



**Draft standard and guidelines on the form and calculation of an
Environmental Performance Guarantee
developed by the Legal and Technical Commission**

**DRAFT FOR STAKEHOLDERS CONSULTATION
(DO NOT QUOTE OR CITE)**

Background

1. At the second part of its twenty-sixth session, the Commission considered draft standards and guidelines on the form and calculation of an environmental performance guarantee for the application of Draft regulation 26 of the Draft regulations on exploitation of mineral resources in the Area (ISBA/25/C/WP.1) on the basis of a document prepared by the secretariat with the assistance of a consultant.
2. Draft regulation 26 requires a contractor to lodge an environmental performance guarantee in favour of the Authority no later than the commencement date of production in the Mining Area. The required form and amount of such a guarantee are to be determined according to guidelines, and shall reflect the likely costs required for: (a) the premature closure of exploitation activities; (b) the decommissioning and final closure of exploitation activities, including the removal of any Installations and equipment; and (c) the post-closure monitoring and management of residual environmental effects.
3. The Commission considered that a balanced approach should be taken between environmental concerns and the need to ensure the development of activities in the Area. Such balance includes: 1) ensuring that the form and amount of the environmental performance guarantee do not hinder the ability of contractors to participate in activities in the Area; and 2) ensuring that the Authority has the full amounts required to cover the costs of the events identified in the scope of Draft regulation 26.
4. Accordingly, the Commission considered that the standard (Appendix I) and guidelines (Appendix II) should adopt a flexible approach to the form and calculation of the environmental performance guarantee, allowing the contractor to 1) select from a variety of forms of financial security, as long as the maximum financial security required to meet any of the events foreseen in Draft regulation 26(2) is ensured; and 2) utilize a method of calculation that is robust enough for estimating to the fullest extent reasonable costs, expenses and liabilities. A key consideration, however, is that the calculation and cost estimation are validated independently and the form and calculation are approved by the Council.

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2 **Draft Standard**
3 **on the form and calculation of an Environmental Performance Guarantees**
4

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I. INTRODUCTION

1. Regulation 26 of the Exploitation Regulations requires a Contractor to provide an Environmental Performance Guarantee ("**Guarantee**") in favour of the Authority to meet the likely costs, expenses and liabilities that may result from either:

- (a) the premature closure of Exploitation activities;
- (b) the decommissioning and final closure of Exploitation activities, including the removal of any Installations and equipment; and
- (c) the post-closure monitoring and management of residual Environmental Effects (together the "**EPG Scope**").

2. In accordance with the Exploitation Regulations, an Applicant for approval of a Plan of Work shall provide details of its proposed Environmental Performance Guarantee as part of its application to be considered by the Commission and the Council.

3. An Applicant shall satisfy the Commission that it will meet the obligations under Regulation 26 by:

- (a) adopting an independently validated method and calculation for 100% of the costs, expenses and liabilities of the EPG Scope; and
- (b) submitting, in the prescribed form, both an Environmental Performance Guarantee Declaration and an Environmental Performance Guarantee Confirmation to the Commission.

4. The Applicant shall calculate the costs, expenses and liabilities on a third-party basis, meaning the calculation shall assume the works and activities within the EPG Scope are carried out by a third-party rather than a Contractor.

5. If the Applicant's EPG proposal and Plan of Work are approved by the Council, the Applicant (as the Contractor) shall lodge its Guarantee with the Authority no later than the date on which production in the approved Mining Area commences.

6. At all times, the Contractor shall:

- (a) maintain a sufficient guarantee for the life of the Exploitation Contract, and in some circumstances, at the sole discretion of the Authority, beyond the terms of the Exploitation Contract;
- (b) ensure the Authority, if required, can access the guarantee to meet the costs, expenses and liabilities of the EPG scope; and
- (c) remain fully responsible and liable under the Exploitation Regulations for the Contractor's obligations under the Exploitation Contract and approved Plan of Work regardless of any Guarantee provided to the Authority.

63 **II. SCOPE**

64 **A. Purpose**

65 7. This Standard describes how the Authority will administer the requirement for an
66 Environmental Performance Guarantee.

