

New York State E-Plan Implementation Guide for County Local Emergency Planning Committees

I. Introduction

This information is being provided to county Local Emergency Planning Committees (LEPCs) to serve as guidance in determining whether or not the use of a web-based Tier II reporting system is something they want to pursue. Further, this document includes background information on Tier II inventory reporting, as well as the necessary steps to consider in properly implementing such a program in their jurisdiction.

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 industry 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 annually submit their chemical inventory information to off-site officials on or before March 1st. The inventory information must be submitted to the fire department having jurisdiction over the facility, the respective county LEPC, and the SERC. Traditionally, facilities required to report under EPCRA have used the hardcopy Tier II form or some electronic variation (i.e., Tier II Submit) as a means of complying with the notification requirements. This variance in reporting methodology often makes it difficult to utilize the information for local and State planning purposes.

III. The Case for a Statewide Tier II Reporting Methodology

The SERC conducted an in-depth review of the submission process and methods and has identified that a standardized, internet-based statewide system would benefit both the users and filers of Tier II-related information. The submission of Tier II data via the internet has been effective in improving compliance and reducing cost to the regulated community in other states and in several New York counties where electronic reporting is currently being used. This electronic process also has the added benefit of providing an effective data management tool for emergency management officials and the first-responder community as they plan for and respond to incidents involving hazardous materials. Further, facilities can update their 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 Make E-Plan for Use in New York State

The SERC Working Group has reviewed the capabilities of a Tier II methodology known as E-Plan. E-Plan is an electronic database managed by The University of Texas at Dallas (UT Dallas) and is funded by 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 that are required to report. The system includes information on

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the chemical(s) properties, basic plume-modeling, and includes the capability to be exported to other forms of data and systems.

V. Basic Points in Considering Using E-Plan

It is important to note that the SERC has decided to accept electronic reporting for compliance purposes in satisfying the notification to the State. The SERC is encouraging, not requiring, counties to use the program. Each county LEPC and fire department should decide if electronic submission is a process that they are willing to accept for compliance with Section 312.

The E-Plan system is being provided at no cost to all users, including local fire departments, county officials, the State and industries that are required to report. For reference, SERC discussions with chemical industry representatives have identified that the chemical industry is highly receptive to the use of electronic reporting.

LEPCs should recognize that there are two types of users of the E-Plan system:

1. Those that submit information (i.e., industry).
2. Those that view the information submitted by industry for planning and response purposes (i.e., LEPCs, response agencies). This includes local government “authorizing authorities” and “users” of the E-Plan system.

For Industry: Facilities can log on to the E-Plan web site, create their facility profile and password, and will be allowed only to submit and retrieve Tier II information as it pertains to their facility.

For Government: Local government personnel (users) requesting access to review the information submitted by industry will do so on-line. The request will be sent from E-Plan to an “authorizing authority” in that jurisdiction to confirm the legitimacy of the user request. Therefore, each LEPC will need to identify “authorizing authorities” in their jurisdiction that will approve or deny a user’s access to the information submitted by industry.

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

A. Appointing LEPC Authorizers

Once an LEPC has determined that they want to use E-Plan as their reporting system, they 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.,

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fire, EMS, police) to have an authorizer to confirm access for their respective discipline. As an example, the following is list of 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.

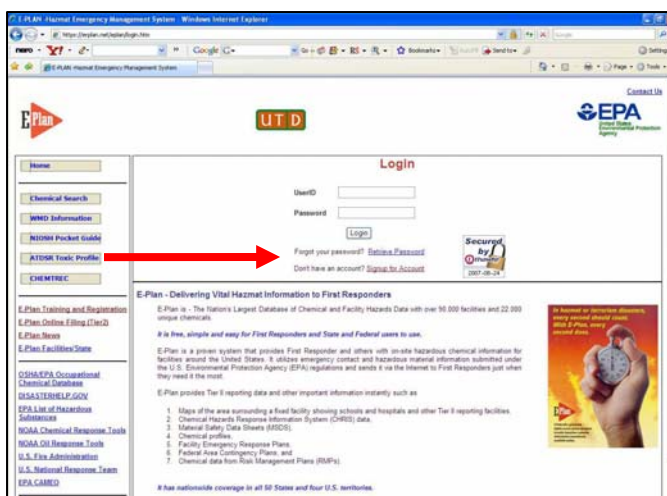
C. Requests under the Freedom of Information Law (FOIL)

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 FOIL 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:

1. Complete the on line “Authorizing Authority Account Request” form on the E-Plan website. Begin by logging on to the following link: <https://erplan.net>. Once there, click on the “Signup for Account” link on the middle of the web page.



