CROWLEY | FLECK
ATTORNEYS

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April 13, 2017

Regional Freedom of Information Officer
U.S. EPA, Region 8 (CO, MT, ND, SD, UT, WY)
1595 Wynkoop Street
Denver, CO 80202-1129

Re: FOIA Request

Dear Sir or Madam:

I am writing on behalf of Sunnyside Gold Corporation to request the production of documents that are in the possession, custody, or control of the United States Environmental Protection Agency ("EPA") pursuant to the Freedom of Information Act, 5 U.S.C. § 552 *et seq.*

Pursuant to this request, please make available for inspection, or provide us with copies of, all records[1] in the care, custody, or control of the U.S. EPA, Region 8 (CO, MT, ND, SD, UT, WY) and U.S. EPA, Region 6 (NM, AR, LA, OK, TX) that relate or pertain to the following requests:

1. Any final or draft version of the EPA Region 8's Upper Animas Mining District PRP Search Report, for EPA Site ID No. 08-5M.

2. Local, state and federal permitting of the mines in the so-called Bonita Peak Mining District,[2] including, but not limited to, mining permits, discharge permits, reclamation permits, performance and financial warranties, inspection reports, geochemical (water quality) reports, hydrology reports, annual reports,

[1] "Records" include any papers, reports, agreements, contracts, amendments, orders, documents, notes, work papers, memoranda, injury logs, data bases, spreadsheets, drawings, photographs, images, specifications, communications, electronic files, e-mails, voice mails, digital recordings, instant messages, text messages, PIN messages, or any other records in any form, including any electronically stored information, whether generated or received by the EPA's contractors, sub-contractors, agents or consultants, paid or unpaid.

[2] "Bonita Peak Mining District" includes all areas within the EPA's designation of the site on the National Priorities List, at https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0802497; as well as the "Upper Animas Mining" District, as the term is used by the EPA at https://www.epa.gov/region8/upper-animas-mining-district.

environmental protection plans, and notices of violation and enforcement actions from any state or federal agency.

3. Any communications with, between or among the State of Colorado (and any of its Departments or Agencies, including without limitation the Colorado Division of Reclamation Mining & Safety or Colorado Department of Public Health & Environment) and the United States Environmental Protection Agency and any other federal departments and agencies, environmental consulting companies, or Universities concerning the Upper Animas Mining District, and the so-called Bonita Peak Mining District, the physical and chemical condition of the mines in the Bonita Peak Mining District or the impacts to the environment from those mines, the owners of those mines or liabilities thereof, and any and all contemplated or actual remediation or Reclamation activities[3] within the Upper Animas Mining District or the Bonita Peak Mining District.

4. Reclamation activities in the Upper Animas Mining District or the so-called Bonita Peak Mining District prior to the August 5, 2015 spill at Gold King Mine, including, but not limited to, information regarding reclamation activities at Gold King Mine and Red & Bonita Mine in 2014 and 2015, and any information regarding reclamation activities at Gold King Mine, Red & Bonita Mine, Mogul Mine, Grand Mogul Mine, Clipper Mine, Mayflower Mill Repositories, Lackawanna Mill Tailings, Howardsville Colo Goldfields Tailings, Kittimack Tailings, Brooklyn Mine, Koehler Tunnel, or Sunnyside Mine.

5. Any and all Notices of Violation served upon any party and any and all administrative orders relating to the Gold King Mine release as a result of the August 5, 2015 release.

6. Ecological Risk Assessments, sampling and analysis of surface and ground water quality, sediment quality, benthic invertebrate surveys, wildlife receptors, wildlife chain monitoring, fish tissue, and sampling or observations of the biological community in the benthic, aquatic and riparian habitats of Cement Creek, Mineral Creek, the Upper Animas, the Animas River, the San Juan River, and Lake Powell prior to the August 5, 2015 spill, including, but not limited to, complete analytical reports, including analytical results, QA/QC analysis (chain-of-custody, blank, matrix spike, duplicate samples, calibration, internal/external standards, etc.) provided by analytical laboratories, all laboratory forms and the raw

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[3] "Reclamation activities" refers to all activity, remediation, removal, response, containment, testing, procurement, design, installation, construction, or maintenance conducted by EPA and/or Colorado Division of Reclamation, Mining and Safety, or any of their contractors, sub-contractors, agents or consultants, paid or unpaid, and/or any other state or federal agency and that agency's contractors, sub-contractors, agents or consultants, paid or unpaid. Information related to reclamation activities includes, but is not limited to, administrative orders, task orders, work plans, emergency action plans, alert and notification plans, health and safety plans, operation plans, work schedules, cost estimates, environmental risk and impact statements, pollution reports, field activities reports, communications, project summaries, technical memorandums, monitoring plans, and procurement contracts, whether in draft or final form.

analytical and logarithmic data gathered regarding heavy metal and other chemical contaminants.

