

Instructions with Regards to Confidential Business Information (CBI)

You may assert a business confidentiality claim covering all or part of the information requested in response to this information request for any business information entitled to confidential treatment under Article XXI, Section 2101.07.d.4 of the Allegheny County Health Department Rules and Regulations. Under Section 2101.07.d.4 of Article XXI, you are entitled to confidential treatment of information that would divulge production or sales figures or methods or processes or production unique to your facility or operation or which would otherwise tend to affect adversely the competitive position of you or your facility by revealing trade secrets, including intellectual property rights. Moreover, the treatment of material deemed confidential shall be consistent with Subsections 112(d) and 114(c) of the Clean Air Act.

Information covered by a claim of business confidentiality will be disclosed by the Allegheny County Health Department (the "Department" or "ACHD") only to the extent, and by means of the procedures, set forth in Section 2101.07.d and in Pennsylvania's Right to Know Law. *See* 65 P.S. § 67.101 et seq. The Department will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by ACHD. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

Emission data, portions of any draft, proposed or issued permits are expressly **not** entitled to confidential' treatment under Article XXI, Section 2101.07.d.4.

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with Article XXI, Section 2101.07.d.4 and in order to show cause for the request, ACHD is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.

2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.

3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?

4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?

5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.

6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Is there any other explanation you deem relevant to ACHD's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish comments to the above questions concurrent with your response to this information request if you have claimed any information as business confidential.