North Carolina Electronic Submission Implementation Guide for Reporting Facilities and Local Emergency Planning Committees

I. Introduction

This information is to be used by Reporting Facilities and County Local Emergency Planning Committees (LEPCs) as a guide for implementing and using a web-based Tier II reporting system.

II. Regulatory Background on Tier II Inventory Reporting

In 1986, President Reagan signed into law the Superfund Amendment and Reauthorization Act (SARA) as a revision to federal legislation dealing with hazardous substances and toxic wastes. SARA Title III, known as the Emergency Planning and Community Right to Know Act (EPCRA), required the Governor of each state to designate a State Emergency Response Commission (SERC) to direct and manage the hazardous materials contingency planning effort required of industries and communities. In addition to State and local planning requirements, EPCRA included Section 312, which requires facilities that use or store a hazardous chemical above a threshold quantity to submit annually their chemical inventory information to off-site officials on or before March 1. The inventory information must be submitted to the fire department having jurisdiction over the facility, the respective county LEPC, and the SERC. Historically, facilities reported using a Tier II paper form or an electronic variation like Tier II Submit to comply with requirements. These reporting methods make it difficult for local and state planning.

III. The Case for a Statewide Tier II Reporting Methodology

The NC SERC conducted an in-depth review and concluded that a standardized, internet-based system would benefit the users and filers of Tier II information. Experience shows internet-based submissions improve compliance and reduce costs for the regulated community. This process also provides an effective data management tool for emergency management officials and the first-responder community. Facilities can quickly update information such as chemical lists, material safety data sheets (MSDSs) and contact information on-line as circumstances within the facility change. This allows responders access to real-time, up-to-date information.

IV. The Decision to Use Web-based, Electronic Submissions in North Carolina

The NC SERC SARA Title III Sub-Committee, reviewed the capabilities of several Tier II electronic submission systems: EM 2000, IDSi, Tier 2 Submit and E-Plan. The findings were:

- Several users have moved away from EM 2000 because of software problems. No additional information was available.
- IDSi is a vendor-supplied, user-purchased capability. Software is user-friendly and data are secure. This is a very efficient and dynamic system that allows for expansion. The state does not plan to use this software due to a lack of funding.
- Tier 2 submit software requires facilities to submit data via email and hard copy. There have been problems with opening and downloading the email data because of software and firewalls. Some discs that have been mailed exhibit problems with displaying data and sometimes can not be opened. In addition all of this information still needs to be mailed to the LEPC's and fire departments. This process has not been effective or efficient.
- E-Plan is web-based system whose electronic database is managed by The University of Texas at Dallas (UT Dallas). It is sponsored and funded by the U.S. Environmental Protection Agency and the U.S. Department of Homeland Security. E-Plan is a secure, web-based system that includes the necessary and required elements to receive chemical inventory information from facilities. The system includes information on the chemical(s) properties, basic plume-modeling, and includes the capability to be exported to other forms of data and systems. The E-Plan system is provided at no cost to all users - local fire departments, county officials, the state, and industries. NC SERC discussions concluded that the chemical industry is highly receptive to web-based electronic reporting.

V. Basic E-Plan Facts

There are two types of account registration – government and facilities.

- Government: Local governments will request access to E-Plan's Emergency Response Information System (web site: https://erplan.net). Once authorized, they can view information submitted by facilities in their area.

- Facilities: Facilities will go to E-Plan's Online Tier II Reporting System web site at https://tier2.erplan.net, will create their facility profile and password, and will be allowed only to submit and retrieve Tier II information for their facility.

