This document contains the procedure used by the Industrial Waste & Pollution Prevention Section (IWPP) of Metropolitan Council Environmental Services (MCES) to handle confidential business information and trade secret information. MCES recognizes confidential business information as defined in 40 CFR part 403.14, and trade secret information as defined by the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13; MCES collectively refers to both as Confidential Business Information.

For the purposes of this document, Confidential Business Information is business information MCES requires an Industrial User to submit as part of documents required under the National Pretreatment Program that:

1. meets the definition of confidential business information in 40 CFR Part 2.208; and
2. is not used to assess the characteristics of Industrial Waste discharges into the sanitary sewer.

This procedure applies only to specific information found in one of the following documents:

- Industrial Discharge Permit Application
- Industrial Discharge Permit Renewal Application
- Baseline Monitoring Report

CONFIDENTIAL BUSINESS INFORMATION REQUESTS

An Industrial User can request that information they submit to MCES be treated as confidential business information by completing a “Confidential Business Information Request Form” found as Attachment A of this procedure. The completed request form must be submitted with two versions of the document. One copy should be complete, with the confidential information provided. The other copy should be sanitized, with the confidential information removed.

When submitting information using the MCES Electronic Reporting System (ERS), the electronic submittal will be the sanitized copy, with the confidential business information not included. In addition, the requestor will check a box in the MCES ERS signifying they will be officially submitting a request for information to be deemed as confidential business information. Then the requester will mail the complete copy, with the request form attached to the top, to IWPP offices.

Confidentiality requests must be made at the time the information is submitted to MCES.

RECEIPT OF CONFIDENTIAL BUSINESS INFORMATION REQUESTS

When MCES receives a confidential business information request, MCES will evaluate the request and make a determination. A letter stating whether the request was accepted or denied will be mailed to the requestor via certified mail.
STORAGE OF CONFIDENTIAL BUSINESS INFORMATION

All documents containing confidential business information, including those awaiting approval or appeal, will be stored in a secure location with access restricted to MCES Industrial Waste & Pollution Prevention Staff only.

DENIAL OF A REQUEST FOR CONFIDENTIAL BUSINESS INFORMATION

If MCES denies a request, MCES will send a letter to the Industrial User stating the denial. The Industrial User may appeal this decision in accordance with WDR 515.00. The Industrial User must file any appeal within 30 calendar days. Denied requests will be stored as confidential for 30 calendar days or until the appeal process is complete.
CONFIDENTIAL BUSINESS INFORMATION REQUEST FORM

MCES recognizes Confidential Business Information as defined in 40 CFR part 403.14, and trade secret information as defined by the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13; MCES collectively refers to both as Confidential Business Information.

Confidentiality requests must be signed by an authorized representative.

An authorized representative is:

- A principal executive officer of at least the level of vice president, if the Applicant is a corporation; or
- A general partner or proprietor if the Applicant is a partnership or sole proprietorship.

Facility Name: ___________________________________________________________ Permit Number: __________

Facility Address: _________________________________________City:_____________State:______Zip:__________

I, ______________________________, request that the following checked sections be confidential.

Authorized Representative (print)

1. Please check the appropriate box for the form and section for which Confidential Business Information (CBI) is being requested.

- [ ] Industrial Discharge Permit Application
- [ ] Industrial Discharge Permit Renewal Application
- [ ] Section C.2. – Raw Materials
- [ ] Section J – Process Schematic
- [ ] Baseline Monitoring Report – Categorical Users
- [ ] Other
- Production Information

2. Provide specific reasons why the information selected is confidential.

_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________

3. Indicate the length of time that this information should be kept confidential.

Start Date: _____ / _____ / ______(month/day/year)  End Date: _____ / _____ / ______(month/day/year)

_____________________________________________   __________________________________________
Authorized Representative (print)       Title

_____________________________________________   __________________  _________________
Signature      Date    Phone

For MCES Use Only

Date Received: ___________________

Permit Staff: ____________________________ Reviewed By:_________________________

This Request has been: Approved / Denied     Determination Letter Sent Date:_________________________