

ACT/007/035 FC&O

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
 DAVID PEARCE
 PO BOX 58087
 SALT LAKE CITY UT 84158-0087

4. Article Number
 P 074 977 083

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED

5. Signature -- Address
 X

6. Signature -- Agent
Marjorie McQuinn

7. Date of Delivery
 JUL 21 1994

8. Addressee's Address (ONLY if requested and fee paid)

UNITED STATES POSTAL SERVICE
 OFFICIAL BUSINESS

SENDER INSTRUCTIONS
 Print your name, address and ZIP Code in the space below.
 • Complete items 1, 2, 3, and 4 on the reverse.
 • Attach to front of article if space permits, otherwise affix to back of article.
 • Endorse article "Return Receipt Requested" adjacent to number.

Print Sender's name, address, and ZIP Code in the space below.

STATE OF UTAH
 NATURAL RESOURCES
 OIL, GAS, & MINING
 3 TRIAD CENTER, SUITE 350
 SALT LAKE CITY, UTAH 84160-1203

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-885 DOMESTIC RETURN RECEIPT

D8GM JBE ACT/007/035 F1

P 07 977 083
 RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

| | |
|---|--|
| Sent to | DAVID PEARCE PO BOX 58087 SALT LAKE CITY UT 84158-0087 |
| Postage | |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Fee | |
| Return Receipt to whom a copy is being sent | |
| Return Receipt Date and Address | |
| TOTAL Postage and Fees | |
| Postmark or Date | |

PS Form 3800, June 1985

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article RETURN RECEIPT REQUESTED adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

* U.S.G.P.O. 1988-217-132

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
 FRED FINLINSON RESIDENT AGENT
 CALLISTER DUNCAN & NEBEKER
 SUITE 800 KENNECOTT BLDG
 10 E SOUTH TEMPLE
 SALT LAKE CITY UT 84133

4. Article Number
 P 074 977 082

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
 X

6. Signature - Agent
 X *F. Finlinson*

7. Date of Delivery

8. Addressee's Address (ONLY if requested and fee paid)
 SALT LAKE CITY, UT 84133

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-885 DOMESTIC RETURN RECEIPT
 DGM JBE ACT/007/035 FC&O

UNITED STATES POSTAL SERVICE
 OFFICIAL BUSINESS

SENDER INSTRUCTIONS
 Print your name, address and ZIP Code in the space below.
 • Complete items 1, 2, 3, and 4 on the reverse.
 • Attach to front of article if space permits, otherwise affix to back of article.
 • Endorse article "Return Receipt Requested" adjacent to number.

Print Sender's name, address, and ZIP Code in the space below.

STATE OF UTAH
 NATURAL RESOURCES
 OIL, GAS & MINING
 3 TRIAD CENTER, SUITE 350
 SALT LAKE CITY, UTAH 84180-1203



PENALTY FOR PRIVATE USE \$300

DOGm

RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 (See Reverse)

FRED FINLINSON RESIDENT AGENT
 CALLISTER DUNCAN & NEBEKER
 SUITE 800 KENNECOTT BLDG
 10 E SOUTH TEMPLE
 SALT LAKE CITY UT 84133

| | |
|---|---------|
| Postage | \$ 5.00 |
| Certified Fee | 00 |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt showing to whom and Date Delivered | |
| Return Receipt showing Date and Address of Delivery | |
| TOTAL Postage and Fees | \$ 5.00 |
| Postmark or Date | |

SALT LAKE CITY, UT 84133

PS Form 3800, June 1985

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article RETURN RECEIPT REQUESTED adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

* U.S.G.P.O. 1988-217-132

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

- 1. Show to whom delivered, date, and address a address. (Extra charge)
- 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
 BRIAN W BURNETT ESQ
 CALLISTER DUNCAN & NEBEKER
 SUITE 800 KENNECOTT BLDG
 10 E SOUTH TEMPLE
 SALT LAKE CITY UT 84133

4. Article Number
 P 074 977 118

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
 X

6. Signature - Agent
 X *Walter Perry*

7. Date of Delivery

8. Addressee's Address (ONLY if requested and fee paid)



UNITED STATES POSTAL SERVICE
 OFFICIAL BUSINESS

SENDER INSTRUCTIONS
 Print your name, address and ZIP Code in the space below.
 • Complete items 1, 2, 3, and 4 on the reverse.
 • Attach to front of article if space permits, otherwise affix to back of article.
 • Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE USE, \$300

RETURN TO 

Print Sender's name, address, and ZIP Code in the space below.

STATE OF UTAH
 NATURAL RESOURCES
 OIL, GAS, & MINING
 3 TRIAD CENTER, SUITE 350
 SALT LAKE CITY, UTAH 84180-1209

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-985 DOMESTIC RETURN RECEIPT
 DOGM JBE FC&O ACT/007/035

DOGM JBE FC&O ACT/007/035

P 74 977 118
 RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

| | | | | | | | | |
|---|-------------------|---------------|----------------------|-------------------------|---|---|------------------------|------------------|
| BRIAN W BURNETT ESQ CALLISTER DUNCAN & NEBEKER SUITE 800 KENNECOTT BLDG 10 E SOUTH TEMPLE SALT LAKE CITY UT 84133 | Postage \$2.97 | Certified Fee | Special Delivery Fee | Restricted Delivery Fee | Return Receipt showing to whom and Date Delivered | Return Receipt showing to whom, Date, and Address of Delivery | TOTAL Postage and Fees | Postmark or Date |
|---|-------------------|---------------|----------------------|-------------------------|---|---|------------------------|------------------|

PS Form 3800, June 1985

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article RETURN RECEIPT REQUESTED adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

* U.S.G.P.O. 1988-217-132

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
 BRIAN BURNETT ESQ
 CALLISTER DUNCAN & NEBEKER
 KENNECOTT BLDG STE 800
 10 E SOUTH TEMPLE
 SALT LAKE CITY UT 84133

4. Article Number
 P 074 977-116

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain sign of recipient, date, name of agent or agent and DATE DELIVERED

5. Signature - Address
 X

6. Signature - Agent
T. Halligan

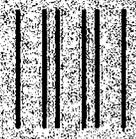
Date of Delivery
 JUN 27 1994

8. Addressee's Address (ONLY if requested and fee paid)

U.S. POSTAL SERVICE SALT LAKE CITY UT 84103 JUN 27 1994

Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-885 DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
 OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE, \$300

SENDER INSTRUCTIONS
 Print your name, address and ZIP Code in the space below.
 • Complete items 1, 2, 3, and 4 on the reverse.
 • Attach to front of article if space permits, otherwise affix to back of article.
 • Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO Print Sander's name, address, and ZIP Code in the space below.

