appropriate regulatory deadline. If a party is unable to electronically file a required report by such deadline, it must notify the DEQ of the situation and proceed as outlined in the Virginia DEQ e-DMR Reporting System Facility Participation Package.
8. **SIGNATURE.** The Certifier shall adopt as its signature an electronic identification consisting of symbols (i.e., the Personal Identification Number [PIN] that is affixed to or contained in each Document transmitted by the Certifier ("Signature"). The Certifier agrees that any such Signature affixed to or contained in any transmitted Document shall be sufficient to verify such party originated and possessed the requisite authority both to originate the transaction and to verify the accuracy of the content of the document at the time of transmittal. Unless otherwise specified in the TCA, affixing the Personal Identification Number (PIN) issued to the Certifier by DEQ to any transmitted Document constitutes a valid Signature. The Certifier expressly agrees that it will sign each and every report it submits by using its PIN. The Certifier also expressly agrees that each report it submits by using its PIN constitutes their agreement with the certification statement.
9. **DEFINITIONS.** Whenever used in this Agreement or any documents incorporated into this Agreement by reference, the following terms shall be defined as follows:
  - 9.1 **Compromise.** When the PIN is intentionally or unintentionally disclosed to individuals and organizations that are not authorized to know or use the PIN.
  - 9.2 **Data.** Facts or descriptions of facts.
  - 9.3 **Document/Record.** Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

9.4 Electronic Agent. A computer program designed, selected or programmed by a party to initiate or respond to electronic messages or performances without review by an individual. An electronic agent acts within the scope of its agency if its performance is consistent with the functions intended by the party who utilizes the electronic agent.

9.5 Electronic Message/Transaction. A record generated or communicated by electronic, optical or other analogous means for transmission from one information system to another. The term includes electronic data interchange and electronic mail.

9.6 Message. Data structured in accordance with the protocol specified in the Guidelines and transmitted electronically between the parties and relating to a Transaction.

9.7 Personal Identification Number (PIN). Assigned by DEQ, each PIN will consist of a sequence of alpha-numeric characters.

9.8 Receive/Receipt. To take delivery of a record or information. An electronic record or information is received when it enters an information processing system in a form capable of being processed by that system if the recipient has designated that information system for the purpose of receiving such records or information.

9.9 Date of Receipt. DEQ will consider an electronically filed report received when it is accessible to the receiver (i.e. DEQ) at its e-DMR Reporting System server. Upon the processing of any report, the e-DMR Reporting System will post on the website indication that DEQ has properly received a report and the established "Received Date". No document shall satisfy any reporting requirement until it is received and processed.

9.10 Report. The Self Monitoring Report required by the DEQ Industrial Pretreatment Program.

9.11 Signed. For the purposes of EDI, a transaction is "signed" if it includes a symbol and/or action that is adopted or performed by a party or its electronic agent with the present intent to authenticate or manifest assent to a record, a performance, or a message. Actions or symbols adopted or performed by an electronic agent serve to authenticate with present intent a record or message on behalf of a party if the party designed, programmed or selected the electronic agent with an intent that the agent produce the result and the electronic agent performs in a manner consistent with its intended programming. That a record or message is signed is presumed as a matter of law if the parties agreed to an authentication procedure and the symbol or action taken complies with that procedure. Otherwise, that a document is signed may be proved in any manner including by a showing that a procedure existed by which a party must of necessity have taken an action or executed a symbol in order to have proceeded further in the use or processing of the information.

9.12 Transaction. Any communication made or transaction carried out and identified as the communication or transaction to which a Message refers including but not limited to the filing of a specific report.

9.13 User Manual. Virginia DEQ e-DMR Reporting System Facility Participation Package

10. XML TRANSACTION PARAMETERS. Each party may electronically transmit to or receive from the other party using the XML format set by DEQ. All Documents/Reports shall be transmitted in accordance with the standards set forth herein and in the Virginia DEQ e-DMR Reporting System Facility Participation Package. The Virginia DEQ e-DMR Reporting System Facility Participation Package is hereby incorporated herein by reference. Any transmission of data that is not a Document/Report (i.e., that is not one of the specified transaction sets) shall have no force or effect between the parties.

