

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 3745-104-41 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 (B)(6), (D), (E)(1) and (F) to (K) of rule 3745-104-45 of the Administrative Code;
 - (5) Prevention program data required by paragraphs (B), (D), (E)(1) and (F) to (P) of rule 3745-104-46 of the Administrative Code; and
 - (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; and

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

Effective: 01/08/2010

R.C. 119.032 review dates: 10/22/2009 and 10/23/2014

CERTIFIED ELECTRONICALLY
Certification

12/29/2009
Date

Promulgated Under: 119.03
Statutory Authority: 3753.02
Rule Amplifies: 3753
Prior Effective Dates: 8/13/99