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After clicking on the “Signup for Account” link, you will be directed to the web page at right. From this page, select the “Authorizing Authority” account type and click on the “Continue to Account Creation” button to request an authorizing authority account for your jurisdiction, noted by the red arrow.

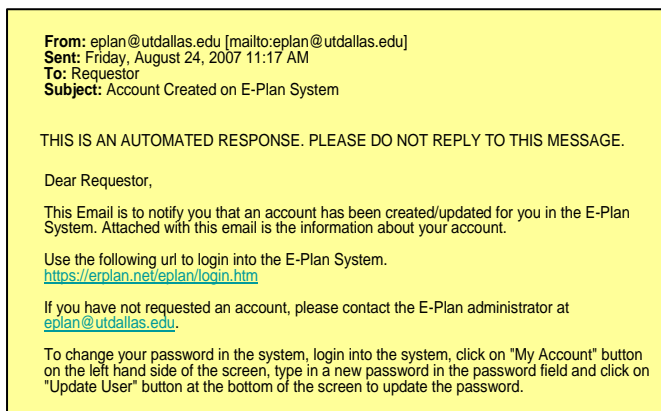
This will take you to a page with numerous required fields (boxes) to establish the account in your jurisdiction. Fill in the required fields to identify yourself, your jurisdiction and your own specific UserID and password. After completing the account request form, click the “Create User” button at the bottom of the web page to submit your request.

2. At the completion of the account request:

- The E-Plan Team at UT Dallas will contact the person who filled out the form by phone or e-mail to verify their identity and desire to be an “Authorizing Authority”.
- Once approved, the E-Plan Team will set up the new “Authorizing Authority” account for the person (or persons) who now will approve all future E-Plan “users” in that jurisdiction.

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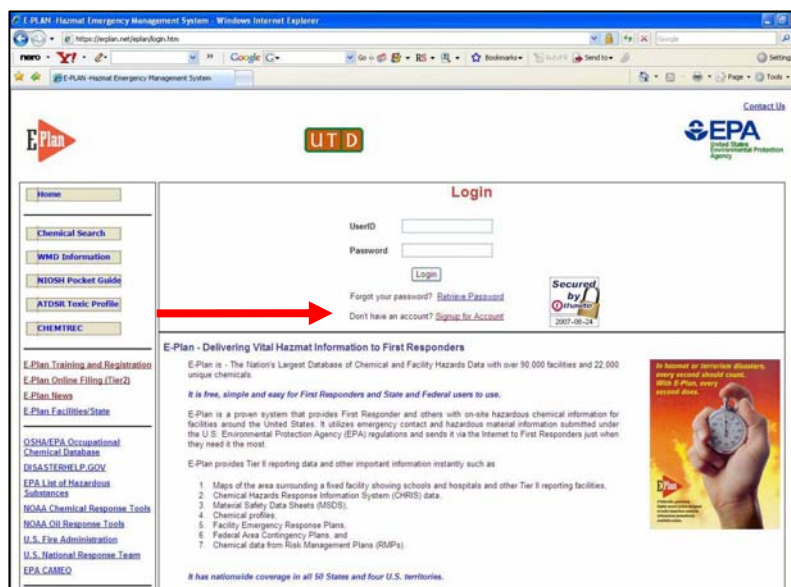
- The E-Plan Team will send an e-mail message with the account information to the new E-Plan “Authorizing Authority”.
- All future requests from individuals to become authorized E-Plan users will be forwarded to the appropriate “Authorizing Authority” in that jurisdiction for approval either by fax or by e-mail.
- After approval by the “Authorizing Authority” for that jurisdiction, the UT Dallas E-Plan Team will send an e-mail message with the account information to the new E-Plan registered user.



