

**2008 ANNUAL REPORT  
TO THE  
UTAH DIVISION OF OIL, GAS AND MINING**

**BANNING LOADOUT  
C/007/034**

Canyon Fuel Company, LLC  
P.O. Box 1029  
Wellington, UT 84542

File in:

- Confidential
- Shelf
- Expandable

Refer to Record No. 0001 Date 05032009  
In C 0070034 2009 In Banning  
For additional information

**2008 ANNUAL REPORT  
TO THE  
UTAH DIVISION OF OIL, GAS AND MINING**

**BANNING LOADOUT  
C/007/034**

Canyon Fuel Company, LLC  
P.O. Box 1029  
Wellington, UT 84542

File in:

Confidential

Shelf

Expandable

Refer to Record No. 0001 Date 05/05/09

In C/ 0070034-2008 Incoming

For additional information

Canyon Fuel Company, LLC  
Dugout Canyon Mine  
P.O. Box 1029  
Wellington, Utah 84542

**COPY**



May 5, 2009

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

RE: 2008 Annual Report for the Banning Loadout, C/007/034

To Whom It May Concern:

Enclosed please find two copies of the Annual Report for 2008 for the Banning Loadout. In addition a copy has been delivered to the Price Field Office.

Should you have any questions concerning this submittal, please contact me at (435) 636-2869.

Sincerely yours,

Vicky S. Miller

enclosures

cc: Chris Hansen (letter only)  
Dave Spillman (enclosures)  
Price Field Office, Steve Demczak (enclosures)

RECEIVED

MAY 07 2009

DIV. OF OIL, GAS & MINING

This Annual Report shows information the Division has for your mine. Please review the information to see if it is current. If the information needs to be updated please do so in this document. At the end of each section the operator is asked to verify if the information is correct. Please answer these questions and make all comments on this document. Submit the completed document and any additional information identified in the Appendicies to the Division by April 30, 2009. During a complete inspection an inspector will check and verify the information. To enter text, click in the cell and type your response. You can use the tab key to move from one field to the next. To enter an X in a box, click next to the box, right click, and select properties, then the checked circle, then hit enter, or hit the unchecked circle if the X is to be removed.

## GENERAL INFORMATION

Permitte Name	CANYON FUEL COMPANY, LLC
Mine Name	Banning Loadout
Operator Name (If other then permittee)	
Permit Expiration Date	October 24, 2013
Permit Number	C/007/034
Authorized Representative Title	Erwin Sass, General Manager
Phone Number	(435) 637-6360
Fax Number	(435) 636-2897
E-mail Address	esass@archcoal.com
Mailing Address	PO Box 1029, Wellington, Utah 84542
Designated Representative Resident Agent	C.T. Corporation Systems
Resident Agent Mailing Address	50 West Broadway, Salt Lake City, Utah 84104
Number of Binders Submitted	(1) Binder, Two Copies

Operator, please update any incorrect information.

## IDENTIFICATION OF OTHER PERMITS

*Identify other permits that are required in conjunction with mining and reclamation activities.*

Permit Type	ID Number	Description	Expiration Date
MSHA Mine ID(s)	42-01756		N/A
MSHA Impoundment(s)	N/A		
NPDES/UPDES Permit(s)	UT 040011	UPDES Discharge Permit	April 30, 2013
PSD Permit(s) (Air)	DAQE-334-94	Air Quality Permit	N/A
<b>Other</b>			
Storm Water Permit	UTR000572	Storm Water Discharge Permit	N/A

Operator, please update any incorrect information.

**CERTIFIED REPORTS**

List the certified inspection reports as required by the rules and under the approved plan that must be periodically submitted to the Division. Specify whether the information is included as Appendix A to this report or currently on file with the Division.

