

Document Information Form

Mine Number: C/007/035

File Name: Incoming

To: DOGM

From:

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Company SunnySide Fuel Corporation

Date Sent: April 15, N/A

Explanation:

Waste Disposal Area

cc:

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DRAFT

SUNNYSIDE FUEL CORPORATION

WASTE DISPOSAL AREA

PARTIAL ASSIGNMENT OF PERMIT NO. ACT/007/007

UMC788.18 APPLICATION FOR APPROVAL,
TRANSFER, ASSIGNMENT OR SALE OF PERMIT RIGHT

RECEIVED
APR 15 1988

DIVISION OF
OIL, GAS & MINING

File in:

Correspondence

Report

Description

Refer to Record No 0004 Date 4-15-NA

In Cl 007, 035, Incoming

For additional information

UMC 788.18 APPLICATION FOR APPROVAL,
TRANSFER, ASSIGNMENT OR SALE OF PERMIT RIGHT
(Partial Assignment of ACT/007/007)

This is an application for transfer of permit rights under the Utah Coal Program for the Sunnyside Mines tailing ponds located in Carbon County, Utah, from the existing permittee, Kaiser Coal Corporation, a Delaware corporation, to Sunnyside Fuel Corporation.

788118(a)(2)(i):

Existing Permittee

Kaiser Coal Corporation
102 South Tejon, Suite 400
Colorado Springs, Colorado 80903

District Office Representing the Existing Permittee

Kaiser Coal Corporation
Sunnyside Coal Mine
P. O. Box D
Sunnyside, Utah 84539

788.18(a)(2)(ii):

District Office Representing the Proposed Permittee

Sunnyside Fuel Corporation
136 South Main Street
Salt Lake City, Utah 84101

Resident Agent of Service

Denise A. Drago, Esq.
FABIAN & CLENDENIN,
a Professional Corporation
215 South State, 12th Floor
Salt Lake City, Utah 84111
Phone: (801) 531-8900

782.13 Identification of Interests

(a) Names and Addresses

(1) Permit Applicant

Sunnyside Fuel Corporation
136 South Main Street
Salt Lake City, Utah 84101

Phone Number

(2) Legal or Equitable Owners of Record

The legal or equitable owners of the areas to be affected by the surface operations and facilities are:

Sunnyside Fuel Corporation
136 South Main Street
Salt Lake City, Utah 84101

(3) The holders of record of any leasehold interest in areas to be affected by surface actions or facilities:

None

(4) There are no purchasers of record under a real estate contract of the areas affected by surface operations and facilities.

(5) The Operator is:

Kaiser Coal Corporation of Sunnyside
District Office - Sunnyside Mine
P. O. Box D
Sunnyside, Utah 84539

(6) The resident agent of the Applicant who will accept service of process:

Denise A. Dragoo, Esq.
FABIAN & CLENDENIN
a Professional Corporation
215 South State, 12th Floor
Salt Lake City, Utah 84111

782.13(b)

Applicant is a corporation, incorporated as Sunnyside Fuel Corporation.

782.13(b)(1)

Names and addresses of officers and directors of Sunnyside Fuel Corporation are as follows:

Joseph E. Cresci	President, Treasurer and Director	Exchange Place 53 State Street 30th Floor Boston, MA 02109
Donald A. Livingston	Vice President and Director	Exchange Place 53 State Street 30th Floor Boston, MA 02109
Joseph L. Serafini	Secretary and Director	Exchange Place 53 State Street 30th Floor Boston, MA 02109
Bayard R. Krafat, III	Assistant Treasurer	Box 45 100 Union Street Manchester, VT 05254

782.13(b)(2)

Names and addresses of principal shareholders of applicant:

All common stock of Sunnyside Fuel Corporation is controlled by Environmental Power Corporation located at 53 State Street, Boston, Massachusetts 02109. The details of control of this stock are outlined in Environmental Power Corporation's Form 10K filed with the Securities and Exchange Commission for the fiscal year ended December 31, 1987.

782.13(b)(3)

Names under which the applicant and principal shareholders have previously operated mining activities:

Principal Shareholder and applicant have not previously conducted mining activities.

782.13(c)

See 788.18(a)(2)(ii) and 782.13(b)(1)(2)

782.13(d)

Current or previous coal mining permits or pending permit applications:

None.

782.13(e)

Owners of record of surface and subsurface areas contiguous to the permit area are listed below :

(i) Surface Owners

United States of America
Department of the Interior
Bureau of Land Management
Utah State Offices
~~University Club Building~~
136 East South Temple 324 *South State*
Salt Lake City, UT 84111

East Carbon City
Greg Palacios, Mayor
Columbia Branch
East Carbon City, UT 84520

Kaiser Coal Corporation
102 South Tejon, Suite 400
P. O. Box 2679
Colorado Springs, CO 80903

(ii) Subsurface Owners:

N/A

782.13(f)

The Mine Safety and Health Administration Mine Permit ID Numbers for the Sunnyside Mine:

No. 1 Mine	42-00093
No. 2 Mine	42-00094
No. 3 Mine	42-00092

Issued verbally by Mine Enforcement and Safety Administration, Department of Interior in 1970 (now Mine Safety and Health Administration, Department of Labor.

