

The State of New York Chooses to Implement an Electronic Submission of Tier II Chemical Inventory Information

The State of New York has decided to accept and encourage the use of an electronic Tier II submission program as the primary means for companies operating in New York State to comply with federal chemical inventory reporting requirements. The information below will provide you with key points in using electronic filing as well as the background of chemical inventory reporting and what this means to you and the local governmental agencies that serve your facility.

What is Tier II reporting and who must submit these reports?

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 development of a State Emergency Response Commission (SERC) as well as Local Emergency Planning Committees (LEPCs) to manage hazardous materials preparedness at the State and county level. In addition to State and local planning requirements, EPCRA Section 312 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 of each year. The inventory information must be submitted to the fire department having jurisdiction over the facility, the respective county LEPC, and the SERC.

The primary means of chemical inventory notification and submission is via a federally-developed form, known as a Tier II Chemical Inventory form. Tier II forms require basic facility identification information, employee contact information for both emergencies and non-emergencies, and information about the chemicals stored or used at the facility. Traditionally, facilities required to report under EPCRA have used the hardcopy Tier II form or some electronic variation as a means of complying with the notification requirements. This variance in reporting methodology makes it difficult to manage and use and is not always readily available or easily accessed at the State and local levels.

What are the benefits of using electronic submission?

The State Emergency Response Commission has 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 used. This electronic process also has the added benefit of providing an effective data management tool for the regulated facilities, Emergency Management officials and the first-responder community as they plan for and respond to incidents involving hazardous materials. Regulatory compliance staff can be supported by this service as well because facilities can update their information, such as chemical lists, material safety data sheets (MSDSs) (or Safety Data Sheets, SDSs) and contact information, on-line as circumstances within the facility change without waiting until the next required report. This will make the next year's report easier and help the response community if an incident occurs.

What is the name of the electronic filing system?

The SERC is encouraging, not requiring, facilities to report Tier II information using an application called E-Plan. E-Plan is maintained by the University of Texas at Dallas (UTD) in cooperation with the Department of Homeland Security (DHS). E-Plan is provided at a charge of \$25 per facility. State and local planning committees, and fire service officials have authorized access to review the information for response, planning and compliance purposes. The information submitted by facilities is stored on a secure server managed by the UTD and is only accessible with permissions granted by appropriate authorities. More than 37,000 chemical sites across all fifty states and territories currently utilize this free web-based application.

Who will have access to the information that will be submitted?

The information that each reporting entity provides will be accessible to the same audience that is currently allowed under EPCRA. Facilities can log on and will be allowed only to submit and retrieve information as it pertains to their facility. Persons requesting access to review the information submitted by industry will do so on-line on the E-Plan web site. However, upon receipt of a request to access the system, UTD staff will contact an “authorizing authority” in the jurisdiction where the request originates to verify the appropriateness of the request to view industry submissions. This authorizing authority will either allow or deny access to individuals based on a need-to-know basis. Counties that participate in using the system will decide who in the county will serve as that authorizing authority.

Who is accepting electronic filing as the formal reporting process?

The decision to allow the use of this web-based application for compliance purposes applies only to satisfying notification of the SERC. County LEPCs and fire departments will need to decide if electronic submission is a process that they are willing to accept for compliance with Section 312. In addition, E-Plan allows a facility the ability to print the necessary information from the on-line application if a printed copy is required by the LEPC or the local fire department. Facilities that are required to report should contact their respective LEPC and fire department in which their reportable facility resides.

How do I use this system? Is there training for this?

The E-Plan system is very user-friendly and requires little preparation time on behalf of industry to accurately and effectively submit inventory information. The E-Plan home page can be found at <https://erplan.net>, with the “E-Plan Online Filing” on the left side of the page. After clicking on filing Tier II information, you’ll be able to create your submission under the “Welcome to Tier 2 Submit Online” dialog box. Once here, you can create and enter your own user identification profile. Also, in the upper right corner of the webpage, you can choose a list of options from the domain entitled “Select a Tour.” This is an excellent on-line automated tutorial that will assist you in using the system to report your inventory information. Please contact NYSOEM if you would like additional information or training on the E-Plan system.

Resources

To learn more about E-Plan and link to other resources, please go to the website: <https://erplan.net>. For additional information on the use of E-Plan in New York State, Tier II reporting, thresholds, training announcements, the SERC and hazardous materials program support, please see the State Office of Emergency Management (NYSOEM) website at <http://www.dhSES.ny.gov/oem/disaster-prep/>.

For reporting requirements, please see the EPA fact sheet on EPCRA and summary of reporting requirements at: <http://www.epa.gov/oem/docs/chem/epcra.pdf>. For a listing of chemicals and threshold planning and reporting requirements see the EPA list: http://www2.epa.gov/sites/production/files/2013-08/documents/list_of_lists.pdf.

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