Certified Reports:	Required		Included Included	or	DOGM file location Vol, Chapter, Page
	Yes	No			
Excess Spoil Piles	<input type="checkbox"/>	X	<input type="checkbox"/>		
Refuse Piles	<input type="checkbox"/>	X	<input type="checkbox"/>		
Impoundments	X	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Other</b>					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

**Operator Comments:**

**Inspector:**

Has the operator complied with this section? Yes  No

**Inspector Comments:**

**COMMITMENTS AND CONDITIONS**

The Permittee is responsible for ensuring annual technical commitments in the MRP and conditions accepted with the permit are completed throughout the year. The Division has identified these commitments below and has provided space for you to report what you have done during the past year for each commitment. If the particular section is blank, no commitment has been identified and no response is required for this report. If additional written response is required, it should be filed under Appendix B to this report.

Admin R645-301-100
Soils R645-301-200
Biology R645-301-300
Landuse, Cultural Resources, Air Quality R645-301- 400
Engineering R645-301-500
Geology R645-301-600

Hydrology R645-301-700

Bonding & Insurance R645-301-800

Other Commitments


\*Reminder: If equipment has been abandoned during 2008, an amendment must be submitted that includes a map showing its location, a description of what was abandoned, whether there were any hazardous or toxic materials and any revision to the PHC as necessary.

**REPORTING OF OTHER TECHNICAL DATA**

List other technical data and information as required under the approved plan, which must be periodically submitted to the Division. Specify whether the information is included as Appendix B to this report or currently on file with the Division.

**Operator Comments:**

**Inspector:**

Has the operator complied with this section? Yes  No

**Inspector Comments**

**LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION**

Change in administration or corporate structure can often bring about necessary changes to information found in the mining and reclamation plan. The Division is Requesting that each permittee review and update the legal, financial, compliance and related information in the plan as part of the annual report. Please provide the Department of Commerce, Annual Report of Officers, or other equivalent information as necessary to ensure that the information provided in the plan is current. Provide any other change as necessary regarding land ownership, lease acquisitions, legal results from appeals of violations, or other changes as necessary to update information required in the mining and reclamation plan. Include certified financial statements, audits or worksheets, which may be required to meet bonding requirements. Specify whether the information is currently on file with the Division or included as Appendix C to the report.

Legal / Financial Update	Required		Included or Included	DOGM File location Vol, Chapter, Page	Comments
	Yes	No			

Department of Commerce, Annual Report Officers	X	<input type="checkbox"/>	<input type="checkbox"/>	Refer to General Chapter 1
<b>Other</b>				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	





**APPENDIX A**

**Certified Reports**

Excess Spoil Piles  
Refuse Piles  
Impoundments

As required under R645-301-514

**CONTENTS**

2008 Impoundment Reports

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		Page 1 of 2	
Permit Number	C/007/034	Report Date	3/29/08
Mine Name	Banning Loadout		
Company Name	Canyon Fuel Company, LLC		
Impoundment Identification	Impoundment Name	Banning Loadout Sedimentation Pond	
	Impoundment Number	None	
	UPDES Permit Number	UTG040011	
	MSHA ID Number	Impoundment -None (Loadout - 42-01756)	
IMPOUNDMENT INSPECTION			
Inspection Date	2/25/08 and 2/28/08		
Inspected By	Vicky Miller		
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Routine Quarterly Inspection		
<p><b>1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.</b></p> <p><i>There were no signs of instability, structural weakness or other hazardous conditions observed during this inspection</i></p>			
<p><b>Required for an impoundment which functions as a SEDIMENTATION POND.</b></p>	<p><b>2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.</b></p> <p><i>Sediment Storage Capacity - 100% = 0.27 acre-feet @ an elevation of 5,487.8 feet</i></p> <p><i>- 60% = 0.16 acre-feet @ an elevation of 5,486.6 feet</i></p> <p><i>The existing sediment level was observed to be well below the established sediment cleanout marker.</i></p>		
	<p><b>3. Principle and emergency spillway elevations.</b></p> <p><i>Principal Spillway Elevation - 5,494.2 feet</i></p> <p><i>Emergency Spillway Elevation - 5,495.1 feet</i></p>		
<p><b>4. Field Information.</b> Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on out slopes of embankments, etc.</p> <p><i>To date, there has been no discharge from this pond. Small puddle of water in the pond, inlet and outlet were in good condition. Minor erosion on interior of pond embankments. Some evidence of cattle in the area.</i></p>			

**5. Field Evaluation.** Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.

See Number 4.

