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**From:** Burns, Dave E  
**Sent:** Friday, March 16, 2018 2:13 PM  
**To:** Thomas Doyle; Martin, Kevin  
**Cc:** Brian G. Oliver (brian.oliver@casella.com); craigsp@fiberight.com; knordby@setinc.net; Laubenstein, William; Barden, Michael  
**Subject:** RE: Confidential Treatment of Disposal Fee Information in Two Private Agreements

Tom,

Thank you for your letter. We've reviewed it internally and with the Attorneys General office and have concluded that the referenced disposal fee information to be provided in support of the BGS/NEWSME MSW Amendment application can be protected from disclosure in response to a FOAA request as a trade secret under exemption to the definition of the term "public record" for "records within the scope of a privilege." 1 M.R.S. §402 (3) (B). Of course it would be for a court to make the ultimate determination of whether the documents are a trade secret, but the Department will withhold them absent a court order. If a FOAA request for the disclosure of these documents is made, the Department will notify the applicant and the applicant would be the primary entity to make the case in court.

We appreciate BGS/NEWSME's willingness to revisit this issue again when it no longer constitutes a trade secret. It is important to the Department to be open and transparent with the public in our application reviews. Please let me know if you need anything further regarding your request.

David Burns, P.E., Director  
Bureau of Remediation & Waste Management  
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**From:** Thomas Doyle [mailto:tdoyle@pierceatwood.com]  
**Sent:** Friday, March 16, 2018 11:34 AM  
**To:** Burns, Dave E <Dave.E.Burns@maine.gov>; Martin, Kevin <Kevin.Martin@maine.gov>  
**Cc:** Brian G. Oliver (brian.oliver@casella.com) <brian.oliver@casella.com>; craigsp@fiberight.com; knordby@setinc.net; Laubenstein, William <William.Laubenstein@maine.gov>; Barden, Michael <Michael.Barden@maine.gov>  
**Subject:** Confidential Treatment of Disposal Fee Information in Two Private Agreements

Dave and Kevin, attached please find a letter requesting confidential treatment of the disposal fee information in the Fiberight and PERC Agreements, copies of which (with disposal fee information redacted) are already in the Department's possession. Both Fiberight and PERC join in this request.

Thank you for your consideration of this request for confidential treatment. We look forward to the Department's response.

Sincerely,  
Tom

**Thomas R. Doyle**  
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