

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.

Confidential information should be submitted via a secure method such as mail, IWPP Secure Data Upload Site, or encrypted email. Confidential information should not be submitted via the Industrial Online Reporting System (IORS) or regular email.

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 sent to the requester.

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.



Metropolitan Council Environmental Services
 Industrial Waste & Pollution Prevention Section
 390 North Robert Street
 St. Paul, Minnesota 55101-1805

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 a signatory authority.

A signatory authority is:

- A responsible corporate officer 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.

Signatory Authority (print)

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

- | | |
|--|---|
| <input type="checkbox"/> Industrial Discharge Permit Application | <input type="checkbox"/> Industrial Discharge Permit Renewal Application |
| <input type="checkbox"/> Section C.2. – Raw Materials | <input type="checkbox"/> Section C.2. – Raw Materials |
| <input type="checkbox"/> Section J – Process Schematic | <input type="checkbox"/> Section H – Process Schematic |
| <input type="checkbox"/> Baseline Monitoring Report – Categorical Users | <input type="checkbox"/> 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)

Signatory Authority (print)

Title

Signature

Date

Phone

For MCES Use Only

Date Received: _____

Permit Staff: _____

This Request has been: Approved / Denied

Determination Letter Sent Date: _____