

**3745-104-39      Assertion of claims of trade secret information.**

- (A) Except as provided in paragraph (B) of this rule, an owner or operator of a stationary source required to report or otherwise provide information under this chapter may make a claim for trade secret protection for any such information. Such information shall be designated trade secret only after the director, pursuant to rule 3745-49-03 of the Administrative Code, determines that the information meets the definition of trade secret as defined by section 1333.61 of the Revised Code.
- (B) Notwithstanding the provisions of rule 3745-49-03 of the Administrative Code, an owner or operator may not claim as a trade secret the following information:
- (1) Registration required by paragraphs (B)(1) to (B)(6), (B)(8) and (B)(10) to (B)(13) of rule 3745-104-42 of the Administrative Code and NAICS code and program level of the process set forth in paragraph (B)(7) of rule 3745-104-42 of the Administrative Code.
  - (2) Offsite consequence analysis data required by paragraphs (B)(4) and (B)(9) to (B)(12) of rule 3745-104-43 of the Administrative Code.
  - (3) Accident history data required by rule 3745-104-44 of the Administrative Code.
  - (4) Prevention program data required by paragraphs (A)(1), (A)(3), and (A)(5) to (A)(11) of rule 3745-104-45 of the Administrative Code and the date of the most recent hazard review or update set for in paragraph (A)(4) of rule 3745-104-45 of the Administrative Code.
  - (5) Prevention program data required by paragraphs (A)(1), (A)(3), and (A)(5) to (A)(15) of rule 3745-104-46 of the Administrative Code and the date of completion of the most recent process hazard analysis or update set for in paragraph (A)(4) of rule 3745-104-46 of the Administrative Code.
  - (6) Emergency response program data required by rule 3745-104-47 of the Administrative Code.
- (C) Notwithstanding the procedures specified in rule 3745-49-03 of the Administrative Code, and subject to all other requirements of this rule, an owner or operator asserting a claim for trade secret protection with respect to information contained in its RMP shall submit to Ohio EPA, at the time it submits the RMP, the following:
- (1) The information claimed as trade secret, provided in a format to be specified by Ohio EPA.
  - (2) A sanitized (redacted) copy of the RMP, with the notation "trade secret" substituted for the information claimed as trade secret, except that a generic category or class name shall be substituted for any chemical name or identity

claimed confidential.

- (3) The document or documents substantiating each claims of trade secret information as described in rule 3745-104-40 of the Administrative Code.

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