67 8. This Standard explains:

68 (a) the process an Applicant shall follow to demonstrate to the Commission that it has
69 proposed an adequate and appropriate Environmental Performance Guarantee, including:

70 (i) identifying appropriate form(s) of guarantees;

71 (ii) the requirement for an independently validated method to calculate the
72 greatest reasonably credible costs, expenses and liabilities associated with the EPG
73 Scope;

74 (iii) filing an Environmental Performance Guarantee Declaration with the
75 Authority; and

76 (iv) submitting an Environmental Performance Guarantee Confirmation with
77 the Authority prior to the lodgment of the guarantee.

78 (b) the process for review and re-validation of the Environmental Performance
79 Guarantee; and

80 (c) the process for repayment or release of the Environmental Performance Guarantee.

81 9. This Standard should be read in conjunction with the equivalent sections in the
82 Guidelines

83 **B. Definitions**

84 10. Except as otherwise specified herein, terms and phrases defined in the Exploitation
85 Regulations shall have the same meaning in this Standard.

86 **III. EXPLOITATION REGULATION REQUIREMENTS RELEVANT TO THE**
87 **ENVIRONMENTAL PERFORMANCE GUARANTEE**

88 **A. Requirement to meet costs, expenses and liabilities**

89 11. The Guarantee is required to cover unexpected costs, expenses and liabilities that a
90 Contractor is unable to meet that fall within the EPG Scope.

91 12. The Guarantee is not to cover ordinary and foreseen operating costs, such as the costs
92 of compliance with conditions of the Exploitation Contract or tortious liability for
93 environmental damage.

94 13. An Applicant or Contractor shall estimate costs, expenses and liabilities that may arise
95 in respect of the items listed in Regulation 26(2)(a)-(c) on a third-party basis, which shall be

96 estimated by the Applicant or Contractor in a conservative manner, assuming the highest
97 reasonable cost for each item.

98 14. Liabilities are considered to include reasonably estimable costs, such as third-party
99 costs associated with satisfying the conditions of the Contractor's Closure Plan, and
100 undertaking post-closure monitoring and management of residual Environmental Effects.

101 **B. Forms of the Environmental Performance Guarantee**

102 15. Recommendations for the form of the Guarantee are set out in the Guidelines. Changes
103 to the form of a guarantee following approval of a Plan of Work shall require the consent of
104 all parties involved and shall be approved by the Council.

105 **IV. HOW TO DEMONSTRATE A SUFFICIENT GUARANTEE**

106 **A. A proposed Guarantee is a condition for approval of a Plan of Work**

107 16. In accordance with the Regulations, a proposal for an EPG must be part of an
108 application for approval of a Plan of Work.

109 17. An Applicant for approval of a Plan of Work shall prepare a Plan of Work that includes
110 details of the proposed Guarantee, including:

- 111 (a) the proposed form of the Guarantee;
- 112 (b) the calculation of the Guarantee; and
- 113 (c) the Guarantee's terms and conditions.

114 18. An Applicant shall propose a Guarantee in a form acceptable to the Commission by:

- 115 (a) adopting the endorsed method for estimating the greatest reasonably credible third-
116 party costs, expenses and liabilities based on the Applicant's Closure Plan;
- 117 (b) using an accepted calculation tool for calculating the third-party costs, expenses
118 and liabilities that may arise from the Applicant's Closure Plan;
- 119 (c) producing a Validation Statement prepared and signed by an independent
120 validator(s), confirming that the form and calculation adopted by the Applicant is accurate;
121 and
- 122 (d) submitting in the prescribed form, an Environmental Performance Guarantee
123 Declaration and an Environmental Performance Guarantee Confirmation to the
124 Commission;

125 **B. How to determine the form of the Guarantee**

126 19. An Applicant or Contractor shall identify the form(s) of Guarantee that will be offered
127 for consideration by the Commission.

128 **C. How to calculate the Guarantee**

129 20. An Applicant or Contractor shall use a suitably robust cost estimation tool for
130 calculating the greatest reasonably credible costs, expenses and liabilities that may arise
131 from the items listed in Regulation 26(2)(a)-(c).