E. Addressing County Users of E-Plan Information

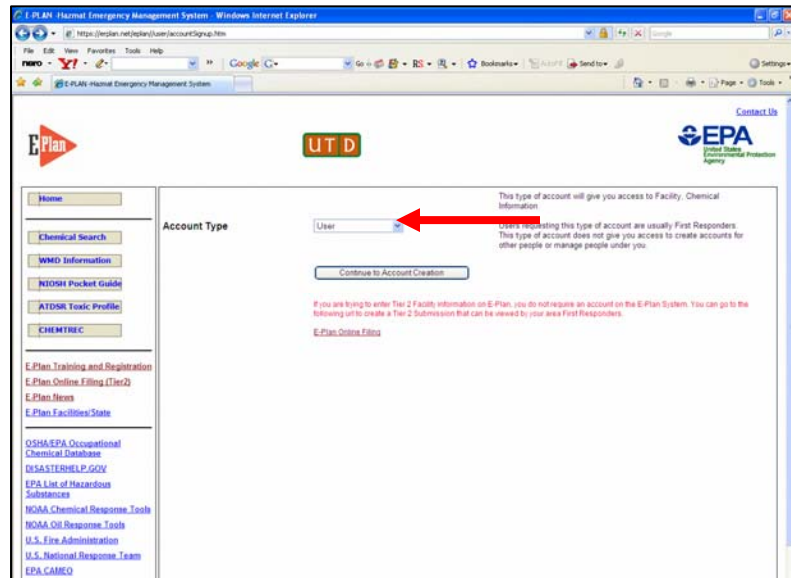
As mentioned above, all future requests from individuals to become authorized E-Plan users to view the information on E-Plan will be forwarded to the appropriate “Authorizing Authority” for approval in that jurisdiction either by fax or by e-mail. The steps to becoming a user are similar to the steps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

1. Prospective users should go to the website at: <https://erplan.net>. From there, the requestor should click on the “Signup for Account” link on the middle of the web page, noted by the red arrow.



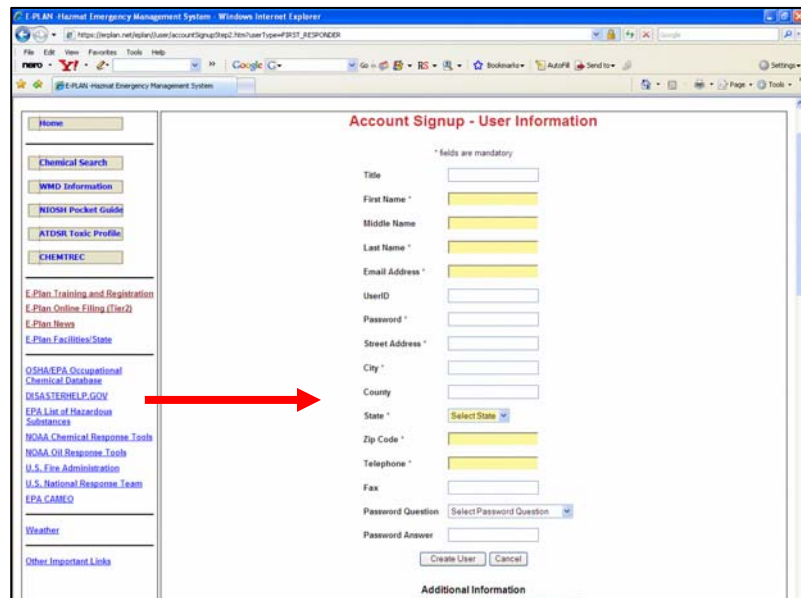
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After clicking on the “Signup for Account” link, the prospective user will be directed to the web page at right. From this page, select the “User” account type and click on the “Continue to Account Creation” button to request a user account, noted by the red arrow at right.



The screenshot shows the 'Account Type' selection screen. The 'User' option is selected in the dropdown menu, indicated by a red arrow. The page includes a sidebar with navigation links such as 'Home', 'Chemical Search', 'WMD Information', 'NIOSH Pocket Guide', 'ATSDR Toxic Profile', and 'CHEMTREC'. A central text area explains that the 'User' account type provides access to Facility Chemical Information and is typically for First Responders. A 'Continue to Account Creation' button is visible below the dropdown. A red arrow points from the text in the first block to this button.

This will take applicants to a page with numerous required fields (boxes) to establish a user account. Fill in the required fields to identify yourself, your jurisdiction, your own specific UserID and password, and your supervisor’s name and his/her e-mail address.



The screenshot displays the 'Account Signup - User Information' form. The form contains several input fields: Title, First Name, Middle Name, Last Name, Email Address, UserID, Password, Street Address, City, County, State (a dropdown menu), Zip Code, Telephone, and Fax. There are also fields for Password Question and Password Answer. A red arrow points from the text in the second block to the 'State' dropdown menu. At the bottom of the form, there are 'Create User' and 'Cancel' buttons, and a section for 'Additional Information'.

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

Additional Information

Immediate Supervisor

Supervisor Email

Acceptable Use Policy

Please Note:

In Section 1 of this form, you are the "User" and you put your name in the blank labeled "User". The "Authorizing Authority" is the person in your city, county or parish or state that approves people to become E-Plan users. That might be County Judge, County Administrator, Emergency Services Director, Fire Chief, Health Department Director, etc.

