

Readopt with amendment Env-C 208.06, eff. 3-24-15 (doc. #10802-A), to read as follows:

Env-C 208.06 Non-Confidential Information. No CBI claim shall be made for the following:

- (a) Any information for which no CBI claim was made at the time of the initial submission;
- (b) Comments submitted by any person during the public comment period of any non-adjudicative administrative proceeding of the department;
- (c) ***Any information in the official record of an adjudicative proceeding of the department;***
- (~~e~~d) Information that is known by the department to be in the public domain, in which case the department shall identify the public domain source of the information in the notice sent pursuant to Env-C 208.05(b)(2);
- (e) ***Information contained in any permit issued by the department under any statute it implements;***
- (~~e~~f) Information that is necessary to determine whether a violation of any statute implemented by the department or of any rule adopted or license or order issued pursuant to such statutes has occurred, ***including but not limited to data on emissions and discharges;***
- (~~e~~g) Information that supports a finding that a violation of any statute implemented by the department or of any rule adopted or license or order issued pursuant to such statutes has occurred, ***including but not limited to data on emissions and discharges;***
- (~~f~~h) A certificate of compliance as required by RSA 149-M:36; or
- (~~g~~i) Information that is exempted from claims of confidentiality pursuant to any statute implemented by the department or rules adopted pursuant to such statutes that establish criteria or exceptions for claims of confidentiality.

APPENDIX A: STATE STATUTES IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented
Env-C 208.06	RSA 91-A:5, IV