132 21. An Applicant or Contractor shall select a cost estimation tool for estimating the greatest
133 reasonably credible costs, expenses and liabilities that are appropriate for the completion of
134 its Closure Plan under the proposed Plan of Work. The "greatest reasonably credible costs"
135 is an objective standard by which the Authority and Contractors can determine the extent of

136 the guarantee required. The Applicant or Contractor shall estimate the greatest reasonably
137 credible costs on a "worst case scenario" basis.

138 22. A Guarantee is required for all non-contiguous Mining Areas to which a Plan of Work
139 relates.

140 23. If an Applicant has proposed two or more non-contiguous Mining Areas in its Plan of
141 Work and the Commission has approved the Applicant relying on a single set of documents
142 in accordance with Regulation 7(4), the Applicant shall:

143 (a) estimate the greatest reasonably credible costs, expenses and liabilities that may
144 arise from all Closure Plans across all Mining Areas; and

145 (b) produce the one form and calculation of financial guarantee for consideration by
146 the Commission.

147 24. If:

148 (a) the Applicant submits one form and calculation of financial guarantee pursuant to
149 paragraph 19 of the Guidelines; and

150 (b) the Commission subsequently requires that separate documents are required under
151 Regulation 7(4),

152 the Applicant shall submit separate forms and calculations of Guarantees for each non-
153 contiguous Mining Areas in accordance with the Regulations and these Standards.

154 **D. Requirement for an independent Validation Statement**

155 25. An Applicant or Contractor shall independently validate the form and calculation of the
156 proposed Guarantee and produce a Validation Statement prepared and signed by an
157 independent validator(s), confirming that the form and calculation adopted by the Applicant
158 or Contractor is accurate.

159 26. An independent validator(s) appointed by an Applicant or Contractor shall be:

160 (a) competent and independent; and

161 (b) required to submit a statement of independence with their Validation Statement.

162 27. The Validation Statement shall include:

163 (a) a statement of the validator's qualifications and experience;

164 (b) a statement of the validator's independence vis-à-vis the Applicant or Contractor;

165 (c) concise explanations of the validation method used by the validator and the method
166 that the Applicant or Contractor has used to calculate the amount of Guarantee required; and

167 (d) confirmation that the calculation method adopted by the Applicant or Contractor is
168 sensitive to the economic, geological, environmental and geographic features of the project.

169 28. An Applicant or Contractor shall produce the Validation Statement to the Commission
170 at the time of submitting the proposed Guarantee.

171 **E. Environmental Performance Guarantee Declaration**

172 29. The Commission has developed an Environmental Performance Guarantee Declaration
173 Form

174 30. An Applicant when proposing its Guarantee to the Commission shall also include a
175 completed Environmental Performance Guarantee Declaration.

176 31. The Declaration requires the Applicant to certify that it:

177 (a) is and will remain compliant for the duration of the Exploitation Contract with the
178 Exploitation Regulations, including Regulation 26; and

179 (b) formally acknowledges its legal duty to maintain and make accessible the approved
180 Guarantee over the life of the Exploitation Contract.

181 32. The Commission requires the Declaration be provided prior to or at the time of
182 submission of an application for a Plan of Work.

183 33. An Applicant shall ensure that valid declarations are in place for all Plans of Work to
184 which a Guarantee relates prior to submitting the proposed Guarantee to the Commission.

185 **F. Environmental Performance Guarantee Confirmation**

186 34. The Commission has developed an Environmental Performance Guarantee
187 Confirmation Form

188 35. A Contractor when lodging the Guarantee in accordance with Regulation 26(2) shall
189 also submit an Environmental Performance Guarantee Confirmation to the Commission
190 attesting that a Guarantee in the form approved by the Council has been lodged in favour of
191 the Authority.

192 36. The Confirmation requires the Contractor to certify that:

193 (a) a validated cost estimation tool was used to estimate the reasonably identifiable
194 and estimable costs, expenses and liabilities required under Regulation 26(2);

195 (b) the cost estimation tool used was appropriate for the nature and scale of impacts
196 that might arise under the Closure Plan and the Guarantee conforms to the Authority's
197 endorsed method; and

198 (c) The approved Guarantee contained within the Plan of Work has been lodged with
199 the Authority.

