

Cooper, Jeff

From: Merritt, Allen
Sent: Friday, January 11, 2013 9:11 AM
To: Keen, Shelley; Peppersack, Jeff
Cc: Cooper, Jeff
Subject: RE: Second Petition for Reconsideration for T77712

Folks:

I phoned Greg this morning and essentially described three options:

- Have Searle file a petition for reconsideration where we would likely deny it.
- Request to have the application amended where we would withdraw approval and then have them amend the application and pay a re-advertising fee of \$50. We would re-advertise and it would open up protest period.
- Let current approval stand and file a second transfer and pay a fee based on just adding the 5 acres where proportional fee would likely be \$200. We would not advertise since has no hydrologic impact.

Greg has contacted the Searle and they have opted to file a new transfer. He will submit it in a few weeks.

Allen

From: Keen, Shelley
Sent: Wednesday, January 09, 2013 5:44 PM
To: Peppersack, Jeff; Merritt, Allen
Cc: Cooper, Jeff
Subject: RE: Second Petition for Reconsideration for T77712

I agree that the safest course is to file again. A petition for reconsideration is to fix a defect in the approval, not to propose something different.

If we withdraw the approval and allow the amended application, we should at least require a re-advertisement fee and make sure the public has an opportunity to evaluate the proposed changes.

Shelley

From: Peppersack, Jeff
Sent: Wednesday, January 09, 2013 5:39 PM
To: Merritt, Allen
Cc: Cooper, Jeff; Keen, Shelley
Subject: RE: Second Petition for Reconsideration for T77712

I suppose we could withdraw the approval, have them amend their application and then reissue an updated approval; however, I'm supportive of a new filing requirement with fees for the reasons expressed.

Jeff

From: Merritt, Allen
Sent: Wednesday, January 09, 2013 4:44 PM
To: Peppersack, Jeff; Keen, Shelley
Cc: Cooper, Jeff
Subject: Second Petition for Reconsideration for T77712

Folks,

We just got the attached in the mail today from Greg at Brockway's. Attached is Jeff's draft response.

Seems we just got thru amending the approval for various reasons and now they want to add in more acres in a PPU that was not part of the original application. Seems they should be required to file a new application or is this something we would consider in doing thru the petition for reconsideration?

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