



Ohio Administrative Code

Rule 3750-60-43 Additional material submitted for good cause.

Effective: January 2, 2007

(A) In lieu of an appeal to the environmental board of review, the claimant may send additional material in support of its trade secrecy claim, for good cause shown, within thirty days of receipt of the notice of insufficiency as set forth in paragraph (A)(2) of rule 3750-60-40 of the Administrative Code. The claimant shall notify the commission by letter of its contentions as to good cause, and shall include in that letter the additional supporting material.

(B) Good cause is limited to one or more of the following reasons:

(1) The claimant was not aware of the facts underlying the additional information at the time the substantiation was submitted, and could not reasonably have known the facts at the time; or

(2) The commission's regulations and other commission guidance did not call for such information at the time the substantiation was submitted; or

(3) The claimant had made a good faith effort to submit a complete substantiation, but failed to do so due to an inadvertent omission or clerical error.

(C) If the commission determines that the claimant has meet the standard for good cause, then the commission shall decide, pursuant to paragraph (A)(1) of rule 3750-60-40 of the Administrative Code, whether the claimant's assertion meets the commission's standards of sufficiency set forth in rule 3750-60-50 of the Administrative Code.

(D) If after receipt of additional material for good cause, the commission decides the claim is sufficient, the commission will determine whether the claim presents a valid claim of trade secrecy according to the procedures set forth in paragraph (B)(1) of rule 3750-60-40 of the Administrative Code.

(E) If after receipt of additional material for good cause, the commission decides the claim is



insufficient, the commission will notify the claimant by certified mail (return receipt requested) and the claimant's right to seek review at the environmental review appeals commission within thirty days of receipt of this notice. The notice required by this section shall include the commission's reasons for its determination, and shall inform the claimant of its rights to seek review at the environmental review appeals commission within thirty days of receipt of the notice in accordance with procedures set forth in section 3745.04 of the Revised Code. The petitioner shall be notified of the commission's decision by regular mail.

(F) If the commission determines that the claimant has not met the standard for good cause, then the commission shall notify the claimant by certified mail (return receipt requested). The claimant may seek review of the commission's decision at the environmental review appeals commission within thirty days of receipt of the notice. The notice required in this section shall include the commission's reasons for its determination, and shall inform the claimant of its right to seek review at the environmental review appeals commission within thirty days of the notice in accordance with procedures set forth in section 3745.04 of the Revised Code. The petitioner shall be notified of the commission's decision by regular mail.