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SUNNYSIDE COGENERATION ASSOCIATES

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SALT LAKE CITY, UTAH 84158-0087

November 29, 1993

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DIVISION OF  
OIL, GAS & MINING

Mr. Randy Harden  
Division of Oil, Gas and Mining  
3 Triad Center - Suite 350  
Salt Lake City, UT 84180-1203

ACT/007/035 # 2

**RE: Project No. EC450392: Sunnyside Cogeneration Associates - Response to DOGM  
Findings of Permit Condition No. 5**

Dear Randy,

This letter is in regards to DOGM's temporary findings submitted on November 8, 1993 concerning Permit Condition No. 5. DOGM's findings state that, "The permittee has failed to submit adequate information on or before September 15, 1993 to comply with requirements of permit condition 5. Sunnyside Cogeneration is in noncompliance by failing to inventory the fish in the spring of 1993. Since SCA has committed to complete the survey in the spring of 1994, this permit condition may be satisfied upon completion of that survey and the submittal of the final fish inventory report."

DOGM specifically states that SCA is in noncompliance for failing to inventory in the spring and for not committing to a spring, 1993 sampling program. In regards to these findings, it should be recognized that SCA did commit to a spring sampling program when the permit condition was originally issued. SCA committed to the conditions of the original permit condition. It was not until the requirements of the permit condition were abruptly changed by the Division of Wildlife Resources (DWR) on April 30, 1993 that SCA questioned their role in completing the task.

Prior to the April 30, 1993 findings of DWR, SCA had corresponded with DWR on a regular basis to stay abreast of their schedule for performing the inventory. When the original changes to the permit condition were issued by DWR, SCA made several attempts to resolve the inconsistencies with DOGM. SCA submitted several letters concerning Permit Condition No. 5 attempting to resolve the discrepancies.

In light of these facts, SCA is requesting that a full explanation of the events leading up to the time delays in performing the fish inventory be included in the DOGM's Report of Findings. A full explanation should include: a discussion noting SCA's original intention to perform the fish inventory in the spring of 1993, a discussion of the attempts made to resolve the discrepancies, and an explanation of how the delays were not a direct result of SCA's actions, but rather were a result of the inconsistent requests made by the agencies involved.

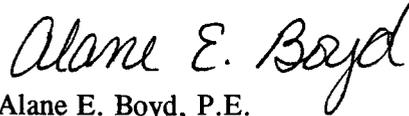
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SCA is requesting that the findings for this permit condition be revised to include a discussion of the items mentioned above. If there are any questions regarding this letter, please call.

Sincerely,



David Pearce  
Authorized Member, Management Committee



Alane E. Boyd, P.E.  
Senior Engineer

cc: Brian Burnett, CDN