STATE OF UTAH
 NATURAL RESOURCES
 OIL, GAS, & MINING
 3 TRIAD CENTER, SUITE 360
 SALT LAKE CITY, UTAH 84180-1203

P 074 977 116
RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

| | | | | | | | |
|---|--------------------|----------------------|-------------------------|--|---|--------------------------------|---------------------------------|
| Sent to BRIAN BURNETT ESQ CALLISTER DUNCAN & NEBEKER KENNECOTT BLDG STE 800 10 E SOUTH TEMPLE SALT LAKE CITY UT 84133 Postage \$ 98 | Certified Fee 1.00 | Special Delivery Fee | Restricted Delivery Fee | Return Receipt showing to whom and Date Delivered 1.00 | Return Receipt showing to whom, Date, and Address of Delivery | TOTAL Postage and Fees \$ 2.98 | Postmark or Date JUN 27 1994 |
|---|--------------------|----------------------|-------------------------|--|---|--------------------------------|---------------------------------|

PS Form 3800, June 1985

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

* U.S.G.P.O. 1988-217-132

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
DAVID PEARCE
SUNNYSIDE COGENERATION ASSOCIATES
PO BOX 58087
SALT LAKE CITY UT 84133

4. Article Number
P 074 977 119

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
X

6. Signature - Agent
X *David Pearce*

7. Date of Delivery
JUL 01 1994

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

DOGML JBE ACT/007/035 FC&O

074 977 119

IN USE FOR REGISTERED MAIL
POSTAGE WILL BE PAID BY ADDRESSEE
SALT LAKE CITY, UT 84133
SUNNYSIDE COGENERATION ASSOC.
PO BOX 58087
SALT LAKE CITY UT 84133

DAVID PEARCE
SUNNYSIDE COGENERATION ASSOC.
PO BOX 58087
SALT LAKE CITY UT 84133

Paid postage
1.00
98

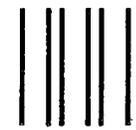
100

298

6-24-94

PS Form 3800, June 1988

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE, \$300

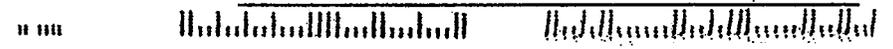
SENDER INSTRUCTIONS
Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

STATE OF UTAH
 NATURAL RESOURCES
 OIL, GAS, & MINING
 3 TRIAD CENTER SUITE 350
 SALT LAKE CITY, UTAH 84180-1203



1. If you want this receipt guaranteed, print the name of the person to whom the receipt is mailed and print the name of the person to whom the article is being delivered, printing a return address if you wish to have the article returned.

2. If you do not want this receipt guaranteed, print the name of the person to whom the article is being delivered, printing a return address if you wish to have the article returned.

3. If you want a return receipt, print the name of the person to whom the article is being delivered, printing a return address if you wish to have the article returned.

4. If you want a return receipt, print the name of the person to whom the article is being delivered, printing a return address if you wish to have the article returned.

5. If you want a return receipt, print the name of the person to whom the article is being delivered, printing a return address if you wish to have the article returned.

6. If you want a return receipt, print the name of the person to whom the article is being delivered, printing a return address if you wish to have the article returned.

BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

---oo0oo---

| | | |
|------------------------------|---|--------------------------|
| IN THE MATTER OF THE APPEAL | : | FINDINGS, CONCLUSIONS OF |
| FACT OF VIOLATION | : | LAW, AND ORDER |
| N93-40-6-4, PARTS 2, 3 | : | |
| AND 4 OF 4, SUNNYSIDE | : | |
| COGENERATION ASSOCIATES, | : | |
| SUNNYSIDE REFUSE AND SLURRY, | : | |
| CARBON COUNTY, UTAH | | CAUSE NO. ACT/007/035 |

---oo0oo---

On May 11, 1994, the Division of Oil, Gas and Mining ("Division") held an informal hearing concerning the fact of violation issued to Sunnyside Cogeneration Associates ("SCA") for the above-referenced Notice of Violation ("NOV"). The following individuals attended:

Presiding: James W. Carter
Director

Petitioner: Brian Burnett
Sunnyside Cogeneration Associates

Division: Joe Helfrich
Assessment Officer

Board: Ronald W. Daniels
Assessment Conference Officer

The Findings, Conclusions, and Order in this matter are based on information provided by the Petitioner in connection with this informal hearing, and on information in the files of the Division.

FINDINGS OF FACT

1. Notice of this hearing was properly given.

2. The Assessment Conference, to review the proposed penalties for NOV N93-40-6-4, was held immediately following this informal hearing regarding fact of violation. The requirement to pay the assessed penalty is stayed pending this decision upon the informal review of the fact of violation.

3. NOV N93-40-6-4, part 2 of 4, was written for "failing to water all improved roads as per the Approval Order from the Department of Environmental Quality, Division of Environmental Health, dated March 8, 1991, on page 3, Item 7." Item 7 states, "All unpaved roads and other unpaved operational areas which are used by mobile equipment shall be water sprayed and/or chemically treated to reduce fugitive dust." It further provides, "Application shall be made at least once every two hours during all times the installation is in use."

4. On the date of the violation, SCA was watering roads in current use, but was not watering roads which were not in current use.

5. NOV N93-40-6-4, part 3 of 4, was written for "failing to conduct piezometer monitoring in the embankment of the East Slurry Cell as stated on page 700-19 of the PAP [Permit Application Package] and/or maintaining records of the activity at the site."