7. Sampling of surface and ground water quality, mineralogy/characterization, sediment quality, fish tissue, and sampling or observations of the biological community in the benthic, aquatic and riparian habitats of Cement Creek, Mineral Creek, the Upper Animas, the Animas River, the San Juan River, and Lake Powell during or following the August 5, 2015 spill, including, but not limited to all laboratory forms and the raw logarithmic and analytical data gathered regarding heavy metal and other chemical contaminants.

8. Potential designation of any mines, mills, or waste or tailings impoundments in or adjacent to Arrastra Gulch, the Silver Lake Basin, the Little Giant Basin, Cunningham Gulch, Dives Basin, the Royal Tiger Basin, Swansea Gulch, or Idaho Gulch, including but not limited to the Silver Lake Mill, Iowa Mill, Black Prince Mine, Little Giant Mine, Big Giant Mine, Potomac Mine, Mayflower Mine, Gray Eagle Mine, Silver Lake Mine, Iowa Mine, Royal Tiger Mine, Buckeye Mine, Unity Tunnel, Shenandoah Mine, North Star Mine, Trilby Mine, Highland Mary Mine, Lackawana Mine, or Idaho Mine, as a Superfund site, including, but not limited to, any assessment of Superfund listing, any impacts thereof, and all discussions or communications with any local, state or federal governments or agencies, the community or public representatives, and the Animas River Stakeholders Group concerning the same (at any time).

9. The past or present owners of the mines in the Bonita Peak Mining District, including, but not limited to, any communications with such owners or individuals concerning the physical condition of the mines, water quality, water and sediment discharges from the mines, any contemplated or actual remediation or Reclamation activities within the Bonita Peak Mining District, and any potential or resolved responsibility therefor (at any time).

10. The closure of the Sunnyside Mine, including, but not limited to, any permits relating to the Sunnyside Mine, consent agreements or consent decrees and any other agreements, correspondence, or memoranda between the owner/operator of the Sunnyside Mine, the DNR, the Colorado Department of Health and Environment, Water Quality Control Division, and/or the EPA.

11. Any correspondence or documentation, including final versions or drafts, of any early actions EPA intends to take at the so-called Bonita Peak Mining District, any overall plans for addressing any sources of pollution in the Bonita Peak Mining District, and all communications and correspondence with EPA's environmental consultants, including but not limited to Environmental Restoration, LLC and Deere & Ault, concerning studies, investigation, or work to be performed at the Gold King Mine, the Red & Bonita Mine, or other sites within the Bonita Peak Mining District.

12. Any correspondence or documentation addressing the water treatment plant, installed as part of the removal action at the Gold King Mine.

13. Any correspondence or documentation addressing or regarding the settlement with Asarco regarding property located near Silverton, Colorado.

14. Any correspondence or documentation addressing or regarding the settlement with Standard Metals Corporation regarding property located near Silverton, Colorado, including with respect to the Consent Decree between Standard Metals Corporation, the United States, and the State of Colorado approved February 2, 2009 by the United States District Court for the District of Colorado, Civil Action No. 08-cv-02741, and the Inter-Agency MOU Concerning Standard Metals Corporation among the U.S. EPA Region 8, USDA-Forest Service Mountain and Alaska Regions, DOI-Bureau of Land Management, and the State of Colorado, effective December 8, 2008, and with respect to the amount of the payments, including the total amount, paid by Standard Metals Corporation or its insurers pursuant to the Consent Decree.

15. Any correspondence or documentation relating to the investigation to estimate pre-mining water quality in Cement Creek as identified in EPA's Update of Recent Activities, Document No. 1777479, available at: https://semspub.epa.gov/work/08/1777479.pdf.

16. All information, correspondence, or documentation obtained in response to the EPA's public request for information on the Brooklyn Mine.

17. Any correspondence, documentation, reports, records, or analysis discussing any potential liability of the Bureau of Land Management in the Bonita Peak Mining District or the Upper Animas Mining District under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") or under any other applicable statute or regulation.

18. Any documentation or records regarding the current balance of the Bonita Peak Special Account, which is the special account within the EPA Hazardous Substance Superfund, established for the Bonita Peak Mining District site by the EPA pursuant to Section 122(b)(3) of CERCLA, 42 U.S.C. § 9622(b)(3), and consistent with the 2009 Consent Decree settlement with Standard Metals Corporation.

If any part of the records requested are not produced based on a claim of privilege or other disclosure exemption, please prepare a privilege log and/or exemption log describing, at a minimum: (i) the type of record withheld; (ii) the date(s) of creation of the record; (iii) the subject of the record; (iv) the author and all recipients of the record; (v) the names of the people, entities and locations referenced in the record; and (vi) a detailed description of the basis upon which EPA is withholding the record and which specific statutory and regulatory provisions support the withholding. To the extent any responsive documents are withheld based upon a claim of privilege or exemption, please produce redacted copies of all non-privileged or non-exempt materials contained within such documents.

If you have any questions or concerns regarding the above, please contact the undersigned at (406) 252-3441, or cstoneback@crowleyfleck.com. Additionally, if you anticipate that responding to this request will incur costs in excess of $100, please contact us prior to completing the request.

Sincerely,

CROWLEY FLECK PLLP

CHRIS C. STONEBACK