Put their name in the blank labeled "Authorizing Authority". If you do not know who your "Authorizing Authority" is, please contact E-Plan at:

- By e-mail: e-plan@dallas.edu
- By phone: 972-883-2631
- By mail: The University of Texas at Dallas (UTD) CyberSecurity & Emergency Preparedness Institute (CSEPI) Emergency Preparedness Center, Attn: E-Plan Administrator, 2501 N. Floyd Rd., Wt 11, Richardson, TX 75099-1407

Fill out this form with your name as "User" and the name of the appropriate "Authorizing Authority", as explained above.

This Acceptable Use Policy is effective as the date of last signature below, by and between (User) and (Authorizing Authority). Moreover, the User recognizes and agrees that the E-Plan HAZMAT account and password issued to the User on this day: (Date) are the sole and exclusive property of E-Plan and may be revoked at any time without advance notice to the User and at the sole discretion of E-Plan.

The Acceptable Use Policy defines the guidelines and specifies the actions that are prohibited by E-Plan regarding the use of the E-Plan HAZMAT system. E-Plan reserves the right to modify the Acceptable Use Policy at any time and without notice, effective upon the posting of said changes at [http://www.e-plan.org](#).

The User must read, understand, initial, and abide by the Terms and Conditions as set forth below. By signature hereto, the User agrees to be bound by the Terms and Conditions contained herein by E-Plan.

Illegal Action

The E-Plan HAZMAT system may only be used for lawful purposes. Transmission, distribution, or storage of any material in violation of any applicable law or regulation is prohibited. This includes, without limitation, material protected by copyright, trademark, trade secret, or other intellectual property right used without proper authorization, and material that constitutes an illegal threat or violates export control laws.

System and Network Security

After completing the Acceptable Use Policy form, click the “Create User” button as noted by the red arrow at right to submit your request.

Account Signup - User Information

* fields are mandatory

Title

First Name *

Middle Name

Last Name *

Email Address *

User ID

Password *

Street Address *

City *

County

State *

Zip Code *

Telephone *

Fax

Password Question

Password Answer

Additional Information

Upon receipt of the online application, E-Plan will send the request for system access to the authorizing authority **in that jurisdiction**. After approval by the authorizing authority for that jurisdiction, the UT Dallas E-Plan Team will setup the new “user” account and send an e-mail message with the account information to the new “E-Plan registered user”.

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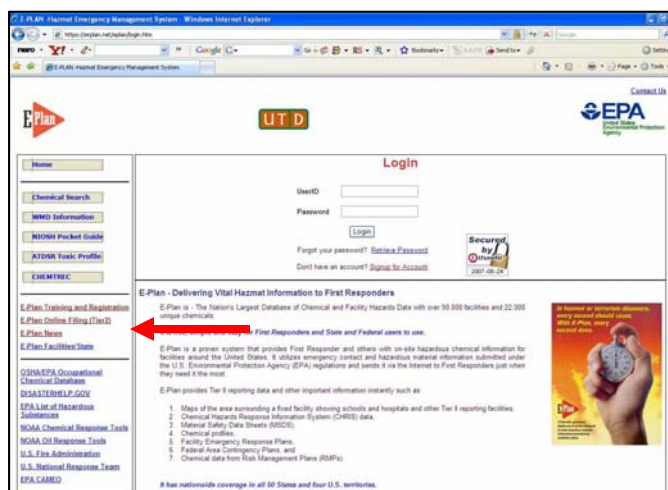
F. Specifics on Fire Department Access to the Information

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. Industry Usage

Industry representatives should first go to the main web page at <https://erplan.net/eplan/login.htm>. Once there, Tier II filers should click on the E-Plan Online Filing (Tier2) link on the left side of the page. This is noted by the arrow at right.



After clicking on E-Plan Online Filing, the page at right will appear. From here, Tier II filers can create their own access ID and user password. Doing so will generate the facility's initial profile that can be edited only by facility personnel with proper access. To generate the user ID and password, click on the "Click Here" link noted by the arrow at right.



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After clicking on the red arrow noted above, Tier II filers will be directed to this web page. From here, Tier II filers can generate user-specific (and facility-specific) information.

After completing the required fields (boxes) at right, click on “Continue” to complete the online submission of inventory information.

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 is noted by the arrow at right. 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.

G. A Special Note for Facilities

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.

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VIII. Program Usage and 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 and Registration web page, 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. This link is noted by the red arrow in the slide below.

Training workshops for all potential users, including industry and government, are being considered by the SERC. The training will 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 may be delivered in two hours or less.

A facility should comfortably seat 35-50 individuals with available desk space.

A facility is required to have at least one source of web access for usage by E-Plan training staff. 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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