



ADEQ

ARKANSAS

Department of Environmental Quality

CONFIDENTIAL INFORMATION

As of September 17, 2013

Confidential information – Occasionally, confidential information may be required. The presumption is that all material submitted to the Office of Air Quality is available for public review unless specific procedures are followed to claim confidentiality.

The Arkansas Pollution Control and Ecology Commission Reg. 18.1402 (See https://www.adeq.state.ar.us/regs/files/reg18_final_160314.pdf) contains the requirements for confidentiality. Regulation No. 18 states only “trade secrets” are confidential. A “trade secret” means any information, including formula, pattern, compilation, program, device, method, technique, process, or rate of production, that:

- 1) Derives independent economic value (actual or potential) from not being generally known to, and not being readily ascertainable through proper means by, other persons who can obtain economic value from its disclosure or use, and
- 2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. The request for confidential information must contain a sworn affidavit describing the processes or market conditions that support the applicant’s confidentiality claim. The affidavit is subject to public scrutiny. The affidavit must contain the following: “The applicant agrees to act as an indispensable party and to exercise extraordinary diligence in any legal action arising from the Department’s denial of public access to the documents or information claimed herein to be a trade secret.”