6. SCA notified the Division of its intent to cease monitoring the piezometer in August, 1993. SCA was directed by the Division to submit an application to cease monitoring the piezometer with its document package which was to be filed on September 15, 1993. SCA filed the amendment on September 15, as directed, the same day the NOV was issued. It was subsequently

determined that monitoring had been conducted as required, although, on the date of the inspection, the monitoring records at the mine site were not up to date.

7. NOV N93-40-6-4, part 4 of 4, was written for "transporting and stockpiling coal and/or coal refuse to the Coarse Refuse Pile from an unpermitted site in a manner that is not approved under the current PAP."

8. SCA admits that refuse material was returned to the permit area from the power plant site.

CONCLUSIONS OF LAW

1. SCA's road-watering activities were conducted in compliance with the Department of Environmental Quality ("DEQ") Approval Order, and were therefore not in violation of the permit or rules.

2. SCA monitored the piezometer as required by the permit and rules, and relied on the direction of the Division in filing its amendment to cease monitoring.

3. SCA violated the permit terms by returning coal waste to the refuse pile from the power plant site.

ORDER

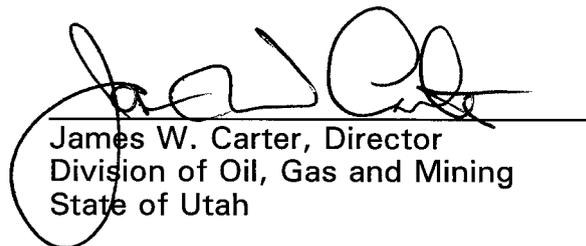
NOW THEREFORE, it is ordered that:

1. NOV N93-40-6-4, part 2 of 4, is vacated.
2. NOV N93-40-6-4, part 3 of 4, is vacated.
3. NOV N93-40-6-4, part 4 of 4, is upheld.

4. The finalized assessment, resulting from the Assessment Conference of May 11, 1994, is due and payable to the Division 30 days from the date of this Order.

5. The Petitioner may appeal the determinations of the fact of violation and/or the finalized assessments to the Board of Oil, Gas and Mining by filing said appeal within 30 days of the date of this Order, in accordance with statutory and regulatory requirements, including placing the assessed civil penalty in escrow.

SO DETERMINED AND ORDERED THIS 18th day of July, 1994.



James W. Carter, Director
Division of Oil, Gas and Mining
State of Utah

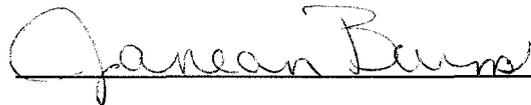
CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing FINDINGS, CONCLUSIONS OF LAW, AND ORDER for Cause No. ACT/007/035 to be mailed by certified mail, postage prepaid, on the 19th day of July 1994, to the following:

Brian Burnett, Esq.
Callister, Duncan and Nebeker
Suite 800 Kennecott Building
10 East South Temple
Salt Lake City, Utah 84133

Fred Finlinson, Resident Agent
Callister, Duncan and Nebeker
Suite 800 Kennecott Building
10 East South Temple
Salt Lake City, Utah 84133

David Pearce
P.O. Box 58087
Salt Lake City, Utah 84158-0087



BEFORE THE DIVISION OF OIL GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

---ooOoo---

IN THE MATTER OF THE APPEAL : FINDINGS, CONCLUSIONS
OF FACT OF VIOLATION N93-32-8-1, AND ORDER
SUNNYSIDE COGENERATION :
ASSOCIATES, CARBON COUNTY, :
UTAH : CAUSE NO. ACT/007/035

---ooOoo---

On May 11, 1994, the Division of Oil, Gas and Mining ("Division") held an informal hearing concerning the fact of violation issued to Sunnyside Cogeneration Associates for the above-referenced Notice of Violation (NOV). The following individuals attended:

Presiding: James W. Carter
Director

Petitioner: Brian W. Burnett
Attorney

Board: Joe Helfrich
Assessment Officer

Ronald W. Daniels
Assessment Conference Officer

The Findings, Conclusions, and Order in this matter are based on information provided by the Petitioner in connection with this informal hearing, and on information in the files of the Division.

FINDINGS OF FACT

1. Notice of this hearing was properly given.
2. The Assessment Conference, to review the proposed penalties for NOV N93-32-8-1, was held immediately following this informal hearing regarding

fact of violation. The requirement to pay the assessed penalty is stayed pending this decision upon the informal review of fact of violation.

3. A water sample collected from UPDES Permit No. 0024759, Sampling Point 004 contained total suspended solids of greater than 70 mg/l, the UPDES permit limit.

CONCLUSIONS OF LAW

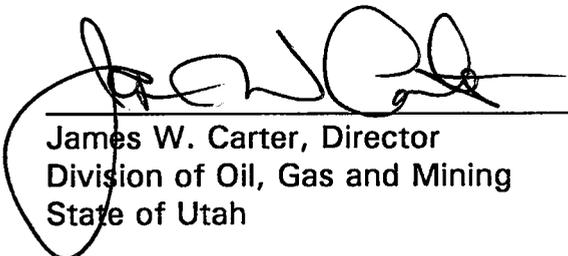
1. The total suspended solids level of the water sample collected constitutes a violation of both the UPDES permit and the Utah coal regulatory program.

ORDER

NOW THEREFORE, it is ordered that:

1. NOV N93-32-8-1 is upheld.
2. The finalized assessment, resulting from the Assessment Conference of May 11, 1994, is due and payable to the Division 30 days from the date of this Order.
3. The Petitioner may appeal the determinations of fact of violation and/or the finalized assessments to the Board of Oil, Gas and Mining by filing said appeal within 30 days of the date of this Order, in accordance with statutory and regulatory requirements, including placing the assessed civil penalty in escrow.

SO DETERMINED AND ORDERED this 10th day of June, 1994.


James W. Carter, Director
Division of Oil, Gas and Mining
State of Utah

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing **FINDINGS, CONCLUSIONS AND ORDER** for Cause No. ACT/007/035 to be mailed by certified mail, postage prepaid, on the 27th day of June 1994, to the following:

**Brian W. Burnett, Esq.
Callister, Duncan and Nebeker
Suite 800, Kennecott Building
10 East South Temple
Salt Lake City, Utah 84133**

A handwritten signature in cursive script, reading "Janean Burns", is written over a solid horizontal line.

