



EarthFax

**EarthFax
Engineering, Inc.**
Engineers/Scientists
7324 So. Union Park Ave.
Suite 100
Midvale, Utah 84047
Telephone 801-561-1555
Fax 801-561-1861
www.earthfax.com

September 25, 2015

Mr. Daron Haddock
Coal Program Manager
Utah Division of Oil, Gas and Mining
1594 North Temple
Suite 1210
Salt Lake City, UT 84116

Subject: BRC Wellington, Deer Creek Waste Rock Pile,
Revised Permit Application Pages

Dear Daron:

On behalf of BRC Wellington, LLC I am pleased to enclose one copy each of revised pages to the "Permit Application for Coal Recovery from the Existing Deer Creek Waste Rock Pile." These pages correct inconsistencies in the permit-area acreage. I am also enclosing a copy of the signed C1 Form as well as a copy of the C2 Form.

Please feel free to contact me (801-561-1555) or Mike Francisco of Bowie Refined Coal (502-855-5175) if you have any questions regarding this submittal. Thank you for your assistance.

Sincerely,

Richard B. White, P.E.
President
EarthFax Engineering Group, LLC

Enclosure

Cc: Mike Francisco (Bowie Refined Coal)
Kyle Edwards (BRC Wellington)

RECEIVED
SEP 25 2015
DIV. OF OIL, GAS & MINING

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: BRC Wellington, LLC

Mine: Wellington Dry Coal Cleaning Facility

Permit Number: C/007/0045

Title: Coal recovery from the existing Deer Creek waste rock pile - permit are acreage corrections

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

PCorrections to permit area acreage previously submitted

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

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

Justin Thompson
Print Name

Justin Thompson Manager 9/24/15
Sign Name, Position, Date

Subscribed and sworn to before me this 24 day of September, 2015

Michelle A Wilson
Notary Public



My commission Expires: Sept 18, 2018
Attest: State of Kentucky } ss:
County of Jefferson

For Office Use Only: 	Assigned Tracking Number: 	Received by Oil, Gas & Mining <div style="text-align: center; color: blue; font-weight: bold; font-size: 1.2em;">RECEIVED</div> <div style="text-align: center; color: red; font-weight: bold; font-size: 1.1em;">SEP 25 2015</div> <div style="text-align: center; color: blue; font-weight: bold; font-size: 1.1em;">DIV. OF OIL, GAS & MINING</div>
---	-----------------------------------	---

Air Quality. The sedimentation pond at the Deer Creek site is designed as a total-containment facility (see Section 7.4.2.2 of this application). Therefore, BRC will not be seeking a discharge permit from the Utah Division of Water Quality for operations at the site.

1.1.2.5 Legal or Equitable Owner of the Surface and Mineral Properties to be Mined

BRCW is the legal and equitable owner of the entire 49.05-acre surface parcel included within the permit area (see Appendix 1-1). BRCW's right to enter the property and conduct operations thereon is not the subject of current litigation. There will be no mining at this facility (only recovery of coal from an existing waste rock pile). Thus, the mineral properties will not be affected by the operation. A property ownership map of the permit and adjacent areas is presented as Plate 5-2. No area within the lands to be affected by the facility is under a real estate contract.

1.1.2.6 Owners of Record of Property Contiguous to Proposed Permit Area

The following owners of surface lands are contiguous to the permit boundary:

Utah Power and Light Company
1407 West North Temple
Salt Lake City, Utah 84116

U.S. Department of the Interior
Bureau of Land Management
900 North 700 East
Price, Utah 84501

The locations of these lands relative to the permit area are shown on Plate 5-2.

1.1.6 Permit Term

Operations for recovery of coal from the Deer Creek site will begin as soon as required permits are issued for these operations. Termination of operations will be determined by economic and working conditions. The timing of this termination is, therefore, unknown. It is anticipated that the Applicant will operate at the site for a period of less than 5 years. The anticipated total acreage to be affected during operations is less than the 49.05-acre surface parcel included within the permit area.

1.1.7 Insurance and Proof of Publication

A certificate of Insurance issued to BRC is provided in Appendix 1-2. The following announcement will be published in a newspaper of general circulation in the Huntington area at least once a week for four consecutive weeks as soon as the Division advises that this permit application is complete. Proof of publication of this announcement will be provided to the Division within four weeks after the last date of publication.

NOTICE OF PERMIT APPLICATION BRC WELLINGTON LLC

Notice is hereby given that BRC Wellington LLC, 6100 Dutchmans Lane, Suite 900, Louisville, Kentucky 40205 has submitted an application to the Utah Division of Oil, Gas and Mining (the "Division") to recover coal from the Deer Creek waste rock site located approximately 6 miles northwest of Huntington, Utah. The permit area for this facility is located in Sections 5 and 6, Township 18 S., Range 8 E., SLBM and contains approximately 49.05 acres.

The Division has determined that this application is administratively complete. A copy of the permit application is available for public inspection at the following locations:

Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Salt Lake City, UT 84114-5801

1.40 Maps and Plans

The maps submitted in this permit application comply with the format required by the regulations. The permit area was developed prior to the initial submittal of this permit application in February 2015.

The permit area boundary shown on the maps submitted in this permit application is an approximate representation of that boundary. A more complete description of that boundary is provided in Appendix 1-1 as follows:

Beginning at the Northwest corner of Section 6, Township 17 South, Range 8 East, SLB&M, and running thence S 89°52'00" W, 1272.00 feet along Section line; thence S 72°54'35" E, 314.08 feet; thence S 63°06'41" E, 224.51 feet; thence S 48°18'17" E, 268.40 feet; thence S 20°06'29" W, 1066.85 feet; thence S 39°24'03" W, 846.37 feet, more or less to the Northerly right-of-way of SR-31; thence N 89°39'06" E, 139.42 feet along said right-of-way; thence N 43°39'42" E, 1520.19 feet; thence N 31°02'18" E, 412.96 feet; thence N 22°58'45" E, 1322.55 feet to the North line of Section 5, Township 17 South, Range 8 East, SLB&M; thence N 89°44'10" W, 744.58 feet along Section line to the point of beginning.

1.50 Completeness

The Applicant believes the information in this application to be complete and correct.

The permit area consists of approximately 49.05 fee acres. No Federal or State land exists within the permit area. As the owner of the property, BRCW has a legal right to operate on all of the lands within the permit area.

No coal recovery operations will be conducted within 100 feet of a public road. The only activity associated with this plan to be conducted within 100 feet of a public road (State Route 31) will be where the site access road joins that right-of-way.

Mining Sequence and Planned Subsidence. No underground mining will occur at this site. Therefore, no subsidence is anticipated.

Land Surface Configuration. The surface contour data presented in Plate 5-1 were developed by an aerial survey conducted on September 26, 2014 by Aero-graphics. The 2-foot contour interval of this map is sufficient to clearly show surface topography and slope within the permit and adjacent areas.

Surface Facilities. Plate 5-1 shows the locations of the following surface facilities:

- Sedimentation pond,
- Roads, and
- Soil stockpile areas.

It is currently anticipated that coal recovery and loading operations will occur within the footprint of the existing waste rock piles noted on Plate 5-1. No buildings, utility corridors, or similar facilities exist or will be used within the permit area. No coal processing waste banks, dams, or embankments exist in the permit area. Similarly, no spoil or coal preparation waste sites exist in the permit area. The permit area shown on Plate 5-1 is the same as the land area for which a performance bond or other guarantee has been posted.