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#3361
OC

# State of Utah
**DEPARTMENT OF NATURAL RESOURCES**

**MICHAEL R. STYLER**
*Executive Director*

**Division of Oil, Gas and Mining**

**JOHN R. BAZA**
*Division Director*

**JON M. HUNTSMAN, JR.**
*Governor*

**GARY R. HERBERT**
*Lieutenant Governor*

November 2, 2009

Michael Blakey, Plant Manager
Sunnyside Cogeneration Association
One Power Plant Road
P.O. Box 159
Sunnyside, Utah 84539

Subject: Change In Post Mining Land Use, Task #3361 and Permit Area Reduction, Task #3363, Sunnyside Cogeneration Associates, Star Point Waste Fuel Refuse, C/007/0042

Dear Mr.Blakey:

Enclosed you will find a list of deficiencies that need to be addressed before the amendments, Change In Post Mining Land Use, Task #3361 and Permit Area Reduction, Task #3363, can be approved.

The plans as submitted are denied. Please resubmit the entire applications.

If you have any questions, please call Dave Darby at (801) 538-5341 for any concerns.

Sincerely,

James D. Smith
Permit Supervisor

JDS/DWD/sqs
cc: Price Field Office
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UTAH DNR OIL, GAS & MINING

# Deficiencies

Task 3361 and 3363 are reviewed in this document. Five deficiencies were identified as follows:

**R645-301-121.100,** Please edit the first sentence, second paragraph under Section 111.100-400 to make it reflect current conditions. ● Please review the accuracy of the following sentence found in the last paragraph under Section 112.500, "Plateau Mining has assumed responsibility for paying royalties associated with Star Point Waste Coal Pile." [PWB]

**R645-301-111.400 and R645-301-112.300,** the following information is requested:

1) Please include a listing of the officers and directors of Sunnyside II., L.P.

2) Please verify the following changes to the officers and directors with notarized Secretary signature:

CP Sunnyside I, Inc., need start date for Paul Shepard as Vice President.

Sunnyside II Inc and Sunnyside III Inc., need end dates for: Andrew Kidd as Secretary and Charles Beradesco as Assistant Secretary. Need start date for Steven L. Miller, Secretary.

Colmac Sunnyside Inc., need end date for Gilbert Warren as Director.

Sunnyside Holdings I Inc., need end date for Willis S. McLeese as Secretary. Need start date for William Cangan, Assistant Secretary. [PWB]

**R645-300-121.120,** A more precise legal description of the land receiving the post mining land use change is requested in the public notice. From comparison of maps provided with tasks 3362 and 3363, the Division understands that approximately 10 acres to receive the post mining land use change lies within the NW1/4NE1/4NW1/4 Sec. 15 and the SE1/4SE1/4SW1/4 Section 10. [PWB]

**R645-301-121.200,** The permit area reduction is illustrated on Exhibit 111.100a dated August 11, 2009 (Task 3363). Task 3363 amendment would reduce the permit area by 10 acres for lands involved in the post mining land use change and would remove approximately 20 acres of unused BLM leased land and approximately 15 acres of SCA owned lands from the permit area boundary. A total of approximately 45 acres are being removed from the 153 acre permit area. This should result in a permit area of 153 - 45 = 108 acres, however the resulting permit boundary acreage is stated on Ex. 111.100a as 98.83 acre permit area. From the information on Ex. 111.100a, the Division calculates that the permit area contains 81.15 acres owned in fee simple (Quit claim deed from PMC) + 5.97 acres (surface agreement between PMC and Sunnyside Cogen. Associates for topsoil use) = 87.12 acres. The difference between 108 acres, 98.83 acres and 87.12 acres may be the BLM lease acres retained within the permit area.

Please clearly indicate the number of acres in the permit area that are SCA fee, BLM lease, and PMC lease. [PWB]

**R645-301-412.200, -413.300** Please provide evidence of landowner concurrence with the proposed industrial PMLU including a narrative describing the lease number to illustrate a reasonable likelihood for achieving the post-mining land use.