BEFORE THE DIVISION OF OIL GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

---ooOoo---

IN THE MATTER OF THE APPEAL : FINDINGS, CONCLUSIONS
OF FACT OF VIOLATION : AND ORDER
N93-13-1-1 AND C93-13-1-1, :
SUNNYSIDE COGENERATION :
ASSOCIATES, CARBON COUNTY : CAUSE NO. ACT/007/035
UTAH :

---ooOoo---

On May 11, 1994, the Division of Oil, Gas and Mining ("Division") held an informal hearing concerning the fact of violation issued to Sunnyside Cogeneration Associates (SCA) for the above-referenced Notice of Violation (NOV). The following individuals attended:

Presiding: James W. Carter
Director

Petitioner: Brian Burnett
Attorney

Division: Joe Helfrich
Assessment Officer

Board: Ronald W. Daniels
Assessment Conference Officer

The Findings, Conclusions, and Order in this matter are based on information provided by the Petitioner in connection with this informal hearing, and on information in the files of the Division.

FINDINGS OF FACT

1. Notice of this hearing was properly given.

2. The Assessment Conference, to review the proposed penalties for NOV N93-13-1- and CO C93-13-1-1, was held immediately following this informal hearing regarding fact of violation. The requirement to pay the assessed penalty is stayed pending this decision upon the informal review of fact of violation.

3. NOV N93-13-1-1 was written for "failure to adequately identify and describe surface coal mining operations and activities related to surface coal mining operations" and "conducting mining and reclamation operations outside the permit area."

4. The required abatement was to "identify, describe and locate all surface coal mining and reclamation activities by submittal of adequate permit changes to the plan which effectively describes and/or incorporates those structures into the permit and affected area." The required plans were to be submitted by SCA on or before 5:00 p.m. November 5, 1993. The time for abatement was extended to November 16, and was again extended to November 30, 1993.

5. SCA did not submit the required plans by November 30, 1993, and DOGM issued a Failure to Abate Cessation Order to SCA, which was served on SCA on December 8, 1993. Also on December 8, 1993, SCA submitted the required information. DOGM mailed the Notice of Termination of the NOV at 5:00 p.m. on December 9, 1993.

CONCLUSIONS OF LAW

1. SCA violated rules R645-100-200 and R645-300-143 by conducting

surface coal mining and reclamation activities outside its permit area and failing to include all such activities within its permit and affected areas.

2. Pursuant to rule R645-100-820, the day on which the CO was served on SCA is not included in calculating the number of days the CO existed. Accordingly, the final assessment listing two days of failure to abate is erroneous, and should be reduced to one day.

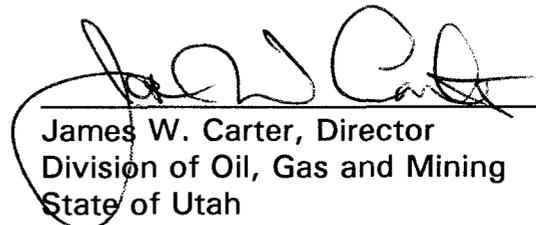
ORDER

NOW THEREFORE, it is ordered that:

1. NOV N93-13-1-1 is upheld.
2. FTA/CO C93-13-1-1 is modified to one day of failure to abate.
3. The finalized assessment, resulting from the Assessment Conference of May 11, 1993, as modified by this Order, is due and payable to the Division 30 days from the date of this Order.

3. The Petitioner may appeal the determinations of fact of violation and/or the finalized assessments to the Board of Oil, Gas and Mining by filing said appeal within 30 days of the date of this Order, in accordance with statutory and regulatory requirements, including placing the assessed civil penalty in escrow.

SO DETERMINED AND ORDERED this 20th day of June 1994.


James W. Carter, Director
Division of Oil, Gas and Mining
State of Utah

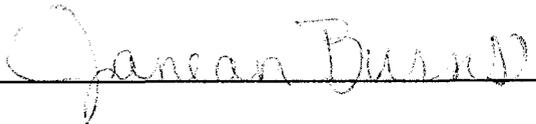
CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing FINDINGS, CONCLUSIONS AND ORDER for Cause No. ACT/007/035 to be mailed by certified mail, postage prepaid, on the 24 day of June 1994, to the following:

Brian Burnett, Esq.
Callister, Duncan and Nebeker
Kennecott Building, Suite 800
10 East South Temple
Salt Lake City, Utah 84133

Fred Finlinson, Resident Agent
Callister, Duncan and Nebeker
Kennecott Building, Suite 800
10 East South Temple
Salt Lake City, Utah 84133

David Pearce
Sunnyside Cogeneration Associates
P.O. Box 58087
Salt Lake City, Utah 84133



BEFORE THE DIVISION OF OIL GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

---ooOoo---

IN THE MATTER OF THE APPEAL : FINDINGS, CONCLUSIONS
OF FACTS OF VIOLATIONS AND ORDER
N93-26-3-1 AND N93-26-4-1, :
SUNNYSIDE COGENERATION :
ASSOCIATES, CARBON COUNTY, : CAUSE NO. ACT/007/035
UTAH :

---ooOoo---

On May 11, 1994, the Division of Oil, Gas and Mining ("Division") held an informal hearing concerning the facts of violations issued to Sunnyside Cogeneration Associates (SCA) for the above-referenced Notices of Violation (NOVs). The following individuals attended:

Presiding: James W. Carter
Director

Petitioner: Brian W. Burnett
Attorney

Division: Joe Helfrich
Assessment Officer

Board: Ronald W. Daniels
Assessment Conference Officer

The Findings, Conclusions, and Order in this matter are based on information provided by the Petitioner in connection with this informal hearing, and on information in the files of the Division.

FINDINGS OF FACT

1. Notice of this hearing was properly given.

2. The Assessment Conference, to review the proposed penalties for NOVs N93-26-3-1 and N93-26-4-1, was held immediately following this informal hearing regarding facts of violations. The requirement to pay the assessed penalties is stayed pending this decision upon the informal review of facts of violations.

