

January 2014 Modifications/Additions to CERS EDT Terms of Use

The text below indicates the modifications and additions Cal/EPA made to the CERS EDT Terms of Use document on January 30, 2014 (<http://cers.calepa.ca.gov/EDT/TermsOfUse/>). The modifications (marked in red) and larger blocks of additions (marked in green) reflect changes to the previous version of the document published on February 11, 2013 with the previous title of "EDT Data Exchange Agreements". The markup only shows substantive changes, and does not reflect the moving of some sentences in the text for clarity.

CERS EDT ~~Services Terms of Use~~ ~~Data Exchange Agreements~~

When a CUPA or PA¹ wishes to make use of CERS EDT Services, they need to determine which services they will be using. The CERS EDT Services available to Regulators are divided into six tiers, with increasing business process complexity and security required for higher numbered tiers. The EDT Tiers are described [here](#). Any UPA requesting EDT access would normally make use of at least Tiers 1 and 2 (for querying submittals, facilities, and various CERS libraries). ~~CUPAs~~ then would need to determine if they need access to [more involved EDT Services](#): Tier 3 (upload CME data into CERS), Tier 4 (upload submittal review actions from the local data system to CERS), [Tier 5 \(creating facilities in CERS\)](#), and [Tier 6 \(transmitting facility submittals collected from a local reporting portal or proxy submittals generated from the local data system\)](#).

Any UPA making use of ~~Tier 1-4 CERS EDT~~ services agrees to abide by the [terms of use data exchange agreement](#) shown below. Cal/EPA may change these conditions as necessary, and will alert regulators to such changes via the [CERS Regulator Users](#) and EDT Implementers listserv. Cal/EPA may immediately suspend an UPA's EDT services if [their transactions do not adhere to the Terms of Use below](#) or ~~their transactions~~ are cause an undue burden on CERS servers. The UPA's EDT Administrator will be contacted to discuss and resolve issues leading toward service resumption.

~~CUPAs wishing to use Tiers 5 and/or 6 for exchanging facility submittal information collected from their local reporting portal will need to complete a more substantial usage agreement including certifying certain internal business processes to ensure the data and process integrity of new facilities and facility submittals submitted to CERS.~~

~~Data Exchange Agreement for UPAs using Tier 1-4 CERS EDT Services~~ [Terms of Use](#)

¹ Note: The result of a policy decision in Unified Program Bulletin 1011-01 of April 8, 2011 provides that a PA can only use Tier 1 and 2 services.

UPA will create a CERS Account dedicated solely to EDT usage, and the UPA and its agents/vendors/contractors will carefully protect this account's password.

UPA will establish and always maintain at least one CERS user with EDT Administrator rights who will be the first point of contact to Cal/EPA's CERS technical staff.

UPA will make thoughtful use of Tier 1 and 2 query parameters to ensure a single request does not download return too much data and overburden CERS servers~~during a specific request~~ (e.g., only request a few hundred submittal elements at a time).

When practical, UPA will avoid scheduling EDT transactions during peak weekday hours for the CERS web sites (8am-~~4~~3pm).

UPA understands that CERS EDT Services (and web sites) are not ~~necessarily~~ available 24 hours per day 7 days per week as described at <http://cers.calepa.ca.gov/policy/availability/>

Cal/EPA may occasionally (with advance notice) change the endpoint URLs used by a specific UPA to help with server load balancing issues.

UPA understands any agents/vendors/contractors assisting with EDT implementation ~~has~~have extensive access to most/all of the UPA's facility submittal data. The UPA is fully responsible for the conduct/actions of such individuals.

UPA understands that while they may direct Cal/EPA technical staff to work directly with their agents/vendors/contractors on EDT implementation and problem resolution, the UPA's management is ultimately responsible for all aspects of their CERS EDT (and web site) activities.

CUPAs using Tier 3-6 services will submit data to CERS in a timely manner, and no later than the timeframes specified in relevant statutes and regulations (e.g., CCR §15290(b) and Cal. Health & Safety Code §25509.2(a)(3)) or as specified in Cal/EPA guidance letters.

CUPAs using Tier 3-5 services are responsible for correcting any data problems they may have created by their EDT transactions. Such corrections could be performed using appropriate EDT services, or manually using the CERS Regulator Portal. ~~The UPA is responsible for correcting any Submittal Action Notifications or CME data problems they may have created in their EDT transactions via usage of the appropriate EDT endpoints or the CERS Regulator Portal.~~

Tier 5 (Facility Management) Terms of Use

In advance of using the Facility Create Service to create a new facility in CERS, UPAs must:

1. Perform manual and/or automated searches of the addresses of current CERS facilities to avoid creating a duplicate facility in CERS.
2. Perform manual and/or automated searches of existing CERS Businesses/Organization entities and assign the new facility to the existing CERS Business/Organization when appropriate (by including an appropriate CERS Organization Code in their Facility Create transaction).

Tier 6 (Facility Submittal Submission) Terms of Use

Timely Submissions: Facility submittal elements originating from a local reporting portal should be transmitted to CERS within 15 calendar days, regardless of whether the UPA has reviewed the submittal elements or not. Unreviewed submittal elements (status *Submitted* or *Under Review*) can be later updated with a Tier 4 Submittal Action Notification transaction.

Proxy Submittals: Facility submittal elements originating from a CUPA on behalf of a facility owner/operator are termed Proxy Submittals. These include submittal elements generated by the regulator from their local data system, or submittal elements that were submitted to a local reporting portal by the facility owner/operator but have been modified in some manner by the CUPA prior to being transmitted to CERS. Proxy submittals constitute a substantial commitment on the part of CUPAs that allow them. For every Proxy Submittal, CUPAs must send an email or paper mail communication to the facility owner/operator indicating they made the Proxy Submittal, and these communications must be retained for review by Cal/EPA during CUPA evaluations and archived as part of the local data system management.

Local Reporting Portals: Local Reporting Portals directly accepting submittals from facility owner/operators must implement and adhere to all CERS data specifications and processes, including:

- Implementing all relevant Unified Program and CERS System Data Dictionary Fields
- Represent in the local reporting portal's user interface the CERS Submittal Elements and their resources (forms and supplemental documentation) using the same essential terminology as the CERS Business Portal.
- Apply all business rules and standards identified in the CERS2 Business Rules, CERS EDT Manual, and the CERS Document Upload standards.

Local Reporting Portals must implement and accept submissions for all 9 of CERS submittal element types.