10.1 Implementation Guidelines. All Documents/Reports transmitted between the parties shall adhere to the Protocol established in the Virginia DEQ e-DMR Reporting System Facility Participation Package, the DEQ Electronic DMR Transmission Protocol, and all modifications of these documents.

10.2 Modifications of Standards. Whenever DEQ intends to upgrade to a new version and release of the data exchange standard or modify the Guidelines, DEQ shall give notice of its intent and shall establish a conversion date. The Certifier shall have a minimum of sixty (60) days from the conversion date to upgrade to the new standard. DEQ can discontinue support of the previous standard no sooner than ninety (90) days after the conversion date.

11. SYSTEM AND OPERATION EXPENSES. Each party, at its own expense, shall provide and maintain the equipment, software, services and testing necessary to effectively and reliably transmit and receive Documents.

12. SECURITY. The parties shall take reasonable actions to implement and maintain security procedures necessary to ensure the protection of transmissions against the risk of unauthorized access, alteration, loss or destruction including, but not limited to: protecting the secrecy of passwords and PINs and transmitting only XML protocol text files.

12.1 Creation of PIN. Where DEQ requires certification to insure the authenticity of electronically submitted documents, DEQ will require the Certifier to use a PIN assigned by DEQ. If DEQ agrees to enter into a trading partner relationship with a Certifier, DEQ will assign a PIN upon receipt by DEQ of the Certifier's signed TCA. DEQ will email the PIN directly to each authorized representative's email address identified in the Permittee Registration Form. The DEQ will issue a new PIN at the written request, on company letterhead, of the PIN holder. If a PIN has been compromised, it will be suspended upon notification (by telephone or otherwise) from the PIN holder. In addition, DEQ will change PINs if the Certifier is no longer an authorized representative, or where there is evidence of compromise. Depending on the reporting cycle, DEQ will then cancel such authorized representative's individual PIN before the next reporting cycle to which the PIN applies, or no later than fourteen (14) business days of receiving such notice, whichever comes first. Newly authorized representatives are required to sign and have notarized a copy of this TCA.

12.2 Protection of PIN. Each party must protect the security of its PIN from compromise and shall take all necessary steps to prevent its loss, disclosure, modification, or unauthorized use. The Certifier shall notify DEQ immediately if it has reason to believe the security of any PIN has been compromised and must request a change. If DEQ has reason to believe that PIN security has been compromised, the Agency will consult with the Certifier and initiate PIN changes where necessary.

Also, the Certifier is responsible for immediately notifying DEQ (in writing and on company letterhead and signed by an authorized corporate officer) of termination of employment, or reassignment, of any authorized representative, and of any new or newly assigned employee(s) who will act as authorized representative(s). Newly authorized representatives must sign and have notarized a copy of this TCA.

12.3 Confidentiality. (If Applicable, program-specific clause.) The Certifier may claim as confidential information submitted to DEQ pursuant to this agreement. In order to assert a claim of confidentiality, the Certifier must mark the response CONFIDENTIAL BUSINESS INFORMATION or with a similar designation, and must clearly specify which information in the Document is so claimed. Information so designated will be disclosed by DEQ only to the extent allowed by, and by means of, the procedures set forth in, 40 CFR Part 2. If the Certifier fails to claim the information as confidential in accordance with the provisions of this paragraph, the information may be available to the public without further notice.

13. MISDIRECTED AND CORRUPTED TRANSMISSIONS. If DEQ has reason to believe that a Message is not intended for DEQ or is corrupted, DEQ shall notify the Certifier and shall delete from DEQ's system the information contained in such Message (where allowed by applicable law) but not the record of its receipt. Where there is evidence that a Message has been corrupted or if any Message is identified or capable of being identified as incorrect, DEQ shall notify the Certifier and it shall be retransmitted by the Certifier as soon as practicable with a clear indication that it is a corrected Message.

14. COMMUNICATIONS CONNECTIONS. Unless otherwise stipulated in program-specific notice, documents shall be transmitted electronically to each party through a third party service provider ("Provider") via the Internet. The Certifier assumes all risks associated with their interaction with third party service providers.

