



Friday, April 30, 2021

Katie Eagleson
Environmental Engineer
Lane Regional Air Protection Agency
541-736-1056 ext. 233

Re: Request for Exemption from Disclosure

Dear Katie,

In response to LRAPA's Cleaner Air Oregon EI Response and Request for Information, the Willamette Valley Company, LLC understands that additional information is necessary in order for LRAPA to review the emissions inventory submittal submitted to LRAPA on June 22, 2020 under OAR 340-245-0030(1)(a)(A), including "submission of an Emissions Inventory Excel file that has the in-cell calculation equations visible and verifiable."

In response to your request, we have prepared the additional information and include it with this letter. However, we request that elements of the information be held as exempt from disclosure under LRAPA 34-020 and ORS 192.345(2) (Public records conditionally exempt from disclosure).

"Trade secrets," as defined in ORS 192.345(2), includes, but is not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within an organization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

LRAPA 34-020 provides further detail as to what must be demonstrated in order for information to be exempt from disclosure under Oregon law. Each of the criteria are identified below and the basis provided for why the redacted portions of the additional information provided qualify for exemption from release.

(a) the information shall not be patented

None of the information for which we seek trade secret status under ORS 192.345 is patented.

(b) it shall be known only to a limited number of individuals within a commercial concern who have made efforts to maintain the secrecy of the information

All of the information for which we seek trade secret status under ORS 192.345 is known to only a limited number of people within the company and access is restricted on a "need to know" basis. This information is never shared with a third party unless it is comprehensively protected by a non-disclosure agreement.

(c) it shall be information which derives actual or potential economic value from not being disclosed to other persons

The information for which we are claiming trade secret status includes detailed information about our proprietary processes and production levels. This type of information, if released to the public, would enable our competitors to coopt our intellectual property and deprive Willamette Valley Company of sales and revenue. As such, maintaining the information as confidential has a direct economic value to the company.

(d) it shall give its users the chance to obtain a business advantage over competitors not having the information

The Willamette
Valley Company, LLC
990 Owen Loop North
P.O. Box 2280
Eugene, OR 97402
☎ 541.484.9621
FAX 541.343.6376

As noted in the prior criterion, if competitors were allowed to access Willamette Valley Company's proprietary information, those competitors would gain an unfair business advantage as they would be able to seize business opportunities and production secrets without the substantial investment made by Willamette Valley Company. Conversely, maintaining this information as secret gives Willamette Valley Company a material business advantage over its competitors.

(e) It must not be emissions data

Willamette Valley Company recognizes that "emissions data," as that term is defined in the Clean Air Act, cannot be considered protected trade secrets. None of the information for which we are seeking protection is considered emissions data. Instead, the protected information relates to background assumptions in our calculations. All of the final emissions values are available to the public as required by the Clean Air Act.

This is the third version of our submittal, nonredacted with in-cell calculations verifiable. Each page of this version for which we are seeking confidential status is prominently marked at the bottom of the page in red font as "Confidential Business Information—Do Not Release to Public." This should not be released to the public as doing so would cause significant harm to Willamette Valley Company.

Thank you for your consideration of this request for exemption from disclosure. We understand based on your April 15, 2021 letter that LRAPA has agreed to honor our request to protect the information in this submittal. If anything changes regarding that determination, Willamette Valley Company asks that LRAPA return the submittals (both redacted and unredacted versions) in their entirety, and we will find an alternative means of providing the necessary information.

Sincerely,
The Willamette Valley Company, LLC


Sarah France
Director of Regulatory Affairs

Cc: Thomas R. Wood, Stoel Rives LLP