

C007035 Incoming

#4140

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Sunnyside Cogeneration Associates

P.O. Box 10, East Carbon, Utah 84520 • (435) 888-4476 • Fax (435) 888-2538

November 6, 2012

RECEIVED

NOV 08 2012

DIV. OF OIL, GAS & MINING

Daron Haddock
Division of Oil Gas and Mining
1594 West North Temple, Suite 1210
Salt Lake City, UT 84116

RE: Sunnyside Refuse Permit Renewal – Task ID #4140 – Clean Copies
Sunnyside Cogeneration Associates, Sunnyside Refuse/Slurry, C007/035

Dear Mr. Haddock,

As requested in your November 5, 2012, conditional approval letter, SCA is submitting three (3) clean copies of the amendment documents (Chapter I updates) for incorporation.

We look forward to receiving your final approval with a stamped incorporated copy for insertion into our Mining and Reclamation Permit.

If you have any questions, please feel free to call Rusty Netz or myself at (435) 888-4476.

Thank You,

A handwritten signature in blue ink, appearing to read 'Richard Carter', is written over the typed name.

Richard Carter
Agent For
Sunnyside Cogeneration Associates

c.c. Rusty Netz
Plant File

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**CHAPTER ONE
100 GENERAL CONTENTS**

112 IDENTIFICATION OF INTERESTS

112.100 Statement as to Type of Entity

The Applicant, Sunnyside Cogeneration Associates ("SCA"), is a Utah joint venture between Sunnyside Holdings I, Inc. and Sunnyside II, L.P. Information regarding these entities and other parent or controlling corporations is described in the sections that follow.

112.210 Information Regarding the Applicant

Additional information regarding the applicant may be obtained by contacting:

Local

Sunnyside Cogeneration Associates
Attn: Plant Manager
P.O. Box 159
Sunnyside, Utah 84539
EIN: 84-1027564
Phone: (435) 888-4476

Plant Engineer

Attn: Rusty Netz
One Power Plant Road, Sunnyside, UT 84539
P.O. Box 159
Sunnyside UT 84539
Phone: (435) 888-4476
Fax: (435) 888-2538

Utah Counsel

Brian W. Burnett, Esq.
Callister Nebeker & McCullough
3016
10 East South Temple
Salt Lake City, UT 84133
Phone: (801) 530-7300

Environmental Manager

Maggie T. Estrada
95 Enterprise, Suite 300

Aliso Viejo CA 92656
Phone: (949) 425-4755
fax: (949) 852-1720

General Manager

Kendall Reed
RR2 Box 56, Highway

Clarion, PA 16214
Phone: (814) 226-8001
Fax: (814) 226-7909

112.220 Information Regarding the Resident Agent:

Sunnyside Cogeneration Associates
Attn: Richard Carter, Plant Manager
P.O. Box 159, Sunnyside UT 84539 (mailing address)
One Power Plant Road, Sunnyside, UT 84539 (street address)
Phone: (435) 888-4476
EIN: 84-1027564

112.230 Information Regarding Abandoned Mine Land Reclamation Fee:

On July 27, 1994 the Office of Surface Mining found that the waste material located within the SCA Permit Area has no value and is not subject to reclamation fees. Correspondence relating to this matter is included in Appendix 1-1. OSM-1 to be filed.

112.300-330 Information Regarding "Owners" and "Controllers":

The Applicant, SCA, is a Utah joint venture. SCA holds the contracts, property, and permits for the project in its name. Because the joint venture is essentially a partnership between Sunnyside Holdings I, Inc. and Sunnyside II, L.P., SCA has no corporate information of its own. Therefore, the information required under regulation 112.300- 330 is provided for the joint venture partners, Sunnyside Holdings I, Inc. and Sunnyside II, L.P., and their parent or controlling corporations.

The information relevant to Sunnyside II, L.P. traces to the parentage of CP Sunnyside I, Inc, and the information relevant to Sunnyside Holdings I, Inc. traces to the parentage of Colmac Sunnyside, Inc. Figure 1-7 identifies the corporate organization chart and the corporate directors and officers of the parent companies to SCA . SCA contracts with several companies and individuals to provide services at the facility. The officers and directors of the entities identified in Figure 1-7 determine the manner in which SCA conducts coal mining and reclamation operations.

112.340-420 Further Information Regarding Owners and Controllers

Neither Sunnyside II, L.P., nor Sunnyside Holdings I, Inc., nor their owners or controllers, has owned or controlled a coal mining and reclamation operation in the United States within five years preceding the date of this application, nor do they have any interest in any pending coal mine operation permit applications, except for the following:

C/007/042 Star Point Waste Fuel, Wattis Utah.

112.500 Surface and Mineral Property

There are no legal or equitable owners of the surface or mineral property to be mined other than the Applicant. Additionally, there are no leasehold interests nor any purchasers of record under a real estate contract for the property to be mined except for the following:

Sunnyside Properties LLC., Utah limited liability company, holds fee title to a portion of SCA's permit property. SCA has a long term lease for this portion of the permit property.