14.1 Third-Party Service Provider Liability Apportionment. Each party shall be responsible for ensuring the correctness of its transmission except as otherwise provided in this Agreement.

14.2 Records Transmitted Through Provider. The parties agree that either of them may have access to Providers' copies of the records, at the expense of the requesting party.

15. RECORD RETENTION AND STORAGE. Record Retention. Nothing herein is intended to release the Certifier from or waive any requirement of law applicable to the Certifier pertaining to record or document retention, or to create new or additional requirements for retention of records or documents except as specifically noted herein or in the supporting documents. Sender shall retain all records, regardless of the medium on which they are recorded, used in the derivation of the Documents/Reports or information therein transmitted pursuant to this Agreement for the period, which would be required for functionally equivalent paper records.

16. CONFLICTING TERMS AND CONDITIONS. This Agreement, the Virginia DEQ e-DMR Reporting System Facility Application Package, and the DEQ Electronic DMR Transmission Protocol constitute the entire agreement between the parties. As the parties develop additional capabilities respecting EDI, additional addenda may be added to this

Agreement. Upon the effective date, each Addendum shall be appended to this Agreement. If the Certifier does not agree to specified changes in the terms and conditions of this Agreement, as provided in the newly published Addenda, the Certifier must notify DEQ in accordance with paragraph 18 below.

17. **TERMINATION.** This Agreement shall remain in effect until terminated by either party with not less than 30 days prior written notice, which notice shall specify the effective date of terminate on; provided, however, that any termination shall not affect the respective obligations or rights of the parties arising under any Documents or otherwise under this Agreement prior to the effective date of termination. The process for Termination of the Agreement is detailed in the Virginia DEQ e-DMR Reporting System Facility Participation Package. Termination of this Agreement shall not affect any action required to complete or implement Messages that are sent prior to such termination. Emergency temporary termination of computer connections may be made to protect data from illegal access or other incidental damage.
18. **SURVIVABILITY.** Notwithstanding termination for any reason, Clauses #2 (Validity and Enforceability), #12 (Security), #15 (Record Retention and Storage), #23 (Governing Law), #24 (Choice of Language), and #25 (Dispute Resolution) shall survive termination of this Agreement.
19. **ASSIGNABILITY.** This Agreement is for the benefit of, and shall be binding upon, the Certifier and their respective successors and assigns.
20. **SEVERABILITY.** Any provision of this Agreement, which is determined to be invalid or unenforceable, will be ineffective to the extent of such determination without invalidating the remaining provisions of this Agreement or affecting the validity or enforceability of such remaining provisions.
21. **NOTICE.** All notices or other forms of notification, request or instruction required to be given by a party to any other party under paragraphs 12, 16, and 17 of this Agreement shall be delivered by hand, or sent by first class post or other recognized carrier to the address of the addressee as set out in this Agreement or to such other address as the addressee may from time to time have notified for the purpose of this clause, or sent by electronic means of message transmission producing hard copy read-out including telex and facsimile, and shall be deemed to have been received:
  - if sent by electronic means: at the time of transmission if transmitted during business hours of the receiving instrument and if not during business hours, one hour after the commencement of the next working day following the day transmission
  - if sent by first-class post or recognized carrier: 3 business days after posting exclusive of the day of posting
  - if delivered by hand: on the day of delivery
22. **INABILITY TO FILE REPORTS VIA EDI.** No party shall be liable for any failure to perform its obligations in connection with any EDI Transaction or any EDI Document, where such failure results from any act or cause beyond such party's control which prevents such party from transmitting or receiving any Documents via EDI, except that

the Certifier is nonetheless required to submit records or information required by law via other means, as provided by applicable law and within the time period provided by such law.

