

ATTACHMENT 22

AR # 305

E-mail re: Revised Trust Agreement

305

McDonald, Jeffrey

From: McDonald, Jeffrey
Sent: Thursday, March 27, 2014 12:03 PM
To: 'Lucinda Swartz'; Gilmore, Tyler J; John Buchovecky; tom.maple1@usbank.com
Cc: Gilmore, Tyler J; Greenhagen, Andrew; Bayer, MaryRose; McAuliffe, Mary; Krueger, Thomas
Subject: RE: Revised Trust Agreement

Lucy,

Thanks. The \$26.7M was developed using EPA's Cost Tool. EPA's ran multiple calculations and for purposes of the FR proposes using an estimate in the middle of the range of values calculated. Those analyses will be part of the administrative record. The Cost Tool is "The Cost Estimation Tool for the Class VI Financial Responsibility Demonstrations."

The changes you made were ok.

If you decide to go with the insurance, we'd like to find out some more about how much of the \$100M policy covers EPA requirements in the ERRP and how much if for other things. Would EPA be the first in line to use any portion of the \$100M for the ERRP related costs prior to others that might be covered under the policy?

Thanks,

Jeff

Jeffrey R. McDonald, Geologist
Underground Injection Control Branch
U.S. EPA - Region 5
(312) 353-6288 [office]
(312) 408-2240 [direct fax]
mcdonald.jeffrey@epa.gov

From: Lucinda Swartz [<mailto:lswartz@futgen.org>]
Sent: Thursday, March 27, 2014 11:19 AM
To: McDonald, Jeffrey; Gilmore, Tyler J; John Buchovecky; tom.maple1@usbank.com
Cc: Gilmore, Tyler J; Greenhagen, Andrew; Bayer, MaryRose; McAuliffe, Mary; Krueger, Thomas
Subject: Re: Revised Trust Agreement
Importance: High

Hi Jeff,

I made some tweaks to the EPA edits, although I believe I have not changed the meaning. To save time, I have not circulated my tweaks to Tyler, the bank, and the Alliance counsel in advance – they may have other comments. I highlighted my changes in yellow.

Also, could you provide the basis for the \$26.7 estimate?

Thanks,

Lucy

Lucinda Low Swartz, Esq.
Chief Operating Officer
FutureGen Industrial Alliance, Inc.
Telephone: 301/933-4668
Email: lswartz@futuregenalliance.org

From: <McDonald>, Jeffrey <mcdonald.jeffrey@epa.gov>
Date: Thursday, March 27, 2014 9:13 AM
To: Lucinda Low Swartz <lswartz@futgen.org>
Cc: "Gilmore, Tyler J" <Tyler.Gilmore@pnnl.gov>, "Greenhagen, Andrew" <Greenhagen.Andrew@epa.gov>, "Bayer, MaryRose" <Bayer.MaryRose@epa.gov>, "McAuliffe, Mary" <mcauliffe.mary@epa.gov>, "Krueger, Thomas" <krueger.thomas@epa.gov>
Subject: RE: Revised Trust Agreement

We took yours and made some changes. Importantly, it includes a higher amount to cover the ERRP. We are ok with this version. Let us know what you think.

Jeffrey R. McDonald, Geologist
Underground Injection Control Branch
U.S. EPA - Region 5
(312) 353-6288 [office]
(312) 408-2240 [direct fax]
mcdonald.jeffrey@epa.gov

From: Lucinda Swartz [<mailto:lswartz@futgen.org>]
Sent: Thursday, March 27, 2014 7:16 AM
To: McDonald, Jeffrey
Cc: Gilmore, Tyler J
Subject: Revised Trust Agreement

Good morning, Jeff:

Not to bug you, but do you think you'll be able to provide input about revised trust fund language this morning? The Alliance wants to be able to execute Plan B if necessary, but that would require the Alliance to sign the document today in order for the bank to sign it tomorrow, and get a hard copy to EPA on Monday.

Thanks very much,

Lucy

Lucinda Low Swartz, Esq.
Chief Operating Officer
FutureGen Industrial Alliance, Inc.
Telephone: 301/933-4668
Email: lswartz@futuregenalliance.org