200 37. The Contractor shall lodge an updated Confirmation if there is a Material Change to the
201 approved Plan of Work, including the Guarantee.

202 **G. Environmental Performance Guarantee for multiple Contractors**

203 38. The Commission acknowledges that in some circumstances there will be more than one
204 individual or entity registered as the Contractor for a Mining Area.

205 39. Where a partnership or consortium of entities submits an application for approval of a
206 Plan of Work (**Group or Consortium**), the Environmental Performance Guarantee

207 Declaration Form provides that each member of the Group or Consortium shall submit a
208 Declaration that it will comply with the requirements of Regulation 26.

209 40. In the submission of a Plan of Work, the lead member of the Group or Consortium
210 shall:

211 (a) calculate the level of the Guarantee required by the Group or Consortium to meet
212 the obligations contained in Regulations 26 for the proposed Plan of Work in accordance
213 with these Standards

214 (b) confirm to the Commission that the Group or Consortium (as opposed to the
215 members of that Group or Consortium) holds or will hold a sufficient Guarantee for the
216 duration of the Plan of Work;

217 (c) confirm to the Commission that the form(s) of the Guarantee the Group or
218 Consortium hold will be immediately accessible by the Authority at the point where costs,
219 expenses and liabilities arise and are unable to be met under the Closure Plan;

220 (d) inform all other members of the Group or Consortium for the proposed Plan of
221 Work of the total amount of the Guarantee to be held;

222 (e) confirm with all other members of the Group or Consortium for the proposed Plan
223 of Work that the lead member has submitted all Declarations to the Commission for the
224 relevant Application; and

225 (f) provide an Environmental Performance Guarantee Confirmation to the Authority
226 on lodgment of the Guarantee.

227 41. All other members of the Group or Consortium for the Plan of Work shall:

228 (a) confirm to the Commission that the Group or Consortium holds or will hold a
229 sufficient Guarantee for its Plan of Work;

230 (b) confirm to the Commission that the form(s) of the Guarantee the Group or
231 Consortium
232 holds or will hold will be immediately accessible by the Authority at the point where costs,
233 expenses and liabilities arise and are unable to be met under the Closure Plan; and

234 (c) inform the lead member of the Consortium or Group that an Environmental
235 Performance Guarantee Confirmation has been provided to the Commission.

236 42. The Group or Consortium shall provide a proposal for, and hold, a Guarantee for its
237 Plan of Work in the name of the Group or Consortium, or in the name of one individual
238 member of the Group or Consortium.

239 **V. ONGOING RESPONSIBILITIES**

240 43. The Contractor is at all times responsible for maintaining the form and amount of the
241 approved Guarantee.

242 44. This responsibility cannot be discharged by affiliates, related companies, sub-
243 contractors or other entities who are not the Contractor, for the purposes of the Exploitation
244 Regulations.

245 **VI. REVIEW OF A GUARANTEE**

246 *[Clarifications to the review mechanism should be made to Regulation 26(6). In this case,*
247 *this section is a placeholder.]*

248 **VII. REPAYMENT OR RELEASE OF A GUARANTEE**

249 45. The Contractor's closure obligations are set out in the Exploitation Regulations.

250 **A. Release in full**

251 46. The entire Guarantee shall be released:

252 (a) where:

253 (i) all of the requirements of the Closure Plan that include likely costs required
254 for the EPG Scope have been fulfilled; and

255 (ii) the Commission has approved the final performance assessment under
256 Regulation 61(3); or

257 (b) where the:

258 (i) Council has approved the transfer of rights and obligations under an
259 Exploitation contract under Regulation 23; and

260 (ii) new Contractor (transferee) has deposited a Guarantee in accordance with
261 Regulation 26; or

262 (c) where:

263 (i) there is a change of control under Regulation 24;

