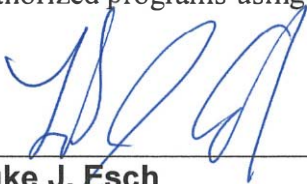


ATTORNEY GENERAL'S CERTIFICATION STATEMENT

I, Luke J. Esch, having reviewed the Wyoming Department of Environmental Quality's (hereinafter "WDEQ") application and supporting documentation to the United States Environmental Protection Agency for the approval of electronic reporting for the WDEQ Electronic Document Receiving System, hereby certify:

- (1) that the WDEQ has sufficient legal authority provided by lawfully enacted or promulgated statutes and/or regulations to implement the electronic reporting component of its authorized programs consistent with 40 CFR § 3.2000 and with this application;
- (2) that such statutes or regulations are in full force and effect on the date of this certification; and
- (3) that the WDEQ has authority to enforce the affected programs using electronic documents collected under these programs.

To assist EPA's review of this application, I have included a description prepared by the WDEQ which specifically links applicable provisions of 40 C.F.R. Part 3 with relevant portions of the Wyoming statutes, WDEQ regulations, and program documents. These statutes and regulations demonstrate the WDEQ's authority to enforce the affected authorized programs using electronic documents.



Luke J. Esch

Assistant Attorney General
State of Wyoming

**WDEQ LEGAL AUTHORITY TO IMPLEMENT ELECTRONIC REPORTING
IN CONFORMANCE WITH 40 CFR § 3.2000**

FEDERAL RULE	RELEVANT STATE STATUTE OR RULE
40 CFR 3.2000(a)(2) – “valid electronic signature” is required if a person would have been required to sign the paper document.	WS§ 40-21-107(a-d) WS § 35-11-109(a-b) WS§ 40-21-118
40 CFR 3.2000(b)(1) – verify that State electronic document receiving system produces data with respect to electronic documents sufficient to prove in civil or criminal proceedings that the electronic document was not altered without detection.	WS § 40-21-119 Wyoming CIO Promulgated Rules on Electronic Transactions Chapter 3, Section 1
40 CFR 3.2000(b)(2) – verify that State electronic document receiving system produces data with respect to electronic documents sufficient to prove in civil or criminal proceedings that any alteration to the electronic document is documented.	WS§ 40-21-119 Wyoming CIO Promulgated Rules on Electronic Transactions Chapter 5, Section 4(a)(vi)
40 CFR 3.2000(b)(3) – verify that State electronic document receiving system produces data with respect to electronic documents sufficient to prove in civil or criminal proceedings that the electronic document was submitted knowingly and not by accident.	WS§ 40-21-109 Wyoming CIO Promulgated Rules on Electronic Transactions Chapter 4, Section 1(d) Affidavit of e-signer and Company Authority
40 CFR 3.2000(b)(4) – verify that State electronic document receiving system produces data with respect to electronic documents sufficient to prove in civil or criminal proceedings that the submitter of the electronic document had the opportunity to review the record and had an opportunity to repudiate the document based on this review.	WS§ 40-21-118 Affidavit of e-signer and Company Authority
40 CFR 3.2000(b)(5)(i) – In the case where an electronic document must bear an electronic signature, verify that the signature was valid at the time of signing.	WS § 40-21-109 Wyoming CIO Promulgated Rules on Electronic Transactions Chapter 4, Sections 2 and 3 Affidavit of e-signer and Company Authority
40 CFR 3.2000(b)(5)(ii) – In the case where an electronic document must bear an electronic signature, verify that the document cannot be altered without detection.	WS § 40-21-119 Wyoming CIO Promulgated Rules on Electronic Transactions Chapter 3, Section 1

40 CFR 3.2000(b)(5)(iii) – In the case where an electronic document must bear an electronic signature, verify that the signatory had opportunity to review content of document.	WS§ 40-21-109 Wyoming CIO Promulgated Rules on Electronic Transactions Chapter 4, Section 1(d) Affidavit of e-signer and Company Authority
40 CFR 3.2000(b)(5)(iv) – In the case where an electronic document must bear an electronic signature, verify that the signatory had opportunity to review certification statement.	Wyoming CIO Promulgated Rules on Electronic Transactions Chapter 5, Section 3 Affidavit of e-signer and Company Authority
40 CFR 3.2000(b)(5)(v) – In the case where an electronic document must bear an electronic signature, verify that the signatory had signed an electronic signature agreement.	Wyoming CIO Promulgated Rules on Electronic Transactions Chapter 4, Section 1(d) Affidavit of e-signer and Company Authority
40 CFR 3.2000(b)(5)(vi) – In the case where an electronic document must bear an electronic signature, verify that the system automatically responds with an acknowledgement of the receipt of the document.	Wyoming CIO Promulgated Rules on Electronic Transactions Chapter 5, Section 3 Affidavit of e-signer and Company Authority Email Submit Notification Template
40 CFR 3.2000(b)(5)(vii) – In the case where an electronic document must bear an electronic signature, verify that the identity of the individual is determined with legal certainty.	WS § 40-21-107 WS § 40-21-109 Wyoming CIO Promulgated Rules on Electronic Transactions Chapter 4, Section 3 Affidavit of e-signer and Company Authority Attestation Warning
40 CFR 3.2000(c)(1) – verify that a person is subject to all appropriate civil, criminal penalties or other remedies for failure to comply with a reporting requirement if the person fails to comply with the applicable federal regulation	WS § 40-21-105(e) WS § 35-11-109 through 112 WS § 35-11-901
40 CFR 3.2000(c)(2) – verify that where an electronic document submitted to satisfy a reporting requirement bears an electronic signature, the electronic signature legally binds or obligates the signatory or makes the signatory responsible to the same extent as the signatory's handwritten signature on a paper document	WS § 40-21-107(a)-(d) WS § 35-11-109(a)-(b) WS § 40-21-118 Wyoming CIO Promulgated Rules on Electronic Transactions Chapter 4, Section 3
40 CFR 3.2000(c) – verify that the signatory will be uniquely entitled to use the electronic signature device at the time of signature	Wyoming CIO Promulgated Rules on Electronic Transactions Chapter 4 section 2 Affidavit of e-signer and Company Authority
40 CFR 3.2000(c) – verify that nothing in	WS § 40-21-113

the state program limits the use of electronic documents or information derived from electronic documents as evidence in enforcement proceedings	
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