

BUTTE COUNTY

AIR QUALITY MANAGEMENT DISTRICT

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PUBLIC RECORDS POLICY AND TRADE SECRETS

It is the policy of the Butte County Air Quality Management District (District) that all District records, including records submitted by an applicant for a permit to operate or authority to construct, shall be considered public records and open to public inspection with the least possible delay, unless said records are exempt from disclosure by statutory or case law or authorized as exempt from disclosure due to ongoing District investigation or potential litigation. The complete District Public Record Information Disclosure Policy is available upon request.

Permit applicants should be aware that any information submitted to the District is subject to release upon written request pursuant to the District's policy:

- to the public upon request, except for trade secrets which do not constitute emissions data:
- to the California Air Resources Board; and
- to the Federal Environmental Protection Agency, which protects trade secrets as provided in the Clean Air Act, Section 114[c], as amended in 1970 in 40 Code of Federal Regulations, Chapter 1, Part 2.

Permit applicants may be required to disclose information to the District which are trade secrets pursuant to Government Code Section 6254.7(d). Trade secrets are not public records and are not subject to disclosure under the District's public records policy. Trade secrets may include, but are not limited to, any formula, plan, patterns, process, tool, mechanism, compounds, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound and article or trade of a service having commercial value, and which gives user an opportunity to obtain a business advantage over competitors who do not know or use it.

Any person or source from whom the District obtains any records may label "trade secret" any part of those records which is entitled confidentiality pursuant to Government Code Section 6254.7 and District requirements. Written justification for the "trade secret" designation shall be furnished to the District together with the records so designated. The justification shall be as detailed as possible without disclosing the trade secret. Be advised that this justification will be released if the documents designated as "trade secret" are later requested. The person or source may submit additional information to support the justification, and such information, upon request, shall be kept confidential in the same manner as the record sought to be protected.