3. NOV N93-26-3-1 was written for "failure to provide records during an inspection demonstrating the operator has paid all past-due reclamation fees required . . ."

4. NOV N93-26-4-1 was written for "failure by the permittee to pay all reclamation fees required for coal produced under the permit . . ."

5. By letter dated November 8, 1993, SCA asked the Office of Surface Mining to determine that the requirement to pay AML fees is not applicable to SCA's operations.

6. SCA has not paid AML fees on its operation, and SCA has not maintained records demonstrating either that it had paid or had documented the fact that it was not required to pay AML fees, at the time of the inspections leading to the issuance of NOV N93-26-3-1 and N93-26-4-1.

CONCLUSIONS OF LAW

1. SCA violated rule R. 645-400-221.200 by failing to provide documentary evidence of either payment of AML fees, or evidence of SCA's exemption from the requirement to pay AML fees.

2. The Division did not establish a violation of rule R. 645-300-147 in that SCA's liability for payment of AML fees is currently undecided.

ORDER

NOW THEREFORE, it is ordered that:

1. NOV N93-26-3-1 is upheld.

2. NOV N93-26-4-1 is vacated.

3. The finalized assessment, resulting from the Assessment Conference of May 11, 1994, is due and payable to the Division 30 days from the date of this Order.

4. The Petitioner may appeal the determinations of facts of violations and/or the finalized assessments to the Board of Oil, Gas and Mining by filing said appeal within 30 days of the date of this Order, in accordance with statutory and regulatory requirements, including placing the assessed civil penalty in escrow.

SO DETERMINED AND ORDERED this 20th day of June 1994.



James W. Carter, Director
Division of Oil, Gas and Mining
State of Utah

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing FINDINGS, CONCLUSIONS AND ORDER for Cause No. ACT/007/035 to be mailed by certified mail, postage prepaid, on the 24 day of June 1994, to the following:

Brian Burnett, Esq.
Callister, Duncan and Nebeker
Kennecott Building, Suite 800
10 East South Temple
Salt Lake City, Utah 84133

Fred Finlinson, Resident Agent
Callister, Duncan and Nebeker
Kennecott Building, Suite 800
10 East South Temple
Salt Lake City, Utah 84133

David Pearce
Sunnyside Cogeneration Associates
P.O. Box 58087
Salt Lake City, Utah 84133



BEFORE THE DIVISION OF OIL GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

---ooOoo---

| | | |
|-----------------------------|---|-----------------------|
| IN THE MATTER OF THE APPEAL | : | FINDINGS, CONCLUSIONS |
| OF FACT OF VIOLATION | : | AND ORDER |
| C93-13-2-1, SUNNYSIDE | : | |
| COGENERATION ASSOCIATES, | : | |
| CARBON COUNTY, UTAH | : | CAUSE NO. ACT/007/035 |

---ooOoo---

On May 11, 1994, the Division of Oil, Gas and Mining ("Division") held an informal hearing concerning the fact of violation issued to Sunnyside Cogeneration Associates (SCA) for the above-referenced Cessation Order (CO). The following individuals attended:

| | |
|-------------|--|
| Presiding: | James W. Carter Director |
| Petitioner: | Brian Burnett, Attorney Sunnyside Cogeneration Associates |
| Division: | Joe Helfrich Assessment Officer |
| Board: | Ronald W. Daniels Assessment Conference Officer |

The Findings, Conclusions, and Order in this matter are based on information provided by the Petitioner in connection with this informal hearing, and on information in the files of the Division.

FINDINGS OF FACT

1. Notice of this hearing was properly given.

2. The Assessment Conference, to review the proposed penalties for CO C93-13-2-1, was held immediately following this informal hearing regarding fact of violation. The requirement to pay the assessed penalty is stayed pending this decision upon the informal review of fact of violation.

3. Cessation Order C93-13-2-1 was written for failure to abate NOV N93-32-5-2, part 1 of 2, within the time fixed for abatement.

4. SCA failed to abate NOV N93-32-5-2 by the date established for abatement in the NOV.

5. Cessation Order C93-13-2-1 was served on SCA on December 8, 1993. SCA submitted a requested for extension of its abatement date to DOGM on December 9, 1993. Notice of Termination of the CO was served on SCA on December 20, 1993.

CONCLUSIONS OF LAW

1. SCA's failure to either abate NOV N93-32-5-2, part 1 of 2, by the abatement date, or to request extension and provide justification for extension of the abatement date on or before the date set for abatement required issuance of CO C93-13-2-1 pursuant to rule R645-400-325.

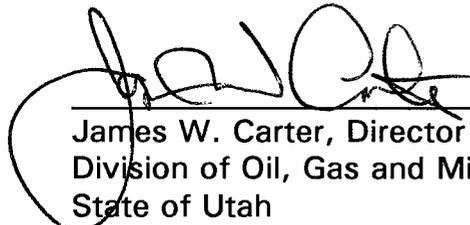
2. Pursuant to rule R645-100-820, the day on which the Co was served is no included in calculating the number of days the CO existed. Accordingly, the final assessment listing two days of failure to abate is erroneous, and should be reduced to one day.

ORDER

NOW THEREFORE, it is ordered that:

1. CO C93-13-2-1 is upheld and modified to one day of failure to abate.
2. The finalized assessment, resulting from the Assessment Conference of May 11, 1993, as modified by this Order, is due and payable to the Division 30 days from the date of this Order.
3. The Petitioner may appeal the determinations of fact of violation and/or the finalized assessments to the Board of Oil, Gas and Mining by filing said appeal within 30 days of the date of this Order, in accordance with statutory and regulatory requirements, including placing the assessed civil penalty in escrow.

SO DETERMINED AND ORDERED this 20th day of June 1994.



