



Jan. 1, 2017

CONFIDENTIAL EIQ INFORMATION

The Confidential Information Rule has changed in order to improve consistency among submissions and streamline the review and approval processes.

Please read this document carefully to ensure your data is held confidential.

Changes to 10 CSR 10-6.210 Confidential Information accomplished the following:

- *clarified the procedures for submitting and handling confidential business information.
- *clarified requirements for granting a claim of confidentiality.
- *clarified which emission data elements will be held confidential.
- *reorganized the rule using the standard format for rule organization.
- *removed the definitions currently listed in section (3) of the rule since they can be found in 10 CSR 10-6.020 Definitions and Common Reference Tables.

What do you need to do to ensure confidentiality?

1. Submit the request for confidentiality **at the same time** as you submit your initial emissions inventory questionnaire (EIQ). Since the Missouri Department of Natural Resources will not extend the due dates for EIQs, you must plan ahead. If you are submitting your EIQ through MoEIS, the department must receive your request for confidentiality on the same day that you press "Submit" for your EIQ.
2. When you submit your request for confidentiality for your facility's 2016 emissions inventory questionnaire (EIQ), **you must reference items A through F on the reverse side of this page and list the data elements you want held confidential.** This will improve consistency among requests and ease processing.
3. Realize that the list of data elements allowed to be held confidential is now part of the rule and proceed accordingly. The list also is on the reverse of this page.

2. Questions? Contact the EIQ unit toll free at (866) 663-4748 or eiq@dnr.mo.gov

The proposed rulemaking appeared in the June 1, 2016, Missouri Register, and the department accepted comments on this rulemaking through close of business, Aug. 4, 2016.

For more information, see the rulemaking webpage: dnr.mo.gov/env/apcp/rulemaking.htm.
The full revised text is at s1.sos.mo.gov/cmsimages/adrules/csr/current/10csr/10c10-6a.pdf.

CRITERIA FOR EVALUATING CONFIDENTIAL REQUEST:

- A. The owner or operator has asserted a business confidentiality claim that has not expired by its terms or been withdrawn;
- B. The owner or operator has satisfactorily shown that it has taken reasonable measures to protect the confidentiality of the information and that it intends to continue to take those measures;
- C. The information is not, and has not been, reasonably obtained without the owner's or operator's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on a showing of special needs in a judicial or quasi-judicial proceeding);
- D. No statute specifically requires public disclosure of the information;
- E. The information is not emission data that is required to be reported to the U.S. Environmental Protection Agency under 40 CFR 51.15 with the exception of the following data elements which can be claimed to be confidential with justification the department approves:
 - (I) Activity/throughput (for each period reported);
 - (II) Emission factor;
 - (III) Winter throughput (percent);
 - (IV) Spring throughput (percent);
 - (V) Summer throughput (percent);
 - (VI) Fall throughput (percent);
 - (VII) Design capacity (including boiler capacity, if applicable) (MHDR);
 - (VIII) Primary capture and control efficiencies (percent); and
 - (IX) Total capture and control efficiency (percent); and
- F. The owner or operator has satisfactorily shown that—
 - (I) Public disclosure of the information is likely to cause substantial harm to the business' competitive position; or
 - (II) The information was voluntarily submitted and if disclosed, the submitter would be reluctant to provide additional information to the director in the future. Information is voluntarily submitted if the facility has no statutory, regulatory, or contractual obligation to provide the information; or the director has no statutory, regulatory, or contractual authority to obtain the information under federal or state law.