**Qualification Statement**

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.

Signature: Ucky S. Meller Date: 3/29/08

**CERTIFIED REPORT**

**IMPOUNDMENT EVALUATION (if NO, explain under Comments)**

	YES	NO
Is impoundment designed and constructed in accordance with the approved plan?	X	
<b>2.</b> Is impoundment free of instability, structural weakness, or any other hazardous condition?	X	
<b>3.</b> Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?	X	

**COMMENTS AND OTHER INFORMATION**

**Certification Statement:**

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.

[PE Cert. Stamp]

By \_\_\_\_\_  
(Full Name and Title)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

P.E. Number & State \_\_\_\_\_

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		Page 1 of 2	
Permit Number	C/007/034	Report Date	7/2/08
Mine Name	Banning Loadout		
Company Name	Canyon Fuel Company, LLC		
Impoundment Identification	Impoundment Name	Banning Loadout Sedimentation Pond	
	Impoundment Number	None	
	UPDES Permit Number	UTG040011	
	MSHA ID Number	Impoundment -None (Loadout - 42-01756)	
IMPOUNDMENT INSPECTION			
Inspection Date	6/10/08		
Inspected By	Vicky Miller		
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Routine Quarterly Inspection		
<p><b>1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.</b></p> <p><i>There were no signs of instability, structural weakness or other hazardous conditions observed during this inspection</i></p>			
<p><b>Required for an impoundment which functions as a SEDIMENTATION POND.</b></p>	<p><b>2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.</b></p> <p><i>Sediment Storage Capacity - 100% = 0.27 acre-feet @ an elevation of 5,487.8 feet</i></p> <p><i>- 60% = 0.16 acre-feet @ an elevation of 5,486.6 feet</i></p> <p><i>The existing sediment level was observed to be well below the established sediment cleanout marker.</i></p>		
	<p><b>3. Principle and emergency spillway elevations.</b></p> <p><i>Principal Spillway Elevation - 5,494.2 feet</i></p> <p><i>Emergency Spillway Elevation - 5,495.1 feet</i></p>		
<p><b>4. Field Information.</b> Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on outsoles of embankments, etc.</p> <p><i>To date, there has been no discharge from this pond.</i></p> <p><i>Minor erosion on interior of pond embankments, inlet and outlet were in good condition.</i></p>			

**5. Field Evaluation.** Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.

See Number 4.

**Qualification Statement**

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.

Signature:       Vicky S Miller       Date:       7/2/08      

**CERTIFIED REPORT**

**IMPOUNDMENT EVALUATION (If NO, explain under Comments)**

	YES	NO
Is impoundment designed and constructed in accordance with the approved plan?	X	
<b>2.</b> Is impoundment free of instability, structural weakness, or any other hazardous condition?	X	
<b>3.</b> Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?	X	

**COMMENTS AND OTHER INFORMATION**

**Certification Statement:**

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.