James W. Carter, Director
Division of Oil, Gas and Mining
State of Utah

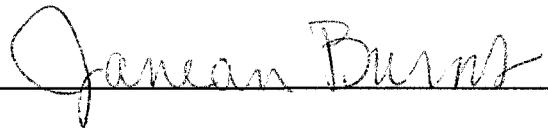
CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing FINDINGS, CONCLUSIONS AND ORDER for Cause No. ACT/007/035 to be mailed by certified mail, postage prepaid, on the 24 day of June 1994, to the following:

Brian Burnett, Esq.
Callister, Duncan and Nebeker
Kennecott Building, Suite 800
10 East South Temple
Salt Lake City, Utah 84133

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Callister, Duncan and Nebeker
Kennecott Building, Suite 800
10 East South Temple
Salt Lake City, Utah 84133

David Pearce
Sunnyside Cogeneration Associates
P.O. Box 58087
Salt Lake City, Utah 84133



BEFORE THE DIVISION OF OIL GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

---ooOoo---

| | | |
|-----------------------------|---|-----------------------|
| IN THE MATTER OF THE APPEAL | : | FINDINGS, CONCLUSIONS |
| OF FACT OF VIOLATION | : | AND ORDER |
| N93-13-2-1, SUNNYSIDE | : | |
| COGENERATION ASSOCIATES, | : | |
| CARBON COUNTY, UTAH | : | CAUSE NO. ACT/007/035 |

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On May 11, 1994, the Division of Oil, Gas and Mining ("Division") held an informal hearing concerning the fact of violation issued to Sunnyside Cogeneration Associates (SCA) for the above-referenced Notice of Violation (NOV). The following individuals attended:

| | |
|-------------|--|
| Presiding: | James W. Carter Director |
| Petitioner: | Brian Burnett, Attorney Sunnyside Cogeneration Associates |
| Division: | Joe Helfrich Assessment Officer |
| Board: | Ronald W. Daniels Assessment Conference Officer |

The Findings, Conclusions, and Order in this matter are based on information provided by the Petitioner in connection with this informal hearing, and on information in the files of the Division.

FINDINGS OF FACT

1. Notice of this hearing was properly given.

2. The Assessment Conference, to review the proposed penalties for NOV N93-13-2-1, was held immediately following this informal hearing regarding fact of violation. The requirement to pay the assessed penalty is stayed pending this decision upon the informal review of fact of violation.

3. NOV N93-13-2-1 was written for "failure to comply with the terms and conditions of the permit issued" specifically addressing the failure of SCA to comply with permit conditions set forth in Attachment A to permit ACT/007/035.

4. On the date NOV N93-13-2-1 was written, November 16, 1993, SCA was in non-compliance with permit conditions 3, 5, 9, 10, 11, 12, 13, 14, 15, 18, and 19 established in Attachment A to permit ACT/007/035.

CONCLUSIONS OF LAW

1. Sunnyside Cogeneration Associates violated rules R645-300-143 and R645-301-117.300.

ORDER

NOW THEREFORE, it is ordered that:

1. NOV N93-13-2-1 is upheld.

2. The finalized assessment, resulting from the Assessment Conference of May 11, 1993, is due and payable to the Division 30 days from the date of this Order.

3. The Petitioner may appeal the determinations of fact of violation and/or the finalized assessments to the Board of Oil, Gas and Mining by filing said appeal within 30 days of the date of this Order, in accordance with statutory and

regulatory requirements, including placing the assessed civil penalty in escrow.

SO DETERMINED AND ORDERED this 20th day of June 1994.



James W. Carter, Director
Division of Oil, Gas and Mining
State of Utah

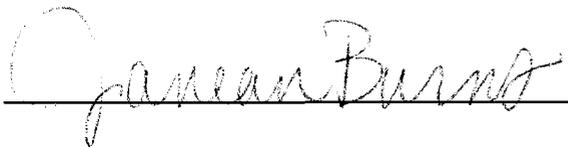
CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing FINDINGS, CONCLUSIONS AND ORDER for Cause No. ACT/007/035 to be mailed by certified mail, postage prepaid, on the 24 day of June 1994, to the following:

Brian Burnett, Esq.
Callister, Duncan and Nebeker
Kennecott Building, Suite 800
10 East South Temple
Salt Lake City, Utah 84133

Fred Finlinson, Resident Agent
Callister, Duncan and Nebeker
Kennecott Building, Suite 800
10 East South Temple
Salt Lake City, Utah 84133

David Pearce
Sunnyside Cogeneration Associates
P.O. Box 58087
Salt Lake City, Utah 84133



BEFORE THE DIVISION OF OIL GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

---ooOoo---

| | | |
|-------------------------------|---|-----------------------|
| IN THE MATTER OF THE APPEAL | : | FINDINGS, CONCLUSIONS |
| OF FACT OF VIOLATION | : | AND ORDER |
| N93-40-5-9, parts 1 through 9 | : | |
| SUNNYSIDE COGENERATION | : | |
| ASSOCIATES, CARBON COUNTY, | : | INFORMAL HEARING |
| UTAH | : | CAUSE NO. ACT/007/035 |

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On January 11, 1994, the Division of Oil, Gas and Mining ("Division") held an informal hearing concerning the fact of violation issued to Sunnyside Cogeneration Associates (SCA) for the above-referenced Notice of Violation (NOV).

The following individuals attended:

| | |
|-------------|---|
| Presiding: | James W. Carter, Director |
| Petitioner: | Brian W. Burnett, Esq. Callister, Duncan and Nebeker |
| | Alane Boyd Eckhoff, Watson, and Preator |
| Division: | Ronald W. Daniels Assessment Conference Officer |
| Board: | Joe Helfrich Assessment Officer |

The Findings, Conclusions, and Order in this matter are based on information provided by the Petitioner in connection with this informal hearing, and on information in the files of the Division.

FINDINGS OF FACT

1. Notice of this hearing was properly given.
2. The Assessment Conference, to review the proposed penalties for NOV N93-40-5-9, parts 1 through 9, was held immediately following this informal hearing regarding fact of violation. The requirement to pay the assessed penalty is stayed pending this decision upon the informal review of fact of violation.

Part 1 of 9

1. Part 1 of the violation was written for failure to perform contemporaneous reclamation. The provision of the Act cited is Utah Admin. R. 645-301-352. The portion of the operation which is subject to the violation is the unreclaimed portion of the third lift of the coarse refuse pile and the entire outslope of the fifth lift of the refuse pile.
2. SCA has, by approved operating agreement, assumed liability for violations of the Sunnyside Coal Company (SCC) permit.
3. The SCC permit requires contemporaneous reclamation in the SCA permit area, including the area that is the subject of this violation.
4. At the time the violation was written, contemporaneous reclamation was required and had not taken place.

