§19.1. Definitions.

In addition to the terms defined in Chapter 3 of this title (relating to Definitions), the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

(1) **Authorized program**—A federal program that the United States Environmental Protection Agency (EPA) has delegated, authorized, or approved the State of Texas to administer, or a program that the EPA has delegated, authorized, or approved the State of Texas to administer in lieu of a federal program, under other provisions of 40 Code of Federal Regulations and such delegation, authorization, or approval has not been withdrawn or expired.

(2) **Copy of record**—A true and correct copy of an electronic document received by an electronic document receiving system, which can be viewed in a human-readable format that clearly and accurately associates all the information provided in the electronic document with descriptions or labeling of the information. A copy of record includes:

   (A) all electronic signatures contained in or associated with that document;

   (B) the date and time of receipt; and

   (C) any other information used to record the meaning of the document or the circumstances of its receipt.

(3) **Electronic document**—Any information that is submitted in digital form to satisfy requirements of an authorized program or other designated state programs. Information may include data, text, sounds, codes, computer programs, software, or databases.

(4) **Electronic document receiving system**—A set of apparatus, procedures, software, or records used to receive electronic documents.

(5) **Electronic signature**—Any information in digital form that is included in or associated with an electronic document for the purpose of expressing the same meaning and intention as would a handwritten signature if affixed to an equivalent paper document with the same reference to the same content.

(6) **Electronic signature agreement**—A document drafted by the executive director and signed by an individual with respect to an electronic signature device that the individual will use to create his or her electronic signature and whereon the individual acknowledges the obligations connected with preventing compromise of the electronic signature device.
(7) **Electronic signature device**--A code or other mechanism that is used to create electronic signatures.

(8) **Federal program**--Any program administered by the United States Environmental Protection Agency under any provision of 40 Code of Federal Regulations.

(9) **State program**--Any program, other than a federal program administered by the United States Environmental Protection Agency under any provision of 40 Code of Federal Regulations, that is implemented by the commission under the Texas Water Code, Texas Health and Safety Code, and other laws of the State of Texas.

(10) **Handwritten signature**--The scripted name or legal mark of an individual, made by that individual with a marking or writing instrument such as a pen or stylus and executed or adopted with the present intention to authenticate a writing in a permanent form.

(11) **Signatory**--An individual authorized to and who signs a document using a format acceptable to the commission.

Adopted February 7, 2007 Effective March 15, 2007

§19.3. Applicability.

(a) Subchapters A - C of this chapter apply to:

(1) persons, as defined in §3.2 of this title (relating to Definitions), and signatories who submit official, final electronic documents to the commission to satisfy requirements of:

(A) authorized programs for which the executive director has announced on the commission's public Web site that the commission is accepting specified electronic documents; or

(B) state programs for which the executive director has announced on the commission's public Web site that the commission is accepting specified electronic documents;

(2) the commission's electronic document receiving system and other software applications implemented, revised, or modified as announced by the commission; and

(3) authorized programs and state programs for which the executive director has announced on the commission's public Web site that the commission is accepting specified electronic documents.

(b) This chapter does not apply to:

(1) documents submitted via facsimile; or
(2) electronic documents submitted via magnetic or optical media such as diskette, compact disc, digital video disc, or tape.

Adopted October 15, 2010

Effective November 11, 2010