



Greenfield Environmental Multistate Trust LLC,
Trustee of the Multistate Environmental Response Trust
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BY ELECTRONIC MAIL

MEMO TO: Sean Carman—USDOJ
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FROM: Cindy Brooks—Multistate Trust

SUBJECT: Multistate Trust Transparency Plan

DATE: August 5, 2021

In its February 13, 2021 letter regarding reappointment of Greenfield Environmental Multistate Trust LLC as Trustee of the Multistate Environmental Response Trust (the Multistate Trust), the United States documented its expectation that the Multistate Trust prepare a Transparency Plan. Specifically, as set forth in § 2.e.i. of the reappointment letter's Exhibit A Framework, the Beneficiaries requested that, no later than April 1, 2021, the Multistate Trust report to the United States (and other Beneficiaries choosing to participate) on the suitability of:

“making additional Trust information publicly available, and on the format for doing so. The suggestions shall be designed to ensure transparency to the public of matters of public concern relating to the Trust and its operations, while also taking into account concerns relating to confidential business information, personal privacy, and cost. Subsequent to the submission of the plan, the Beneficiaries expect the Trust to consider adoption of measures suggested by the Beneficiaries, where consistent with the Trust Agreement, the Trustee's fiduciary duties, limits on Trust funding, and confidentiality concerns.”

The Multistate Trust submitted a draft Transparency Plan to the United States on April 1, 2021. This memorandum sets forth the Multistate Trust's revised draft Transparency Plan, which incorporates initial feedback from the United States, for consideration by the United States and other Beneficiaries that would like to be involved in the transparency planning process.

I. Multistate Trust Website

To make information available to the public in a transparent and timely fashion, the Multistate Trust proposes to create and launch a new Multistate Trust website (the Website). The information to be posted to the Website may include, but not be limited to:

1. The financial information described in ¶II (below);
2. The Annual Progress Report described in ¶III (below);
3. Information about the activities, progress and plans of the Multistate Trust Environmental Justice Advisory Board described in ¶IV (below);
4. Links to Multistate Trust site-specific websites;¹
5. Recent fact sheets, newsletters, flyers and other information about activities being performed at Multistate Trust sites;
6. Announcements about availability sessions, public meetings and other community events;
7. Information about Multistate Trust contracting and procurement plans for Environmental Actions will be provided on site-specific websites or on the Website as appropriate and applicable; and
8. Copies of the Multistate Trust Agreement, Multistate Trust Reappointment Letter, the current Multistate Trust organization chart (and staff contact information), and other documents related to the Multistate Trust and its operations.

The Multistate Trust will routinely advise Beneficiaries and interested members of the public of the availability of this website.

¹ Site-specific websites currently maintained by the Multistate Trust include: for the Kerr-McGee Chemical Corp Superfund Site in Columbus, Mississippi, <https://columbus.greenfieldenvironmental.com>; for the Kerr-McGee Chemical Corp Superfund Site in Jacksonville, Florida, <https://jacksonville.greenfieldenvironmental.com>; and for the Kerr-McGee Chemical Corp Superfund Site in Navassa, North Carolina, <https://multi-trust.org/navassa-north-carolina>. The Multistate Trust currently plans to launch site-specific websites for Bossier City, LA, and Springfield, MO, OFSS.

II. Financial Information Transparency

1. Multistate Trust Budgets. The Multistate Trust proposes to upload the following budgets to the Website for the period beginning January 1, 2021.
 - a. Owned Funded Sites (OFS) Budgets. The Multistate Trust proposes to upload Lead Agency-approved Environmental Cost Account (ECA) budgets (and any approved budget amendments) for each OFS identified in Exhibit “A-1” of the Multistate Environmental Response Trust Agreement (the Multistate Trust Agreement)² for which there is an approved ECA budget. The 2021 ECA budget information to be uploaded to the Website will exclude confidential business information (CBI) that has been included in ECA budget submittals to its Lead Agencies. Future OFS ECA budgets will not include CBI.
 - b. Owned Service Station Budgets. The Multistate Trust proposes to upload Lead Agency-approved ECA budgets (and any approved budget amendments) for each individual Owned Service Station (OSS) that has an approved ECA budget. OSSs are identified in Exhibit “A-2” of the Multistate Trust Agreement.
 - c. Non-Owned Service Station Budgets. The Multistate Trust proposes to upload Lead Agency-approved Work Account budgets (and any approved budget amendments) for each individual Non-Owned Service Station (NOSS) that has an approved Work Account budget. NOSSs are identified in Exhibit “A-5” of the Multistate Trust Agreement.
 - d. Budgets for Other Sites (Owned and Non-Owned). The Multistate Trust proposes to upload Lead Agency-approved ECA-equivalent budgets (and any approved budget amendments) for each individual Owned Other Site that has an approved ECA-equivalent budget. Owned Other Sites are identified in Exhibits “A-3” and “A-4” of the Multistate Trust Agreement. The Multistate Trust also proposes to upload Lead Agency-approved ECA-equivalent budgets (and any approved budget amendments) for each individual Non-Owned Other Site that has an approved ECA-equivalent budget. Non-Owned Other Sites are identified in Attachment B of the Tronox Consent Decree and Environmental Settlement Agreement.
 - e. Administrative Account Budgets. The Multistate Trust proposes to upload Administrative Account (AA) budgets (and AA budget amendments) that have been approved by the United States and, where applicable, other Beneficiaries. AA budget information will exclude CBI that is currently included in AA budget submittals.