Part 2 of 9

5. Part 2 was written for failure to conduct coal mining and reclamation operations in accordance with the approved plan. Specifically, it was written for failure to locate coal fines in accordance with the approved permit. The provisions

of the Act, regulations, or permit cited in the violation is Utah Admin. R. 645-301-142. The portion of the operation affected is the area adjacent to the south side of the number 2 slurry pond.

6. Coal fines were deposited in this area which is not approved for coal fine storage.

Part 3 of 9

7. Part 3 of the violation was written for failure to maintain the sediment fence around the base of the vegetation test plot which is located within the approved permit area. The provisions of the Act, regulations, or permit cited is Utah Admin. R. 645-300-142.

8. SCA failed to maintain sediment control measures around an area of the permit for which the plan requires sediment control fence maintenance.

Part 4 of 9

9. Part 4 of the violation was written for failure to design appropriate sediment control measures which meet the requirements of the state program. The provisions of the Act, regulations, or permit violated cited in the notice are Utah Admin. R. 645-301-742.110, .111, .112, and .113. The portion of the operation to which the notice applies is referred to in the violation as the Rail Cut Topsoil Pile, the Clearwater Topsoil Pile, and Test Plot Topsoil Pile and the Access Road Topsoil Pile. The regulations cited require SCA to install sediment control measures which meet the program design criteria, and to incorporate the approved designs into their permit.

10. At the time of the violation, SCA had failed to design such structures and have them approved and incorporated into their permit.

Part 5 of 9

11. Part 5 was written for failure to classify each road in the approved permit. The provisions of the Act, regulations, or permit cited for this violation is Utah Admin. R. 645-301-527.100. The portion of the permit to which the notice applies is all roads in the permit area that are not classified.

12. At the time the violation was issued, all roads within the SCC permit were classified, although improperly.

Part 6 of 9

13. Part 6 of the violation was written for failure to dispose of sediment pond cleanout materials in accordance with the approved plan. The provisions of the Act, regulations, or permit cited is Utah Admin. R. 645-300-142. The portion of the operation to which the notice was directed is the sediment pond cleanout material from the Coarse Refuse Toe Sediment Pond located adjacent to the Coarse Refuse Toe Sediment Pond.

14. Sediment pond cleanout materials were deposited in an area not approved for the location and placement of sediment pond cleanout materials.

Part 7 of 9

15. Part 7 of the violation was written for failure to separate and segregate topsoil from an area designated for topsoil storage. The provisions of the Act, regulations, or permit cited is Utah Admin. R. 645-301-232-100. The area

of the operation to which the notice was directed is the sediment pond cleanout material located adjacent to the Cleanout Refuse Toe Sediment Pond.

16. Topsoil was co-mingled with sediment pond cleanout material in the subject area.

Part 8 of 9

17. Part 8 was written for failure to conduct coal mining and reclamation operations within the permit boundaries. The provisions of the Act, regulations, or permit cited is Utah Admin. R. 645-300-141. The portions of the operation to which notice is applies are the outlet diversion for the Pasture Pond, the Cogeneration Plant and the Revegetation Test Plot Topsoil Pile.

18. Of the three areas cited in this violation, only a portion of the Pasture Pond outlet is an integral part of SCA operations. SCA is not conducting mining operations in the Cogeneration Plant or Revegetation Test Plot Topsoil Pile areas.

Part 9 of 9

19. Part 9 was written for failure to provide complete and accurate ownership and control information for the contract miner performing regulated coal mining activities for the permittee. The provision of the rules cited is Utah Admin. R. 645-301-100 et seq. The portion to which the violation applies is the entire permit area.

20. It is not disputed that, at the time the violation was written, SCA's permit did not provide full and adequate ownership and control information concerning this contract coal operator.

CONCLUSIONS OF LAW

Part 1 of 9

21. Sunnyside Cogeneration Associates has assumed liability for meeting the contemporaneous reclamation requirements of the SCC permit, and is therefore liable for failure to conduct contemporaneous reclamation in their permit area.

Part 2 of 9

22. SCA is liable for all actions within its permit area.

Part 3 of 9

23. The revegetation test plot is a feature of SCA's permit, and SCA is therefore responsible for its maintenance in accordance with its mine plan.

Part 4 of 9

24. Failure to provide permit information which hinders inspection and enforcement constitutes the hindrance violation for which Sunnyside Cogeneration Associates is liable.

Part 5 of 9

25. The improper classification of roads constitutes a permit defect and not a violation of a performance standard in the permit area.

Part 6 of 9

26. The improper disposition of sediment pond clean-out materials in an area not approved for storage constitutes a violation for which SCA is liable.

Part 7 of 9

27. The failure to segregate and protect topsoil material as called for in the permit and applicable cite or performance standard constitutes a violation for which SCA is responsible.

Part 8 of 9

28. The failure to include that portion of the Pasture Pond Outlet which is integral to the mining and reclamation activities within the permitted area constitutes a violation.

Part 9 of 9

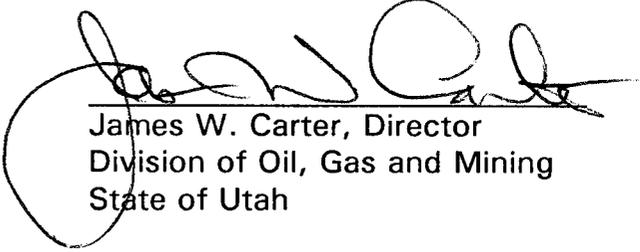
29. Inadequate ownership and control information for SCA's contract miner is a violation of the Utah Coal Regulatory program.

ORDER

NOW THEREFORE, it is ordered that:

1. Parts 1, 2, 3, 4, 6, 7, 8 and 9 of NOV N93-40-5-9 are upheld.
2. Part 5 of NOV N93-40-5-9 is vacated.
3. The finalized assessment, resulting from the Assessment Conference of January 11, 1994, is due and payable to the Division 30 days from the date of this Order.
4. The Petitioner may appeal the determinations of fact of violation and/or the finalized assessments to the Board of Oil, Gas and Mining by filing said appeal within 30 days of the date of this Order, in accordance with statutory and regulatory requirements, including placing the assessed civil penalty in escrow.

