

Trade Secret Policy

Governing Disclosure of Waste Origin Information Collected Pursuant to the Waste Disposal Origin Reporting System at the Sunshine Canyon Landfill

Sunshine Canyon Landfill

In accordance with the Conditional Use Permit (CUP) for continued operation of the Sunshine Canyon Landfill (CUP Case No. 00-194(5), Allied Waste Industries, Inc. (AWIN) is required to implement a Waste Disposal Origin Reporting System at the Sunshine Canyon Landfill (Reporting System). Pursuant to the Reporting System, AWIN will be collecting data consisting of collection site addresses from haulers who tender refuse for disposal at the Sunshine Canyon Landfill. Compliance with the Reporting System is a requirement for use of the Sunshine Canyon Landfill for disposal of refuse.

Some haulers have advised that collection site addresses constitute their customer base and have requested that these addresses be kept confidential as constituting trade secrets. The California Public Records Act (Government Code Section 6250 et. seq.) defines trade secrets in part as follows: “. . . trade secrets are not public records under this section. Trade Secrets, as used in this section, may include, but are not limited to, any. . . 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 an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.” See Section 6254.7 (d) of the State Government Code.

If AWIN receives a demand for inspection or for a copy of any document containing a hauler’s collection site address under the California Public Records Act, it will promptly notify the hauler of such demand. If the hauler contends that such document contains a trade secret, which it wishes to protect from disclosure, it will so inform AWIN within five (5) business days, and concurrently furnish AWIN with a signed certification as follows:

1. The hauler has read the definition of a “trade secret” under Section 6254.7(d) of the State Government Code;
2. The hauler considers the collection site addresses submitted pursuant to the Reporting System at the Sunshine Canyon Landfill as a “trade secret” and has taken the necessary steps to protect the information, including from disclosure to others, to enable its treatment as a trade secret;
3. The hauler will indemnify, defend and hold AWIN harmless from any and all costs, expenses, liability, or loss incurred in treating such collection site addresses as trade secrets including all costs and expenses, including reasonable attorney’s fees, incurred by AWIN as a consequence of litigation brought by a third party to compel production under the California Public Records Act;
4. In the event that disclosure of the addresses is compelled by any authority with jurisdiction, including under the obligation of a legal subpoena, AWIN will disclose the information and the hauler hereby releases AWIN from any and all liability in connection with the disclosure. However, the hauler will be free to in its own pursue legal steps to attempt to protect the information through the courts, at the hauler’s expense; and
5. AWIN will in all instances be free to disclose the information to the California Integrated Waste Management Board or any other agency asserting regulatory authority.

Notwithstanding the conditions set forth above, AWIN will release the collection site addresses, under the following conditions:

- to the County Department of Public Works as part of reporting requirements under CUP Case No. 00-194(5), Condition No. 22;
- to any city or county as long as the source of the waste identified in the records requested is reported as being within the geographical boundaries of the same city or county; and/or
- to any user of the landfill as long as the same hauler was the source of the records requested.

The County Department of Public Works has agreed to treat the collection site addresses as a “trade secret” according to the same conditions listed above. Any hauler who wishes to protect collection site addresses from disclosure by any city, should contact that city advising of that hauler’s contention that the collection site addresses furnished by the hauler constitute trade secrets that are exempt from disclosure under the Public Records Act. The hauler will then be obligated to meet any terms and conditions imposed by the city, as applicable.

Certification of Collection Site Addresses Submitted Pursuant to the Waste Disposal Origin Reporting System as a “Trade Secret”

In accordance with the Conditional Use Permit (CUP) for continued operation of the Sunshine Canyon Landfill (CUP Case No. 00-194(5), Condition No. 22), Allied Waste Industries, Inc. (AWIN) is required to implement a Waste Disposal Origin Reporting System at the Sunshine Canyon Landfill (Reporting System). Pursuant to the Reporting System, the AWIN will be collecting data consisting of collection site addresses from users who tender refuse for disposal at the Sunshine Canyon Landfill. Compliance with the Reporting System is a requirement for use of the Sunshine Canyon Landfill for disposal of refuse.

I/we certify the following:

1. I/we have read the definition of a “trade secret” under Section 6254.7(d) of the State Government Code and the AWIN’ Statement on Disclosure of Waste Origin Information Collected Pursuant to the Waste Disposal Origin Reporting System at the Sunshine Canyon Landfill;
2. I/we consider the waste collection site addresses submitted pursuant to the Reporting System at the Sunshine Canyon Landfill as a “trade secret” and have taken the necessary steps to protect said information, including from disclosure to others, to enable it to be treated as a trade secret;
3. In the event that any third party were to seek disclosure of the information considered a “trade secret” from AWIN, I/we would indemnify, defend and hold AWIN harmless from liability or loss and all costs and expenses, including reasonable attorney’s fees, incurred in connection with any action arising from the defense of the information as a “trade secret”; and
4. In the event that disclosure of the addresses by AWIN is compelled by any authority with jurisdiction, including under the obligation of a legal subpoena, AWIN is free to disclose the information and I/we hereby release AWIN from any and all liability in connection with the disclosure. However, understand that I/we are free to on my/our own pursue legal steps to attempt to protect the information through the courts, at my/our expense.

Company _____

Account No. _____

Signature _____ Date _____

(Must be signed by a corporate officer)

Name _____ Title _____