VI. Steps for LEPCs to Implement E-Plan in Their Jurisdiction

A. Identifying Authorizers for LEPCs

LEPCs should first identify the authorizing authorities for their jurisdiction. The decision to identify county-level authorizers ultimately rests with the agencies that comprise the LEPC. It is recommended that only a limited number of persons within a county be identified as the authorizing authority for their jurisdiction. These persons should be program management or senior officers that represent their agency on the LEPC and are the lead in decision making on behalf of their respective agency. Each of those agencies should have at least two authorizers who can serve as the focal point for that agency to respond to agency-specific requests (users) to access E-Plan. This will help ensure that access to secure information is maintained and allow for each response discipline (i.e., fire, EMS, police) to have an authorizer to confirm access for their respective discipline. As an example, the following is list of potential County-level authorizers:

- County Administrator, County Supervisor or Designee
- LEPC Chair; LEPC Coordinator
- County Emergency Management Office – Director, Administrator, Coordinator
- County Homeland Security Representative – Director, Administrator, Coordinator
- County Fire Marshall/Fire Coordinator
- County HazMat Team Coordinator; Deputy Coordinator
- County Sheriff
- County EMS Coordinator

B. Amendments to LEPC By-Laws

Section 301(c) of SARA Title III requires each LEPC to develop rules (by-laws) by which each committee shall function. LEPCs should formally amend their rules and identify the specific agency, and individuals, that will serve as authorizers for their jurisdiction.

It is important to note that an E-Plan authorizer can only authorize users to access E-Plan and view Tier II inventory submissions for their jurisdiction, not in other jurisdictions. Authorizers should not approve E-Plan access to individuals in neighboring jurisdictions unless the authorizers of both jurisdictions are in concurrence in allowing such access to the system. This limitation should be reflected in the LEPC's by-laws.

C. Requests under the Freedom of Information Act (FOIA)

Members of the media and the general public should not be allowed access to the system as either an authorizer or a user. In response to FOIA requests, authorizers should only provide the information that is being requested, if appropriate, and not provide open access to the system.

D. Establishing County Authorizing Authorities

Once the LEPC has determined who will serve as their authorizing authorities, a potential "Authorizing Authority" must complete and submit the on line "Authorizing Authority Account Request" forms on the E-Plan home page at https://erplan.net.

Upon receipt of the complete "Authorizing Authority account request" form, E-Plan will send via e-mail the request for system access to the selected authorizer. The authorizer will check to see if the request is legitimate and either approve or deny the request.

Once approved, a new 'Authorizing Authority" account is set up and an e-mail message with the account information is sent to the new "E-Plan Authorizing Authority" who now will approve all future E-Plan 'users" in the jurisdiction.

All future requests to become authorized E-Plan users will be forwarded to the appropriate "Authorizing Authority" in that jurisdiction for approval.

After approval by the "Authorizing Authority" for that jurisdiction, E-Plan will send an e-mail message with the account information to the new E-Plan registered user. See the example listed below.

From: eplan@utdallas.edu[mailto:eplan@utdallas.edu]
Sent: Friday, August 24, 2007 11:17 AM
To: Requestor
Subject: Account Created on E-Plan System

THIS IS AN AUTOMATED RESPONSE. PLEASE DO NOT REPLY TO THISMESSAGE.

Dear Requestor,
This Email is to notify you that an account has been created/updated for you in the E-Plan System. Attached with this email is the information about your account.

Use the following URL to login into the E-Plan System.
https://erplan.net/eplan/login.htm

If you have not requested an account, please contact the E-Plan administrator at eplan@utdallas.edu.

To change your password in the system, login into the system, click on "Maintain Account" button on the left hand side of the screen, type in a new password in the password field and click on "Save Changes" button at the bottom of the screen to update the password.

E. Establishing County Users of E-Plan Information

As mentioned above, all requests from individuals to become authorized E-Plan users will be forwarded to the appropriate "Authorizing Authority" for approval in that jurisdiction either by fax or e-mail. The steps to becoming a user are similar to the steps in becoming an authorizer.

Prospective users must complete and submit the online "User Account Request" form on the E-Plan home page at https://erplan.net

In filling out the form, prospective users will be prompted to read, understand and fill in the "Acceptable use Policy" form.

Upon receipt of the complete "User account request" form, E-Plan will send via e-mail the request for system access to the selected authorizer. The authorizer will back check to see if the request is legitimate and approve or deny as appropriate through local channels.