² ECA budgets will be provided for those OFSs that are still owned by the Multistate Trust and have active, approved budgets.

2. Multistate Trust Quarterly Financial Statements. The Multistate Trust proposes to upload quarterly financial statements to the Website that are prepared and submitted to the Beneficiaries pursuant to § 6.1 of the Multistate Trust Agreement.
 - a. Quarterly Financial Statements Currently Prepared by the Multistate Trust. The Multistate Trust currently prepares quarterly financial statements for all OFS ECAs and the AA. The Multistate Trust proposes to post all such quarterly reports to the Website promptly after they are submitted to the Beneficiaries.
 - b. Quarterly Financial Statements to be Prepared by the Multistate Trust. At the request of the United States, the Multistate Trust plans to prepare consolidated quarterly financial statements (in a format approved by the United States) for all OSS ECAs, all NOSS Work Accounts and all Owned Other Site and Non-Owned Other Site ECA-equivalents, which will be posted to the Website promptly after they have been submitted to the Beneficiaries.
 - c. Annual (Financial) Statements. The Multistate Trust prepares fourth quarter financial statements, which represent the annual reports prepared and submitted pursuant to § 3.2.4 of the Multistate Trust Agreement. These will be posted to the Website after submission to the Beneficiaries..
3. Timing. The Multistate Trust proposes to upload the approved 2021 budgets (described in ¶11.1 above) to a webpage on the Website dedicated to all Multistate Trust budgets, including future approved ECA, Work Account and AA budgets (and any budget amendments). After the quarterly financial statements have been issued, the Multistate Trust recommends posting the financial statements (starting with first quarter of 2021) on a webpage dedicated to quarterly financial statements.

III. Annual Progress Report on Environmental Actions and Property Disposition

The Multistate Trust proposes to issue a progress report on an annual basis (the Annual Progress Report) that describes its progress on Environmental Actions at OFSs, OSSs, NOSSs, Owned Other Sites and Non-Owned Other Sites. Additionally, the Annual Progress Report would include updates on the sale or disposition of all Multistate Trust sites. The Multistate Trust may also include updates on other trust matters as appropriate. The Annual Progress Report will be posted to the Website.

1. Annual Progress Report Format and Content. The Annual Progress Report may be presented as an update to certain sections of the December 2020 Reappointment Report (RR), such as: ¶15 of § 3 of the RR (excluding Critical Sites); ¶16 of § 3 for all Critical Sites; Tables 4-1 and 4-2 of § 4 of the RR for OSS cleanup and property sale activities; and Table 6-1 of § 6 for OFSs. Additional information about Multistate Trust Environmental Actions

and property disposition activities may be included, as appropriate (including but not limited to if it has been) requested by the United States and other Beneficiaries.

2. Timing. The Multistate Trust proposes to issue the Annual Progress Report no later than four months after the year covered by the report beginning with the report to be issued for 2021, which will be promptly uploaded to the Website after it is submitted to the United States and other Beneficiaries.

IV. Environmental Justice Advisory Board

The Multistate Trust proposes to dedicate a webpage on the Website to the Environmental Justice Advisory Board (EJAB) that may include, but not be limited to, the following information:

1. EJAB Board Members. The EJAB webpage will include Information about each member of the EJAB, including a short biography, term of appointment and contact information.
2. EJAB Meetings. The webpage will include a calendar for EJAB meetings, with instructions for how members of the public can join the meetings online, where appropriate, meeting agendas and meeting minutes (when available).
3. EJAB Reports. EJAB-approved reports and certain other written materials prepared by the EJAB will be uploaded to the EJAB webpage.

V. Revisions to Transparency Plans

At any time, the Multistate Trust may propose and implement changes to the Transparency Plan after consultation with the United States and other participating Beneficiaries.

The Multistate Trust proposes to schedule a call to further discuss the initiatives outlined in this revised draft Transparency Plan and the adoption of any additional measures suggested by the United States and other participating Beneficiaries. Once we have received feedback and approval of the Transparency Plan from the United States and other Beneficiaries, the Multistate Trust will prepare a cost estimate³ and a schedule for implementation of the approved Transparency Plan.

³ The Multistate Trust will update the Administrative Account budget for Cost Center I.O.3—Transparency Plan, as appropriate.

Multistate Trust Transparency Plan

August 5, 2021

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