

Guidelines for completing “Application for Confidential Treatment of Trade Secret Information

Please list each document and the specific pages, chapter, appendices or other subset of information for which CBI is requested.

For each subset of information designated as CBI, indicate whether and how public release of this information would adversely affect the applicant’s competitive position. Please be specific as to how the information would adversely affect the applicant’s competitive position.

The following types of information will **not** be considered Confidential Business Information:

- Final test results contained in the final test report
- Any data or other information necessary for the calculation and determination of test results
- Any information revealed in general sales or promotional materials for the model.
- Any information contained within the redacted (public) version of the test report as submitted.
- Any information generally available to the public

Vermont Agency of Natural Resources
Department of Environmental Conservation
Air Quality and Climate Division

Application for Confidential Treatment of Trade Secret Information

Air Quality & Climate Division

Application for Confidential Treatment of Trade Secret Information

In accordance with 10 V.S.A. §563 all information submitted to the Agency that relates to emissions data and emission monitoring data shall be a public record that is available for public inspection and review. In accordance with 1 V.S.A. §317(c)(9) information that is not related to emissions data or emission monitoring data that qualifies as a trade secret may be requested to be kept confidential and exempt from public inspection and review.

To request confidential treatment of trade secret information please complete this form and submit it along with the information you are seeking confidential trade secret status. This form must be submitted along with the information each time any such information is submitted. Please note that in order to receive confidential treatment, you must demonstrate to the satisfaction of the Secretary that the information relates to trade secrets "meaning confidential business records or information, including any formulae, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which a commercial concern makes efforts that are reasonable under the circumstances to keep secret, and which gives its user or owner an opportunity to obtain business advantage over competitors who do not know it or use it." Regardless, the information submitted with this form shall be kept confidential until the Secretary makes a determination whether the claimed information merits confidential treatment.

1. Name of facility seeking confidential treatment of proprietary information:
2. Mailing address:
3. Facility owner and operator:
4. Length of time for which confidential treatment is requested:
5. Please state specifically the records or portions of records for which confidential status is sought and the particular trade secrets or other information claimed to be entitled to confidential treatment. Please indicate whether and how public release of this information would adversely affect the applicant's competitive position. If additional space is necessary, or if additional documentary material is submitted, please use the back of this application or attach separate sheets to this application:

Certification: I hereby certify that the information provided herein is complete and accurate to the best of my knowledge.

Signature of Authorized Individual

Date

TITLE 10 Conservation and Development
PART 1 Development of Resources
CHAPTER 23. AIR POLLUTION CONTROL

§ 563. CONFIDENTIAL RECORDS; PENALTY

- (a) Confidential records. The Secretary shall not withhold emissions data and emission monitoring data from public inspection or review. The Secretary shall keep confidential any record or other information furnished to or obtained by the Secretary concerning an air contaminant source, other than emissions data and emission monitoring data, that qualifies as a trade secret pursuant to 1 V.S.A. § 317(c)(9).
- (b) Penalty. A person who knowingly violates this section shall be fined not to exceed \$100.00.

(1967, No. 310 (Adj. Sess.), § 13; amended 1971, No. 212 (Adj. Sess.), § 3; 2015, No. 75 (Adj. Sess.), § 3)

TITLE 1 General Provisions
CHAPTER 005: Common Law; General Rights
Subchapter 003: Access to Public Records

§ 317. Definitions; public agency; public records and documents

- (c) The following public records are exempt from public inspection and copying: ...

(9) Trade secrets, meaning confidential business records or information, including any formulae, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which a commercial concern makes efforts that are reasonable under the circumstances to keep secret, and which gives its user or owner an opportunity to obtain business advantage over competitors who do not know it or use it, except that the disclosures required by 18 V.S.A. § 4632 are not exempt under this subdivision.

(Added 1975, No. 231 (Adj. Sess.), § 1; amended 1977, No. 202 (Adj. Sess.); 1979, No. 156 (Adj. Sess.), § 6; 1981, No. 227 (Adj. Sess.), § 4; 1989, No. 28, § 2; 1989, No. 136 (Adj. Sess.), § 1; 1995, No. 46, §§ 23, 58; 1995, No. 159 (Adj. Sess.), § 2; No. 167 (Adj. Sess.), § 29; No. 182 (Adj. Sess.), § 21, eff. May 22, 1996; No. 180 (Adj. Sess.), § 38; No. 190 (Adj. Sess.), § 1(a); 1997, No. 159 (Adj. Sess.), § 12, eff. April 29, 1998; 1999, No. 134 (Adj. Sess.), § 3, eff. Jan. 1, 2001; 2001, No. 28, § 9, eff. May 21, 2001; 2001, No. 76 (Adj. Sess.), § 3, eff. Feb. 19, 2002; No. 78 (Adj. Sess.), § 1, eff. Apr. 3, 2002; 2003, No. 59, § 1, eff. Jan. 1, 2006; 2003, No. 63, § 29, eff. June 11, 2003; 2003, No. 107 (Adj. Sess.), § 14; 2003, No. 146 (Adj. Sess.), § 6, eff. Jan. 1, 2005; 2003, No. 158 (Adj. Sess.), § 2; 2003, No. 159 (Adj. Sess.), § 12; 2005, No. 132 (Adj. Sess.), § 1; 2005, No. 179 (Adj. Sess.), § 3; 2005, No. 215 (Adj. Sess.), § 326; 2007, No. 80, § 18; 2007, No. 110 (Adj. Sess.), § 3; 2007, No. 129 (Adj. Sess.), § 2; 2009, No. 59, § 5; 2009, No. 107 (Adj. Sess.), § 5, eff. May 14, 2010; 2011, No. 59, § 3; 2011, No. 78 (Adj. Sess.), § 2, eff. April 2, 2012; 2011, No. 145 (Adj. Sess.), § 8, eff. May 15, 2012; 2013, No. 70, § 1; 2013, No. 129 (Adj. Sess.), § 1; 2013, No. 194 (Adj. Sess.), § 1, eff. June 17, 2014; 2015, No. 23, § 2; 2015, No. 29, §§ 2, 3, 6, 23; 2015, No. 30, § 3, eff. May 26, 2015; 2015, No. 80 (Adj. Sess.), § 6, eff. July 1, 2017; 2017, No. 50, § 5.)