Once approved, a new "User" account is setup and an e-mail message with the account information is sent to the new "E-Plan User".

F. Fire Department Access to the Information

Typically, each county LEPC includes a representative from the fire coordinator's office. This individual should be the lead in approving or denying access to the system by fire service personnel. Fire coordinators should use their discretion in determining the number of individuals from each fire department requesting access to the system and may consider limiting access to chief officers and line officers.

It is recognized that a limited number of fire service personnel in the State may not have internet access to obtain the information on E-Plan or may elect to not accept electronic reporting from the facility. This is of key concern as the fire service is typically the first line of defense in response to a chemical emergency. County LEPCs should discuss this issue with their county fire coordinator. If such cases exist, counties can still require facilities to provide hardcopy submissions of their Tier II forms, MSDSs and site maps to the fire department having jurisdiction over the facility. LEPCs need to ensure that their industry partners know what departments should continue to receive hardcopy submittals of Tier II information.

VII. Steps for Facilities to Implement E-Plan

A. Account Setup

Facilities can start a new submission by going to the E-Plan's Online Tier II Reporting System at https://tier2.erplan.net.

Once at the "Welcome to E-Plan's Online Tier II Reporting System" page, click on the "Register Now" link to create a new Access ID. You will be prompted to create a password for your submission and provide your name and email address. The Access ID and password will protect your submission against unauthorized access.

The remaining submission information is relatively simple to use and follow. For those that need assistance, the program also includes an online tutorial. To access the tutorial, click on the domain (drop-down box) in the upper right corner of the page. This will link to another web page and give the user an online tutorial, step by step, on how to file their information. In addition, by selecting this domain, users can also receive the information on how to import *Tier2 Submit* information into the E-Plan system.

- NC accepts Tier2 Zip file or .t2s file for an electronic submission. Retrieve those files from E-Plan by clicking on Export to Tier2 zip or Export to .t2s file button on the Filing Management screen.

- Note that the E-Plan's Online Tier2 Reporting System will not allow you to submit your Tier II data until the "Submission Validation Report" indicates all required fields are correct and the "Upload Data to E-Plan" has been pressed. Once their Tier II data is submitted, the system will send an email message to the reporting facility stating your submittal was received. Attached with the email is a copy of the facility's Tier2 Online Submission Report in PDF. The reporting facility can forward the email message to their local and state agencies.

B. Submission of MSDSs

E-Plan includes thousands of MSDSs that are available to incorporate along with the facility's submission. However, 40 CFR 370.21(MSDS Reporting) requires facilities to report facility-specific MSDSs. This is crucial as first responders may rely upon facility-specific MSDSs as a reference in making the decision as to the appropriate type/level of protective clothing to wear in an emergency. Industries that are required to provide MSDSs along with their Tier II report should not be relying upon the generic MSDSs contained within E-Plan and should post their specific MSDS on the E-Plan site. For reference, the MSDSs in question are those that are required to be on hand for employee review and regulatory inspection under the 29 CFR 1910.1200 *Hazard Communication Standard.* Chemical suppliers, distributors and manufacturers are required to provide these MSDSs to industry upon request.

VIII. E-Plan Training

It is beyond the scope of this document to include a user guide to navigate from point to point in the program. However, from the Training web page located at https://eplan.erplan.net/training/, local government personnel can go through an on-line tutorial that guides them on how to use the system, search the chemical databases, and use the system in response to an event.

On-site training workshops are available for all users. The training would be conducted in a train-the-trainer format and will need to reach the two primary audiences: government and industry. If you are interested in hosting a session in your jurisdiction, please consider the following:

The training sessions could be delivered in three hours or less. A training site should comfortably seat 35-50 individuals with available desk space. A source of web access for usage by E-Plan training staff is needed. Multiple web access points or wireless is desirable to allow participants practical usage of the system during training.

If you are interested in hosting a training session or would like more information about the program, please contact:

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