112.600 Contiguous Property

The name and address of each owner of record of all property (surface and subsurface) contiguous to any part of the proposed permit area:

U.S. Department of the Interior
Bureau of Land Management
Utah State Offices
324 South State Street
Salt Lake City, UT 84101

Utah Reverse Exchange LLC
28311 North Main St Ste B-200
Daphne, Alabama 36526

Headwaters Incorporated
10653 South Riverfront Pkwy Ste 300
South Jordan UT 84095

Historical Properties, Inc.
207 Montgomery
Suite 215
Montgomery, AL 36104

East Carbon City
East Main St.
East Carbon, UT 84520

Covol Technologies, INC.
11778 South Election Rd.
Suite 210
Draper, Utah 84020

Sunnyside Properties, L.L.C.
One Power Plant Road
PO Box 139
Sunnyside, UT 84539

Water Canyon Holdings, LLC
6301 Monroe Street
Daphne AL 36526

Sunnyside Cogeneration Associates
PO Box 159
Sunnyside UT 84539

112.700 MSHA Numbers

The MSHA numbers for all mine-associated structures that require MSHA approval:

Coarse Refuse Pile	1211-UT-09-02093-01
Excess Spoil Disposal Area #1	1211-UT-09-02093-04
Excess Spoil Disposal Area #2	1211-UT-09-02093-05

112.800 Applicants Interest in Contiguous Lands

Applicant holds a lease contiguous to the SCA Permit Area; The area covered by SCA's leasehold interest is shown as "Lease Area" on Plate 1-1. In addition, SCA leases land from the City of East Carbon to the west of the Permit Area.

SCA also owns property adjacent to the current permit area along the south and west sides.

113 VIOLATION INFORMATION

113.100-250 Suspensions and Revocations

Neither the Applicant, nor any of its subsidiaries, affiliates, or persons controlled by or under common control with the Applicant 1) has had a federal or state mining permit suspended or revoked in the last five years, or 2) has forfeited a mining bond or similar security deposited in lieu of bond. Figure 1-4 includes documentation of recent OSM recommendations from the Applicant Violator System (AVS).

113.300 Violations and Unabated Cessation Orders

Sunnyside Cogeneration Associates received no notices of violation from the Utah Division of Oil, Gas and Mining (DOGGM) within the five year period prior to the application for Permit Renewal. Information regarding these violations is described below:

There have been no unabated cessation orders or unabated air and water quality violation notices received by any coal mining and reclamation operation owned or controlled by either the Applicant or by any person who owns or controls the Applicant.

113.310 Violation Information

None

114 RIGHT-OF-ENTRY INFORMATION

114.100 Description of Legal Documents

Sunnyside Fuel Corporation (a predecessor-in-interest to SCA) obtained fee title to the SCA Permit Area (and thus the legal right to enter and begin activities) pursuant to a Deed, Assignment, and Bill of Sale between Kaiser Fuel Corporation (a predecessor-in-interest to the prior permittee Sunnyside Coal Company) as Grantor, and Sunnyside Fuel Corporation, as Grantee, dated December 28, 1987, recorded December 29, 1987 at Book 277 of Record, Pages 679-690 at Carbon County, Utah. Sunnyside Fuel Corporation transferred its rights under the Deed, Assignment and Bill of Sale to the Applicant on or about April 1, 1991. Applicant's right-of-entry is not the subject of any pending litigation. The legal description of the lands affected (*i.e.*, the SCA Permit Area) is set forth above at R645-303-322.

114.200-230 Private Mineral Estate

These sections do not apply because the private mineral estate has not been severed from the private surface estate.

115 STATUS OF UNSUITABILITY CLAIMS

115.100 Unsuitable Areas

The SCA Permit Area is not within an area designated unsuitable for coal mining and reclamation operations or is within an area under study for designation in an administrative proceeding under R645-103-300, R645-103-400, or 30 CFR Part 769.

115.200 Exemptions

This section is not applicable because Applicant does not claim the exemption described in R645-103-333.

115.300 Public Roads

This section does not apply because Applicant does not propose to conduct coal mining and reclamation operations within three hundred feet of an occupied dwelling or within 100 feet of a public road.

116 PERMIT TERM

116.100 Start and Termination Dates

A waste disposal facility, which will comprise a portion of a coal mine waste fired electric power plant, is located adjacent to the SCA Permit Area and has been operational since 1993. Figure 1-6 includes documentation of recent permit term approvals. The refuse pile located in the SCA Permit Area is being reclaimed over an approximate 30-year period by burning it in the adjacent facility.

116.200-220 Term in Excess of Five Years

These sections do not apply because Applicant does not require an initial permit term in excess of five years in order to obtain necessary financing for equipment and the opening of the operation.

117 INSURANCE

117.100 Liability Insurance

A copy of the certificate of liability insurance is attached at Figure 1-1 hereto.

117.200 Proof of Publication

A newspaper advertisement, Figure 1-2, has been published in the "Sun Advocate", for four (4) weeks following the determination of completeness. Proof of publication of the newspaper advertisements is given in Figure 1-3.

117.300 Shared Facilities

This Section does not apply because there are no plans of a facility or structure that is to be shared by two or more separately permitted coal mining and reclamation operations.

118 APPLICATION FEE

The required filing fee of \$5.00 was submitted with the original Permit Application.

123 VERIFICATION

The required verification statement is included in Figure 1-5.

130 REPORTING OF TECHNICAL DATA

SCA, in the preparation of this permit document, has compiled and relied on data and maps from previous permit applications and previously approved permits for the Sunnyside Coal Company's (SCC) mines. Information regarding preparers can be found in the SCC Permit document. Any additional studies, which SCA has performed, include preparers name, methods, and other information.

140 MAPS AND PLANS

Maps submitted herewith are presented in a consolidated format, to the extent possible, and include the types of information that are set forth on U.S. Geological Survey of the 1:24,000 scale series. The maps of adjacent areas will clearly show the lands and waters within those areas and are at the scale determined by DOGM. The maps and cross-sections associated with this Permit are listed in the General Table of Contents.

150 COMPLETENESS

This Permit Application contains the information required by R645-301; R645-302 is not applicable.