

Kentucky Department for Environmental Protection
 Division of Waste Management
 Solid Waste Branch
 300 Sower Boulevard, Second Floor
 Frankfort, KY 40601
 (502) 564-6716

**FOR OFFICIAL USE ONLY. DO
 NOT WRITE IN THIS SPACE**

Merchant Electric Generating Facility (MEGF) Performance Agreement

1. Agency Interest Number:

2. Public Service Commission Case No.:

3. MEGF Owner-Operator Information

Company Name:

Mailing Address:

City:

State:

Zip Code:

Contact Person:

Title:

Email Address:

Phone Number: () -

Cell Number: () -

4. MEGF Information

Facility Name:

Physical Address:

City:

State:

Zip Code:

5. Type of Financial Assurance for Decommissioning Plan

Date of Issuance:

Surety Bond Number:

Escrow Agreement Number:

6. Performance Agreement

Note – All financial instruments and performance agreements must be executed pursuant to KRS 278.706 and 278.710. If the MEGF executes multiple financial instruments for the facility, each instrument must have a separate corresponding performance agreement.

Know all persons by these presents, that the undersigned, _____, as MEGF, is held and firmly bound unto the Energy and Environment Cabinet in the penal sum of _____ dollars (\$ _____) which sum is herewith deposited by the submission of the financial assurance mechanism identified above.

The MEGF posts this financial assurance mechanism by and through its agent(s) as a guarantee that the provisions of the construction certificate associated with Public Service Commission Case Number listed above, all applicable laws, rules, and regulations will be observed and hereby bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This agreement is effective upon receipt by the Division of Waste Management (hereinafter Division).

The condition of the above obligation is such, that, whereas, the above bound MEGF pursuant to the provisions of KRS Chapter 278 and 401 KAR Chapters 45, 46, 47 or 48, as applicable, did file with the Public Service Commission, an application for a construction certificate in the Commonwealth of Kentucky; that in said application the MEGF owner-operator identified the area to be a MEGF located at or near the community of _____; and whereas the above described area will be affected during the life of the activity and until the MEGF has completed the decommissioning plan and the Cabinet has accepted the same.

Furthermore, it is understood that the obligation under this agreement extends to environmental degradation occurring off the MEGF area but proximately resulting from the construction, operation or decommissioning of the area.

Now, if the MEGF owner-operator, shall faithfully perform all the requirements of the above designed application, the construction certificate issued pursuant thereto and the applicable laws, rules, and regulations, and the terms of this agreement, then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of a Demand Letter.

7. Certification

“I certify under penalty of law that this documentation and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that KRS 224.99-010 provides for penalties.”

Name of MEGF:

Name of MEGF Signatory:

Signature:

Title:

Date: / /

Subscribed and sworn to before me by:

Notary public signature:

My commission expires: / /

IMPORTANT NOTE: All information submitted on this form will be subject to public disclosure to the extent provided by Kentucky law. Persons filing this form may make claims of confidentiality in accordance with 400 KAR 1:060.