

Precautionary Notice — Claims of Confidentiality

The person submitting this information may assert that some or all of the information submitted is entitled to confidential treatment as provided by West Virginia Legislative Rule 45CSR31, entitled “Confidential Information.” Information covered by such a claim will be disclosed by the Division of Air Quality (DAQ) only to the extent, and by means of the procedures, set forth in 45CSR31. Please contact the West Virginia Secretary of State’s Office at 304/558-6000 or <http://apps.sos.wv.gov/adlaw/csr/> to obtain a copy of 45CSR31 in order to ensure that all required procedures are followed.

Information concerning the “types and amounts of air pollutants discharged,” as that term is defined in WVCSR §45-31-2.4, shall not be claimed as confidential.

Any claim of confidentiality shall be made in accordance with the requirements of 45CSR31 and must accompany the information at the time it is submitted to the DAQ. **If no claim of confidentiality is made at the time of submission or is not made in accordance with the requirements of 45CSR31, the DAQ may make the information available to the public without further notice.**

Included below are procedures, and an example form, to be followed in submitting information claimed as confidential. This information is intended to assist a person with claiming confidential information and is not meant to relieve a person of his/her obligation to review the provisions of 45CSR31 and to comply with such rule. The procedures are as follows:

1. Indicate clearly the items of information claimed confidential by marking each page with the term “Claimed Confidential,” with the date of such claim of confidentiality. With the exception of documents of a size greater than 8½" x 14", information claimed confidential must be submitted on colored paper.
2. Include a cover document (See below) which justifies the claim of confidentiality in accordance with the specific criteria under WVCSR §45-31-4.1. A sample cover document is attached for your information and use. The cover document will be available for public disclosure and must include the following information:
 - (a) The identity of the person making the submission of information claimed confidential;
 - (b) The reason for the submission of information;
 - (c) The name, an address in the State of West Virginia and telephone number of the designee who shall be contacted in accordance with 45CSR31;
 - (d) Identification of each segment of information within each page that is submitted as confidential and the justification for each segment claimed confidential, including the criteria under WVCSR §45-31-4.1;

- (e) The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specified event or permanently); and,
 - (f) Signature of a responsible official or an authorized representative of such person.
3. At the same time as the information claimed confidential is submitted to the DAQ on colored paper, a complete set of the information, including the cover document previously required under paragraph 2, must be submitted with the information claimed to be confidential blacked or whited out and the words “Redacted Copy — Claim of Confidentiality” marked clearly on each such page, so that the information is suitable for public disclosure. In the case of drawings and blueprints, mark each page with the words “Redacted Copy — Claim of Confidentiality,” include the title or legend of the drawing, and black or white out the information claimed confidential. The redacted page may be 8½" x 11" in size.

4. In the case of a permit application or supplemental information to an application which contains confidential information, DAQ requires the “Redacted Copy – Claim of Confidentiality” pages and the cover document which justifies the claim of confidentiality to be submitted by e-mail as a PDF file to:
DEPAirQualityPermitting@wv.gov

See instructions at: <https://dep.wv.gov/daq/permitting/Pages/nsr-forms.aspx> OR <https://dep.wv.gov/daq/permitting/Pages/TitleVGuidanceandForms.aspx>

5. “Claimed Confidential” pages **may not be e-mailed** and shall be submitted, as hardcopy, on colored paper and mailed to:

WVDEP – DAQ – Permitting
Attn: NSR *or* Title V Permitting Secretary *
601 57th Street, SE
Charleston, WV 25304

* For a 45CSR13 application, send to NSR Permitting Secretary. For a 45CSR30 application, send to Title V Permitting Secretary. If this is a combined NSR/Title V Permit Application, send one copy to the NSR Permitting Secretary and one copy to the Title V Permitting Secretary.

Sample Cover Document Confidential Information

This sample form contains each of the required elements for the cover document required under 45CSR31. The person submitting this form may wish to attach an additional page(s) to provide adequate justification under the “Rationale” section of the form.

Company Name		Responsible Official	
Company Address		Confidential Information Designee in State of WV	Name
			Title
			Address
Person/Title <i>Submitting Confidential Information</i>			
			Phone
			Fax

Reason for Submittal of Confidential Information:

Identification of Confidential Information	Rationale for Confidential Claim	Confidential Treatment Time Period
	Provide justification that the criteria set forth in § 45CSR31-4.1.a - e have been met.	

Responsible Official Signature:	
Responsible Official Title:	
Date Signed:	

NOTE: Must be signed and dated in **BLUE INK**.