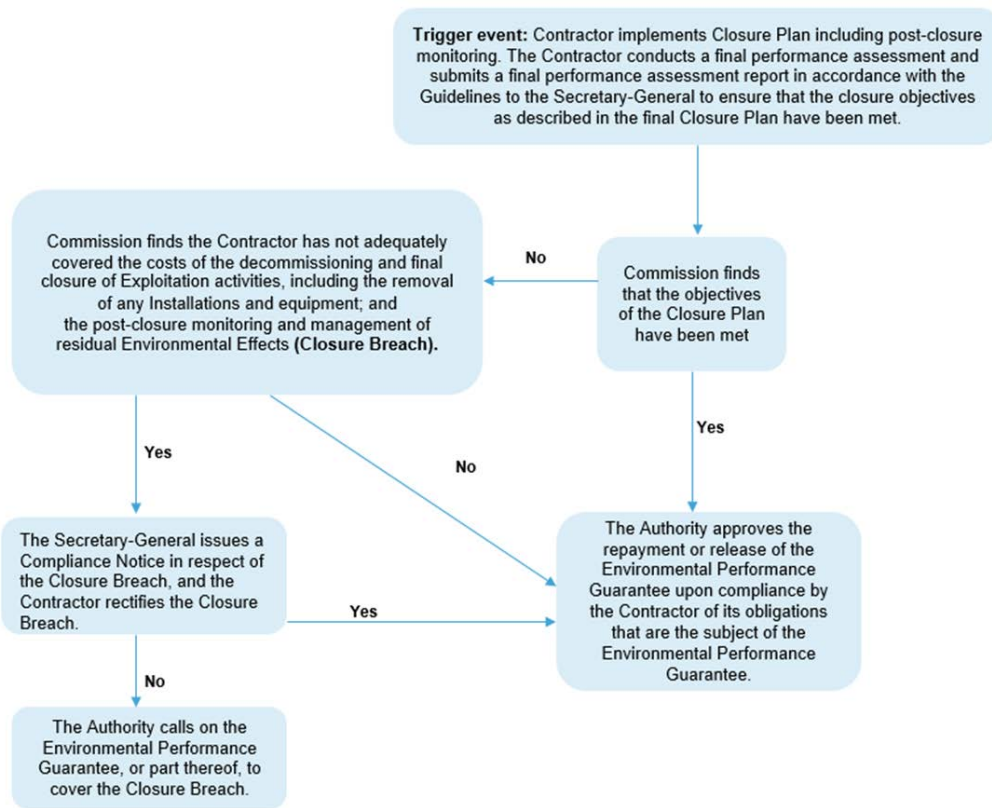
264 (ii) the Secretary-General has required that the Contractor lodge a new
265 Guarantee under Regulation 24(3)(c); and

266 (iii) the Contractor has lodged a new Guarantee in accordance with Regulation
267 24(3)(c).

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47. Figure 2 indicates the release process of a Guarantee under the Exploitation Regulations pursuant to paragraph 46:

Figure 2: A simplified flowchart of the Environmental Performance Guarantee release process



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B. Release in part

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48. Subject to paragraphs 48 and 49, part of the Guarantee may be released, upon the Contractor's request, where the:

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(a) Council has approved a final Closure Plan under Regulation 60; and

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(b) The Contractor has implemented the final Closure Plan in accordance with the conditions of its implementation, and reported the results on the progress of such implementation to the Secretary General in accordance with Regulation 61(1); and

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(c) the implementation of the final Closure Plan has removed any risk of liability in respect of costs relating to the items prescribed in Regulation 26(2)(a) and (b).

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49. Where a Contractor has requested partial release of its Guarantee, the Commission shall, subject to paragraph 48, either:

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(a) recommend to the Council to release the part of the Guarantee as requested; or

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(b) notify the Contractor that it will recommend to the Council that the requested Guarantee should not be released, the reasons why, and the measures necessary to satisfy the requirements of the Closure Plan.

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50. Where part of the Guarantee shall be released in accordance with paragraphs 48 and 49, the Commission shall make a recommendation to the Council in respect of the amount of the Guarantee that shall be repaid or released.

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51. Where:

- 290 (a) the Contractor has failed to implement a Closure Plan; and
291 (b) the Contractor has failed to meet any costs in respect of any of the items listed in
292 Regulation 26(2); and
293 (c) the Authority has implemented the Closure Plan and covered outstanding costs
294 relating to the items listed in Regulation 26(2),
295 the Authority will release any remaining part of the Guarantee to the Contractor.

