



C/007/045 Incoming
cc: Steve C.
Pete

#4249

R

January 16, 2013

Mr. Daron Haddock
Coal Program Manager
Utah Division of Oil, Gas, and Mining
Coal Program
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114-5801

RE: Covol Engineered Fuels, LC
Wellington Dry-Coal Cleaning Facility
Mine Permit No. C/007/0045 - Operator Change

Dear Mr. Haddock:

As previously discussed, Covol Engineered Fuels, LC (Covol) is proposing to change operators at the referenced facility in Wellington, Utah. The two new operators proposed are BRC Wellington, LLC and Bowie Refined Coal, LLC; they will replace Covol as operator. These two operators share a common address. As directed, we are providing the Division with the appropriate forms and Mining and Reclamation Plan changes (Permit change) required to make the proposed operator change (see enclosures).

If you have any questions regarding the enclosed or need additional information, please contact me directly at (706) 549-7903.

Sincerely,

Thomas C. Schmaltz / BSM
Thomas C. Schmaltz, Ph.D.
Corporate Environmental Director

Enclosures (3 copies): Form C1
Form C2
Amended Plan (redline)
Amended Plan (revised)

ec: Mike Mildenhall – Covol
Brian Settles – Bowie
Richard White – EarthFax Engineering

10653 S. River Front Parkway
Suite 300
South Jordan, UT 84095
P: 801.984.3790
F: 801.984.9460

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JAN 17 2013

DIV. OF OIL, GAS & MINING

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: COVOL Engineered Fuels, LC

Mine: Wellington Dry-Coal Cleaning Facility

Permit Number: C/007/0045

Title: Operator change

Description, Include reason for application and timing required to implement:

Change in operator to be implemented in 30 days.

Instructions: If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- Yes No 1. Change in the size of the Permit Area? Acres: _____ Disturbed Area: _____ increase decrease.
- Yes No 2. Is the application submitted as a result of a Division Order? DO# _____
- Yes No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- Yes No 4. Does the application include operations in hydrologic basins other than as currently approved?
- Yes No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- Yes No 6. Does the application require or include public notice publication?
- Yes No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- Yes No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- Yes No 9. Is the application submitted as a result of a Violation? NOV # _____
- Yes No 10. Is the application submitted as a result of other laws or regulations or policies?
Explain: _____
- Yes No 11. Does the application affect the surface landowner or change the post mining land use?
- Yes No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- Yes No 13. Does the application require or include collection and reporting of any baseline information?
- Yes No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- Yes No 15. Does the application require or include soil removal, storage or placement?
- Yes No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- Yes No 17. Does the application require or include construction, modification, or removal of surface facilities?
- Yes No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- Yes No 19. Does the application require or include certified designs, maps or calculation?
- Yes No 20. Does the application require or include subsidence control or monitoring?
- Yes No 21. Have reclamation costs for bonding been provided?
- Yes No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- Yes No 23. Does the application affect permits issued by other agencies or permits issued to other entities?

Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you. (These numbers include a copy for the Price Field Office)

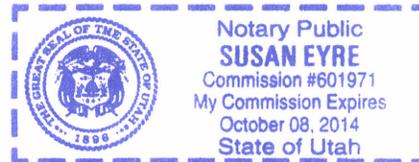
I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations herein.

MICHAEL MILDENHALL
Print Name

Michael Mildenhall, Secretary
Sign Name, Position, Date

Subscribed and sworn to before me this 16 day of January, 2013

Susan Eyre
Notary Public
My commission Expires: Oct. 8, 2014
Attest: State of _____ } ss:
County of Salt Lake



For Office Use Only:

Assigned Tracking Number:

Received by Oil, Gas & Mining

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JAN 17 2013

DIV. OF OIL, GAS & MINING

APPLICATION FOR COAL PERMIT PROCESSING

Detailed Schedule Of Changes to the Mining And Reclamation Plan

Permittee: COVOL Engineerd Fuels, LC
Mine: Wellington Dry-Coal Cleaning Facility **Permit Number:** C/007/0045
Title: Change in the operator of the COVOL Wellington facility

Provide a detailed listing of all changes to the Mining and Reclamation Plan, which is required as a result of this proposed permit application. Individually list all maps and drawings that are added, replaced, or removed from the plan. Include changes to the table of contents, section of the plan, or other information as needed to specifically locate, identify and revise the existing Mining and Reclamation Plan. Include page, section and drawing number as part of the description.

DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED

<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter 1, Page 1-2
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<p>Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.</p> 	<p style="text-align: center;">Received by Oil, Gas & Mining</p> <div style="text-align: center; color: red; font-weight: bold; font-size: 1.2em;"> RECEIVED JAN 17 2013 DIV. OF OIL, GAS & MINING </div>
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1.1.2 Identification of Interests

COVOL Engineered Fuels, LC (hereafter referred to as "COVOL") is a subsidiary of Headwaters Energy Services Corporation, 10653 South River Front Parkway, Suite 300, South Jordan, Utah. Headwaters Energy Services Corporation is a subsidiary of Headwaters Incorporated. The relationship between these three companies is shown in Figure 1-1. COVOL is the owner/~~operator~~ of the dry coal cleaning facility located in Carbon County, Utah. The facility is located within Section 14, Township 15 South, Range 10 East, SLBM, approximately 2 miles west of Wellington, Utah. No entity owns 10% or more of the stock of Headwaters Incorporated.

1.1.2.1 Business Entity

COVOL is a limited liability company. Headwaters Energy Services Corporation and Headwaters Incorporated are corporations.

1.1.2.2 Applicant and Operator

APPLICANT: COVOL Engineered Fuels, LC
10653 South River Front Parkway, Suite 300
South Jordan, Utah 84095
(801) 984-9400

Payment of abandoned mine land reclamation fees, if any, will be the responsibility of the President and Manager of COVOL Engineered Fuels. Inquiries regarding the payment of this fee should be directed to this individual at the mailing address and phone number indicated above.

The person currently occupying this position is indicated in Section 1.1.2.3.

OPERATOR: ~~COVOL Engineered Fuels, LC~~ BRC Wellington, LLC and Bowie Refined Coal, LLC
~~1865 West Ridge Road~~ 6100 Dutchmans Lane, Suite 900
~~Wellington, Utah 84654~~ Louisville, KY 40205

1.1.2 Identification of Interests

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OPERATOR: BRC Wellington, LLC and Bowie Refined Coal, LLC
6100 Dutchmans Lane, Suite 900
Louisville, KY 40205