23. **GOVERNING LAW.** This Agreement shall be governed by and interpreted in accordance with the State laws of Virginia and the Federal laws of the United States.
24. **CHOICE OF LANGUAGE.** The parties have requested that this Agreement and all Documents and other communications transmitted via the e-DMR Reporting System server or otherwise delivered with respect to this Agreement be expressed in the English language.
25. **DISPUTE RESOLUTION.** All disputes, differences, disagreements, and/or claims between the parties arising under or relating to this agreement that are not resolved by negotiation and that the parties cannot agree to submit for arbitration or other procedure for the resolution of disputes, shall be subject to the jurisdiction of Virginia Courts.
26. **ENTIRE AGREEMENT.** This Agreement and the Virginia DEQ e-DMR Reporting System Facility Participation Package constitute the complete agreement of the parties relating to the matters specified in this Agreement and supersede all prior representations or agreements, whether oral or written, with respect to such matters. No oral modification or waiver of any of the provisions of this Agreement shall be binding on either party. As the Partners develop additional capabilities respecting EDI, additional Addenda affecting procedures but not the legal rights and responsibilities of VPDES permittees, their Certifiers or other personnel may be added to the Participation Package associated with this Form 2. DEQ does not intend to change guidelines without just cause or without consulting industry,. Therefore, DEQ will publish notice of new Addenda appending the Participation Package and their effective date, which will be no earlier than 30 days after notice to VPDES permittees and their Certifier. Upon the effective date, each such Addendum shall be appended to this Agreement.

This Agreement is for the benefit of, and shall be binding upon, the parties and their respective successors and assigns.

The Virginia Department of Environmental Quality and the Certifier have caused this Agreement to be properly executed on their behalf, as of the date the Certifier receives their PIN.

Certifier:      Signature: \_\_\_\_\_      Date: \_\_\_\_\_  
                    Name: \_\_\_\_\_  
                    Title: \_\_\_\_\_

If the Certifier is an authorized agent other than the Permittee, the Permittee must sign below.

Permittee:      Signature: \_\_\_\_\_      Date: \_\_\_\_\_  
                    Name: \_\_\_\_\_  
                    Title: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_

Notary Public

My Commission Expires: \_\_\_\_\_

**C Form VADEQ-EDMR-3: Deactivation Request Form**

**VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Form VADEQ-EDMR-3: Deactivation Request Form**

This form is to be completed if an e-DMR Reporting System user is no longer able or does not desire to continue as a user.

<b>Permit Number:</b>	
<b>Facility Name:</b>	
<b>Mailing Address:</b>	Street: _____ _____ City, State, Zip: _____
<b>E-mail Address:</b>	
<input type="checkbox"/> New Application <input type="checkbox"/> Revised Facility or Account information <input type="checkbox"/> Request for Reactivation	
Requested Deactivation Date:	

If not pre-arranged with the e-DMR Reporting System Coordinator, please allow at least 30 days for processing.

Deactivate the identified account.		
Continue to use e-DMR Reporting System to conclude any unfinished business (reporting or correcting e-DMR Reporting System) that involves reporting requirements that are during the time this facility was an active e-DMR Reporting System facility.		
This request in no way changes the reporting requirements of this facility, all DMRs must continue to be submitted. This request is only an indication that the facility will no longer use e-DMR Reporting System.		
I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in this form, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.		
_____ Permittee Name (type or print)	_____ Permittee Signature	_____ Date
_____ Official Title (type or print)		

For Office Use Only:

	Name	Date
Received by:		
Approved by:		
CEDS updated:		
e-DMR updated:		

	Date
Deactivation Date:	

## **D Definitions and Abbreviations**

- Certifier:** A person (the permittee or other authorized representative) who is authorized to submit DMR data through the e-DMR Reporting System website using their assigned Electronic Signature.
- DEQ:** Virginia Department of Environmental Quality
- E2:** Electronic Environmental Reporting System
- EDI:** Electronic Data Interchange
- e-DMR:** Electronic Discharge Monitoring Report
- PIN:** Personal Identification Number
- Viewer:** A facility representative who is authorized to fill out and save DMR forms for the facility but cannot certify and submit the reports to DEQ.
- Viewer:** A facility representative who is authorized to view the facility reporting requirements and the status of any DMR submissions that were made by the Certifier.
- XML:** A standardized format for electronically reporting data.