296 **VIII. RELEVANT DOCUMENTS**

297 (*[hyperlinks to relevant documents here]*)

298 **IX. FORMS**

299 (*[hyperlinks to relevant forms here]*)

300 **X. DEFINITIONS AND ABBREVIATIONS**

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302 **52. Environmental Performance Guarantee Declaration** means the declaration
303 prescribed by Section IV (e) of the Standards.

304 **53. Environmental Performance Guarantee Confirmation** means the confirmation
305 prescribed by Section IV (f) of the Standards.

306
307 **54. EPG** means the Environmental Performance Guarantee

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309 **55. Group or Consortium** means a partnership or consortium of entities that submit an
310 application for approval of a Plan of Work.

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312 **56. Guarantee** means the Environmental Performance Guarantee.

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Appendix 2

314

Draft Guidelines

315

on the form and calculation of an Environmental Performance Guarantee

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I. SCOPE

A. Purpose

1. Regulation 26 of the Exploitation Regulations requires a Contractor to provide an Environmental Performance Guarantee ("**Guarantee**") in favour of the Authority to meet the likely costs, expenses and liabilities that may result from either:

- (a) the premature closure of Exploitation activities;
- (b) the decommissioning and final closure of Exploitation activities, including the removal of any Installations and equipment; and
- (c) the post-closure monitoring and management of residual Environmental Effects (together, the "**EPG Scope**").

2. The Standard describes how the Authority will administer the requirement for an Environmental Performance Guarantee. The Standard explains:

- (d) how an Applicant may establish compliance with the Exploitation Regulations when submitting an Environmental Performance Guarantee proposal to the Commission as part of an application for approval of a Plan of Work;
- (e) how a Contractor may establish compliance with the Exploitation Regulations during reviews, updates and release of the Environmental Performance Guarantee;
- (f) the process for review and re-validation of the Environmental Performance Guarantee; and
- (g) the process for repayment or release of the Environmental Performance Guarantee.

3. These Guidelines support the implementation of the Standard and the Exploitation Regulations.

4. Sections of these Guidelines should be read in conjunction with equivalent sections in the Standards.

B. Definitions

5. Except as otherwise specified herein, terms and phrases defined in the Exploitation Regulations have the same meaning in these Guidelines.

II. EXPLOITATION REGULATION REQUIREMENTS RELEVANT TO THE ENVIRONMENTAL PERFORMANCE GUARANTEE

A. Forms of the Environmental Performance Guarantee

6. An Applicant or Contractor may use its discretion to determine the form (or combination of forms) for its specific requirements under its Plan of Work and Closure Plan, provided the form of the Guarantee:

- (h) covers 100% of the total estimated cost required to satisfy Regulation 26(2)(a)-(c); and
- (i) is calculated and independently verified on a third-party cost basis.

7. The following non-exhaustive forms of guarantees may be proposed by an Applicant or Contractor pursuant to Regulation 26(2).

Self-guarantee or company guarantee

8. A self-guarantee – also known as a "company guarantee", "*corporate financial test*", or a "*balance sheet test*" – is based on an evaluation of the assets and liabilities of the

372 Applicant/Contractor and its ability to pay the total rehabilitation and closure costs. A self-
373 guarantee or company guarantee requires a history of financial stability, a favorable credit
374 rating from a specialised credit rating service, and the provision of an annual financial
375 statement prepared by a reputable international accounting firm.

376 *Insurance Policy or Scheme*

377 9. From funds deposited, the insurer issues the required security bonds to the Authority
378 and pays the actual costs of the items listed in Regulation 26(2)(a)-(c). At the end of project
379 life, if there is a surplus in the account, it is remitted to the Contractor; if there is a deficit,
380 the insurer pays.

381 *Letter of Credit/Bank Guarantee*

382 10. An irrevocable letter of credit, also known as a "*bank guarantee*", is an unconditional
383 agreement between a bank and a proponent to provide funds to a third party on demand. In
384 this instance, the third party is the Authority and the proponent is the Contractor. A letter
385 of credit or bank guarantee will include the terms and conditions of the agreement between
386 the Contractor and the Authority, with reference to the Closure Plan and the agreed-upon
387 costs to pay for the items listed in Regulation 26(2)(a)-(c). Any changes to the letter of
388 credit or bank guarantee requires the consent of the issuing bank, the Applicant/Contractor,
389 and the Authority.