SO DETERMINED AND ORDERED this 9th day of February, 1994.



James W. Carter, Director
Division of Oil, Gas and Mining
State of Utah

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
 ALANE BOYD
 ECKHOFF WATSON & PREATOR
 BLDG C SUITE 100
 1121 EAST 3900 SOUTH
 SLC UT 84124

4. Article Number
 P 074 977 058

Type of Service:
 Registered Insured
 Certified CGD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature - Address
 X *Alane Boyd*

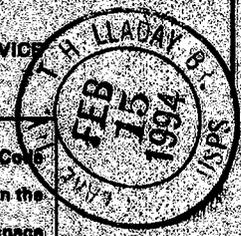
6. Signature - Agent
 X *Alane Boyd*

7. Date of Delivery
 FEB 15 1994

PS Form 3811, Mar. 1988 • U.S.G.P.O. 1988-212-685 DOMESTIC RETURN RECEIPT
 DOGM JBE ACT/007/035 FC&O

DOGM JBE ACT/007/035 FC&O

UNITED STATES POSTAL SERVICE
 OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE, \$300

SENDER INSTRUCTIONS
 Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits; otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO Print Sender's name, address, and ZIP Code in the space below.

STATE OF UTAH
 NATURAL RESOURCES
 OIL, GAS, & MINING
 3 TRIAD CENTER, SUITE 350
 SALT LAKE CITY, UTAH 84180-1203

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

U.S.G.P.O. 1988-217-132

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

P 074 977 058

| | | | | | | | | |
|---|--------------------------|--|--|--|--|--|--|--|
| See No. | ALANE BOYD | | | | | | | |
| Street | ECKHOFF WATSON & PREATOR | | | | | | | |
| | BLDG C SUITE 100 | | | | | | | |
| P.O. State | EAST 3900 SOUTH | | | | | | | |
| | SLC UT 84124 | | | | | | | |
| Postage | | | | | | | | |
| Certified Fee | | | | | | | | |
| Special Delivery Fee | | | | | | | | |
| Restricted Delivery Fee | | | | | | | | |
| Return Receipt showing to whom and Date Delivered | | | | | | | | |
| Return Receipt showing to whom, Date, and Address of Delivery | | | | | | | | |
| TOTAL Postage and Fees | | | | | | | | |
| Postmark or Date | | | | | | | | |



PS Form 3800, June 1985

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
 DAVID PEARCE
 SUNNYSIDE COGEN ASSOC
 PO. BOX 58087
 SLC UT 84158-0087

4. Article Number
 p 074 977 056

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
 X

6. Signature - Agent
 X *Wayne McQuinn*

7. Date of Delivery
 FEB 10 1994

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT
 DOGM JBE ACT/007/035 FC&O

dogm jbe act/007/035 FC&O

P 074 977 056

DAVID PEARCE
 SUNNYSIDE COGEN ASSOC
 PO. BOX 58087
 SLC UT 84158-0087

58
1001
1001
FC&O

PS Form 3800 (Rev. 8-83)

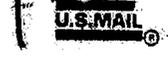
UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTION:

- Print your name, address and ZIP Code in the space below.
- Complete items 1, 3 and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

SALT LAKE CITY PM



PENALTY FOR PRIVATE USE, \$300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

STATE OF UTAH
 NATURAL RESOURCES
 OIL, GAS, & MINING
 3 TRIAD CENTER, SUITE 350
 SALT LAKE CITY, UTAH 84180-1203

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

- If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge).
- If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
- If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article RETURN RECEIPT REQUESTED adjacent to the number.
- If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article.
- Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
- Save this receipt and present it if you make inquiry.

* U.S.G.P.O. 1988-217-132

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
 BRIAN W BURNETT
 CALLISTER DUNCAN & NEBEKER
 KENNECOTT BLDG SUITE 800
 10 E SOUTH TEMPLE
 SALT LAKE CITY UT 84133

4. Article Number
 P 074 977 057

- Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
 X

6. Signature - Agent
 X *Andy Keruberry*

7. Date of Delivery

8. Addressee's Address (ONLY if requested and fee paid)



UNITED STATES POSTAL SERVICE
 OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE, \$300

SENDER INSTRUCTIONS
 Print your name, address and ZIP Code in the space below.
 • Complete items 1, 2, 3, and 4 on the reverse.
 • Attach to front of article if space permits, otherwise affix to back of article.
 • Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

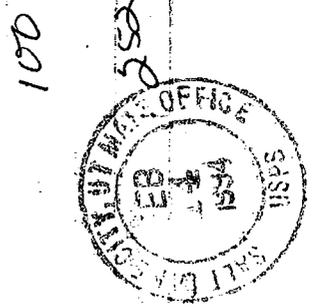
STATE OF UTAH
 NATURAL RESOURCES
 OIL, GAS, & MINING
 3 TRIAD CENTER, SUITE 350
 SALT LAKE CITY, UTAH 84180-1203



dogm jbe ACT/007/035 FC&O

P 074 977 057

BRIAN W BURNETT
 CALLISTER DUNCAN & NEBEKER
 KENNECOTT BLDG SUITE 800
 10 E SOUTH TEMPLE
 SALT LAKE CITY UT 84133



CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing FINDINGS, CONCLUSIONS AND ORDER for Cause No. ACT/007/035 to be mailed by certified mail, postage prepaid, on the 14th day of February 1994, to the following:

David Pearce
P.O. Box 58087
Salt Lake City, Utah 84158-0087

Brian W. Burnett
Callister, Duncan and Nebeker
Kennecott Building, Suite 800
10 East South Temple
Salt Lake City, Utah 84133

Alane Boyd
Eckhoff, Watson and Preator
Building C, Suite 100
1121 East 3900 South
Salt Lake City, Utah 84124

A handwritten signature in cursive script, reading "Jarean Burns", is written over a horizontal line.