Sunnyside Surface Operations: ID Number 42-01813

Issued verbally by Mine Safety and Health Administration, Department of Labor, in 1983.

782.13(g)

The following is a statement of all lands, interests in land options or pending bids on interest held or made by the applicant for lands which are contiguous to the area to be covered by the permit:

An affiliate of Sunnyside Fuel Corporation holds a lease and an option to purchase lands contiguous to the permit area. These lands are shown as parcel 'A' on Plate A-1.

782.14 Compliance Information

(a) Statement of Compliance

Neither the applicant, nor any of its subsidiaries, affiliates or persons controlled by or under common control with the Applicant has had a federal or state mining permit suspended or revoked in the last five years; nor forfeited a mining bond or similar security deposited in lieu of bond.

(b) This section does not apply.

(c) Violation Notices received by the Applicant in connection with any underground or surface coal mining activities within the last three years:

None.

782.15 Right-of-Entry and Operations Information

Applicant legal rights claimed

(a) Applicant Sunnysides Fuel Corporation obtained the legal right to enter and begin activities pursuant to a Deed, Assignment, and Bill of Sale between Kaiser Fuel Coal Corporation, Grantor, and Sunnyside Fuel Corporation, Grantee, dated December 28, 1987. The legal description of the lands affected is set forth at UMC 788.18(b)(1).

(b) This section does not apply.

782.16 Relationship to Areas Designated Unsuitable for Mining

(a) The permit area is not within an area designated

unsuitable.

(b) N/A

(c) Surface operations are not located within three hundred feet of an occupied dwelling.

782.17 N/A

782.18 Personal Injury and Property Damage Insurance Information

Wed Not available at this time. (Binder for EPC or Sunnyside Fuel Corp?)

782.19 Other Licenses and Permits

A list of other licenses and permits under applicable State and Federal land-use, air and water quality, water rights and health and safety laws and regulations needed by Sunnyside Fuel Corporation to conduct the waste coal mining activities are as follows:

- (1) NPDES Discharge Permit for Kaiser Coal Corporation, Sunnyside Mines, UT-0022942.

Issued on September 2, 1977 by:

Enforcement Division
U. S. Environmental Protection Agency
Region VIII
1860 Lincoln Street
Denver, CO 80203

- (2) ~~MESA~~ ^{MESA} Identification Number 1211-UT-9-0017 for Sunnyside Preparation Plant Tailings Ponds, Sunnyside Mines, Kaiser Coal Corporation.

Issued on March 15, 1976 by:

U. S. Department of the Interior
Mining Enforcement and Safety Administration
Coal Mine Health and Safety
P. O. Box 15037
Denver, CO 80215

788.18(b)(1) Newspaper Advertisement and Proof of Publication

Notice of this proposed transfer will be submitted to the Newspaper Agency Corporation in Salt Lake City, Utah and the Sun Advocate in Price, Utah in substantially the following form on the Closing Date. Proof of publication will be submitted to the Division upon publication.

Notice is hereby given that Sunnyside Fuel Corporation has submitted an application to the State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining, for transfer of a portion of a permit to Sunnyside Fuel Corpora-

tion under the provisions of the Utah Coal Mining and Reclamation Act (Utah Code Ann. 40-10-1, et seq.) and the Utah Coal Program Regulation UMC 788.18. The previous permittee was the Kaiser Coal Corporation, Permit No. ACT/007/007. The permit area is located in Carbon County, Utah as follows:

PARCEL B:

Describing a parcel of land located in Carbon County, Utah, which is located in the east half of Section 6, Township 15 South, Range 14 East, Salt Lake Base and Meridian and being more particularly described according to the following courses and distances, to wit:

Beginning at the East one quarter corner of Section 6, Township 15 South, Range 14 East, Salt Lake Base and Meridian and running thence S 0°13'39" W, 1818.48 feet along the east section line of Section 6 to the south right of way line of an existing railroad track; thence northwesterly along a curve to the right with a radius of 450.00 feet, through an angle of 83°37'47", for a distance of 656.83 feet having a chord that bears N 40°27'18" W, 600.05 feet; thence N 1°21'36" E, 68.00 feet along the westerly right of way line of an existing railroad track; thence S 57°11'02" W, 338.86 feet to an existing 5/8 inch rebar; thence S 66°14'45" W, 220.17 feet to an existing 5/8 inch rebar; thence S 86°11'30" W, 261.34 feet to a metal fence post; thence N 4°41'13" W, 264.09 feet to a roof bolt on the west side of a gate in a fence line; thence N 10°54'48" W, 189.49 feet to a metal fence post; thence N 0° 39'10" W, 254.39 feet to a metal fence post; thence N 10°09'48" W, 315.48 feet to a metal fence post; thence N 6°32'57" W, 232.70 feet to a roof bolt in an existing fence line; thence N 6°32'57" W, 65.24 feet to the south right of way line of a Denver and Rio Grande Railroad as described in a certain deed dated July 29, 1912; thence N 71°27'00" E, 1209.07 feet along the south line of a 50 foot wide right of way for the Denver and Rio Grande Railroad; thence northeasterly along a curve to the left with a radius of 979.93 feet, through an angle of 9°19'48", for a distance of 159.57 feet, having a chord that bears N 66°47'06" E, 159.40 feet to the