[PE Cert. Stamp]

By \_\_\_\_\_  
(Full Name and Title)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

P.E. Number & State \_\_\_\_\_

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		Page 1 of 2	
Permit Number	C/007/034	Report Date	8/21/08
Mine Name	Banning Loadout		
Company Name	Canyon Fuel Company, LLC		
Impoundment Identification	Impoundment Name	Banning Loadout Sedimentation Pond	
	Impoundment Number	None	
	UPDES Permit Number	UTG040011	
	MSHA ID Number	Impoundment -None (Loadout - 42-01756)	
IMPOUNDMENT INSPECTION			
Inspection Date	8/21/08		
Inspected By	Vicky Miller		
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Routine Quarterly Inspection		
<p><b>1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.</b></p> <p><i>There were no signs of instability, structural weakness or other hazardous conditions observed during this inspection</i></p>			
<p><b>Required for an impoundment which functions as a SEDIMENTATION POND.</b></p>	<p><b>2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.</b></p> <p><i>Sediment Storage Capacity - 100% = 0.27 acre-feet @ an elevation of 5,487.8 feet</i></p> <p><i>- 60% = 0.16 acre-feet @ an elevation of 5,486.6 feet</i></p> <p><i>The existing sediment level was observed to be well below the established sediment cleanout marker.</i></p>		
	<p><b>3. Principle and emergency spillway elevations.</b></p> <p><i>Principal Spillway Elevation - 5,494.2 feet</i></p> <p><i>Emergency Spillway Elevation - 5,495.1 feet</i></p>		
<p><b>4. Field Information.</b> Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on out slopes of embankments, etc.</p> <p><i>To date, there has been no discharge from this pond.</i></p> <p><i>Minor erosion on interior of pond embankments, inlet and outlet were in good condition. No evidence of water in the pond during August. The pond was dry at the time of inspection.</i></p>			

5. **Field Evaluation.** Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.

See Number 4.

**Qualification Statement**

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.

Signature: Urchy A Miller Date: 8-21-08

**CERTIFIED REPORT**

**IMPOUNDMENT EVALUATION (If NO, explain under Comments)**

	YES	NO
Is impoundment designed and constructed in accordance with the approved plan?	X	
2. Is impoundment free of instability, structural weakness, or any other hazardous condition?	X	
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?	X	

**COMMENTS AND OTHER INFORMATION**

**Certification Statement:**

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.

[PE Cert. Stamp]

By \_\_\_\_\_  
(Full Name and Title)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

P.E. Number & State \_\_\_\_\_

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		Page 1 of 2	
Permit Number	C/007/034	Report Date	10/08/08
Mine Name	Banning Loadout		
Company Name	Canyon Fuel Company, LLC		
Impoundment Identification	Impoundment Name	Banning Loadout Sedimentation Pond	
	Impoundment Number	None	
	UPDES Permit Number	UTG040011	
	MSHA ID Number	Impoundment -None (Loadout - 42-01756)	
IMPOUNDMENT INSPECTION			
Inspection Date	09/28/08		
Inspected By	David G. Spillman		
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Routine Quarterly Inspection & Annual Certification		
<p><b>1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.</b></p> <p><i>There were no signs of instability, structural weakness or other hazardous conditions observed during this inspection.</i></p>			
<b>Required for an impoundment which functions as a SEDIMENTATION POND.</b>	<p><b>2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.</b></p> <p><i>Sediment Storage Capacity - 100% = 0.27 acre-feet @ an elevation of 5,487.8 feet</i>  <i>- 60% = 0.16 acre-feet @ an elevation of 5,486.6 feet</i>  <i>The existing sediment level was observed to be well below the established sediment cleanout marker.</i></p>		
	<p><b>3. Principle and emergency spillway elevations.</b></p> <p><i>Principal Spillway Elevation - 5,494.2 feet</i>  <i>Emergency Spillway Elevation - 5,495.1 feet</i></p>		
<p><b>4. Field Information.</b> Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on out slopes of embankments, etc.</p> <p><i>At the time of the inspection the pond was dry.</i></p> <p><i>To date, there has been no discharge from this pond.</i></p>			

5. **Field Evaluation.** Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.

