

3745-50-30

**Trade secrets - request for confidentiality.**

- (A) Any record, report, or other information obtained under the hazardous waste rules or Chapter 3734. of the Revised Code must not be available to the public upon a showing satisfactory to Ohio EPA that all or part of such record, report, or other information (other than discharge or emission data) would divulge methods or processes entitled to protection as trade secrets of such person, in which instance, Ohio EPA must consider such record, report, or other information or part thereof confidential and administer such record, report, or other information pursuant to this rule. ("Trade secrets" is defined in rule 3745-50-10 of the Administrative Code.)
- (B) A request for confidentiality must be submitted to Ohio EPA simultaneously with submittal of the specific record, report, or other information, and such request must be accompanied by sufficient supporting documentation. Failure to make such timely request must constitute a waiver of the right to prevent public disclosure.
- (C) A decision as to the confidentiality request must be made by Ohio EPA within forty-five days ~~of~~ after receipt of a request filed in accordance with rule 3745-50-29 of the Administrative Code. Until such decision is made, the record, report, or other information or part thereof, must be confidential. The person requesting confidentiality must be notified by mail of the decision.
- (D) Any record, report, or other information determined to be confidential may be disclosed, without such person's consent:
- (1) To officers, employees, or authorized representatives of the state or federal agency;
  - (2) In any judicial proceeding; and
  - (3) In any hearing conducted by Ohio EPA.
- ~~(E) As used in this rule, "trade secrets" means any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article, trade or service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.~~

Effective: 09/05/2010

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CERTIFIED ELECTRONICALLY

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Certification

07/23/2010

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Date

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