390 *Insurance Guarantee*

391 11. An insurance guarantee or bond is an agreement between an insurance company and a
392 Contractor to provide funds to a third party under certain circumstances. In this instance, the
393 third party is the Authority. An insurance guarantee includes the terms and conditions of the
394 agreement between the Contractor and the Authority with reference to the Closure Plan,
395 agreed-upon costs, and conditions for the release of the bond. Any changes to an insurance
396 guarantee require the consent of all the parties involved.

397 *Cash Deposits*

398 12. A deposit can be made for a financial guarantee such as cash, a bank draft, or a certified
399 cheque. The funds should be placed in a dedicated account under the management of the
400 financial institution, with the Authority and Contractor holding joint signatory powers.
401 Alternatively, the cash may be used to purchase a certificate of deposit, which may be
402 pledged to the Authority as security.

403 *Sinking Fund*

404 13. A sinking fund is a method of making incremental payments under a letter of credit,
405 insurance guarantee, or cash security. A schedule of payments is established when the
406 financial guarantee is set up. In accordance with the schedule, the Contractor makes
407 payments to the fund until the full amount of the financial guarantee has been reached.

408 **III. HOW TO DEMONSTRATE A SUFFICIENT GUARANTEE**

409 **A. An approved Guarantee is a condition for approval of a Plan of Work**

410 14. Where the Applicant proposes a Guarantee under Section IV(A) of the Standard, the
411 Commission may engage its own expert to assess and validate the Guarantee proposed by

412 the Applicant; the costs incurred by the Commission in doing so would need to be included
413 in the Plan of Work application fee payable by the Contractor.

414 **B. How to determine the form of the Guarantee**

415 15. An Applicant or Contractor may select a variety of forms of guarantees that together
416 aggregate to equal the maximum guarantee required in order to meet the requirements of
417 Regulation 26(2).

418 16. An Applicant or Contractor may use its discretion to determine the form of the
419 Guarantee or combination of forms to suit their specific requirements, provided the form or
420 combination of forms covers the maximum guarantee calculated in accordance with the
421 Closure Plan and is independently validated.

422 **C. How to calculate the Guarantee**

423 17. The Commission does not endorse any single cost estimation tool for calculating the
424 Guarantee.

425 18. An Applicant or Contractor may use any reasonable cost-estimation tool, provided it is
426 suitable to the Contractor's or Applicant's proposed operations and results in a calculation
427 sufficient to cover the EPG scope.

428 19. If an Applicant has not yet obtained approval from the Commission under Regulation
429 7(4), the Applicant may (subject to paragraph 22 of the Standard):

430 (j) estimate the greatest reasonably credible costs, expenses and liabilities that may
431 arise from all Closure Plans across all Plans of Work; and

432 (k) produce one combined form and calculation of financial guarantee for
433 consideration by the Commission.

434 **D. Environmental Performance Guarantee Declaration**

435 20. The Commission has developed an Environmental Performance Guarantee Declaration
436 Form

437 21. Subject to paragraphs 21 and 22 of the Standard and Regulation 7(4), a Declaration may
438 cover non-contiguous Mining Areas included in a Plan of Work.

439 **E. Review process of a Guarantee proposal**

440 22. Should the Commission have any queries with respect to:

441 (l) the independent validator(s) statement;

442 (m) the form proposed by the Applicant; or

443 (n) the calculation of the estimated costs of the EPG Scope,

444 the Commission may seek additional information from the Applicant.

445 **IV. DEFINITIONS AND ABBREVIATIONS**

446 23. **Environmental Performance Guarantee Declaration** means the declaration
447 prescribed by Section IV (e) of the Standards.

448 24. **Environmental Performance Guarantee Confirmation** means the confirmation
449 prescribed by Section IV (f) of the Standards.

450 25. **EPG** means the Environmental Performance Guarantee.

451 26. **Guarantee** means the Environmental Performance Guarantee.

452