**Qualification Statement**

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**CERTIFIED REPORT**

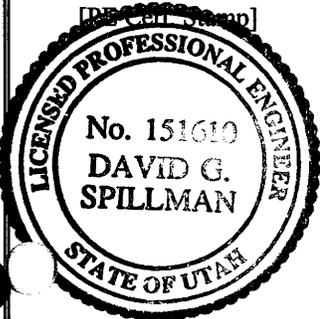
**IMPOUNDMENT EVALUATION (If NO, explain under Comments)**

	YES	NO
1. Is impoundment designed and constructed in accordance with the approved plan?	X	
2. Is impoundment free of instability, structural weakness, or any other hazardous condition?	X	
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?	X	

**COMMENTS AND OTHER INFORMATION**

**Certification Statement:**

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.



**By:** David G. Spillman, Technical Services Manager

(Full Name and Title)

**Signature:** David Spillman **Date:** 10/08/08

**P.E. Number & State:** No. 151610, State of Utah

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		Page 1 of 2	
Permit Number	C/007/034	Report Date	12/12/08
Mine Name	Banning Loadout		
Company Name	Canyon Fuel Company, LLC		
Impoundment Identification	Impoundment Name	Banning Loadout Sedimentation Pond	
	Impoundment Number	None	
	UPDES Permit Number	UTG040011	
	MSHA ID Number	Impoundment -None (Loadout - 42-01756)	
IMPOUNDMENT INSPECTION			
Inspection Date	11/13/08		
Inspected By	Vicky Miller		
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Routine Quarterly Inspection		
<p><b>1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.</b></p> <p><i>There were no signs of instability, structural weakness or other hazardous conditions observed during this inspection</i></p>			
<p><b>Required for an impoundment which functions as a SEDIMENTATION POND.</b></p>	<p><b>2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.</b></p> <p><i>Sediment Storage Capacity - 100% = 0.27 acre-feet @ an elevation of 5,487.8 feet</i></p> <p><i>- 60% = 0.16 acre-feet @ an elevation of 5,486.6 feet</i></p> <p><i>The existing sediment level was observed to be well below the established sediment cleanout marker.</i></p>		
	<p><b>3. Principle and emergency spillway elevations.</b></p> <p><i>Principal Spillway Elevation - 5,494.2 feet</i></p> <p><i>Emergency Spillway Elevation - 5,495.1 feet</i></p>		
<p><b>4. Field Information.</b> Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on out slopes of embankments, etc.</p> <p><i>To date, there has been no discharge from this pond. Minor erosion on interior of pond embankments, inlet and outlet were in good condition. The pond was dry at the time of inspection. The emergency and primary spillways were inspected and the primary spillways outlet was cleaned in 2008.</i></p>			

**5. Field Evaluation.** Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.

See Number 4.

**Qualification Statement**

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.

Signature: Uchey S. Miller Date: 12/12/08

**CERTIFIED REPORT**

**IMPOUNDMENT EVALUATION (If NO, explain under Comments)**

	YES	NO
Is impoundment designed and constructed in accordance with the approved plan?	X	
<b>2.</b> Is impoundment free of instability, structural weakness, or any other hazardous condition?	X	
<b>3.</b> Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?	X	

**COMMENTS AND OTHER INFORMATION**

**Certification Statement:**

[PE Cert. Stamp]

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.

By \_\_\_\_\_  
(Full Name and Title)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

P.E. Number & State \_\_\_\_\_

**APPENDIX B**

**Reporting of Technical Data**

Including monitoring data, reports, maps, and other information  
As required under the approved plan or as required by the Division

In accordance with the requirement of R645-310-130 and R645-301-140

**CONTENTS**

**Not Applicable**

**APPENDIX C**

**Legal Financial, Compliance and Related Information**

Annual Report of Officers  
As submitted to the Utah Department of Commerce

Other change in ownership and control information  
As required under R645-301-110

**CONTENTS**

**Refer to General Chapter 1**

**APPENDIX D**

**Mine Maps**

As required under R645-302-525-270

**CONTENTS**

**Not Applicable**

**APPENDIX E**

**Other Information**

In accordance with the requirements of R645-301 and R645-302

**CONTENTS**

**Not Applicable**