0003

C/007/042 Incoming
CC: Karl

Sunnyside Cogeneration Associates

P.O. Box 10, East Carbon, Utah 84520 • (435) 888-4476 • Fax (435) 888-2538

January 15, 2010

Daron Haddock
Division of Oil, Gas & Mining
1594 W. North Temple, Suite 1210
Salt Lake City, Utah 84116

RE: Annual 2009 Inspection Report
Star Point Refuse Pile C/007/042

Dear Mr. Haddock:

Please find enclosed a copy of the Annual 2009 Inspection Report for the Star Point refuse pile, impoundments, and excess spoil area.

Should you have any questions, please contact Rusty Netz or myself at (435)888-4476.

Thank You,

Richard Carter
Agent For
Sunnyside Cogeneration Associates

c.c. Steve Gross
William Rossiter
Paul Shepard
Maggie Estrada
Rusty Netz
Plant File

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT

GENERAL INFORMATION **Sediment Pond 005**

Report Date	January 12, 2010
Permit Number	C/007/042
Mine Name	Star Point Waste Fuel
Company Name	Sunnyside Cogeneration Associates

IMPOUNDMENT IDENTIFICATION

Impoundment Name	Sediment Pond 005
Impoundment Number	005
UPDES Permit Number	UTG040025
MSHA ID Number	N/A

IMPOUNDMENT INSPECTION

Inspection Date	December 17, 2009
Inspected by	Rusty Netz
Reason for Inspection	Annual Inspection 2009

1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.

None

a. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and estimated average elevation of existing sediment.

Total Pond Volume = 6.96 Acre-feet
Pond bottom elevation = 7387.3
100% Sediment Storage Volume = 2.42 acre-feet at Elevation 7394.9
60% Sediment Storage Volume = 1.45 acre feet at Elevation = 7393
Existing Average Sediment Elevation = 7392 +/-

b. Principle and emergency spillway elevations.

Primary Dewatering Orifice = 7394.9
Emergency Spillway Elevation = 7401.3

2. Field Information

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 outslopes of embankments, etc.

Pond had some water in it but was not discharging. No samples were taken
Sediment levels were reasonably low. Pond did not require decanting.
Embankment conditions were good. Vegetation on outslopes was adequate.
Inlet / Outlet conditions were good. No structural or hazardous conditions were observed.

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT

Sediment Pond 005

3. Field Evaluation.

Describe any changes in the geometry of the impounding structure, average and maximum depths and elevation 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

No recent changes in the geometry of the structure have been observed
Depth of impounded water was minimal
Sediment level was good.
No other aspects were observed to affect stability or functionality.

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 designs and meets or exceeds the minimum design requirements under all applicable federal, state and local regulations; and that inspections are made by myself and include any appearances of instability, structural weakness or other hazardous condition of the structure affecting stability.

Signature: Rusty Nitz Date: 1/15/10

CERTIFIED REPORT
IMPOUNDMENT EVALUATION

If you answer NO to these questions, please explain under comments

1. Is impoundment designed and constructed in accordance with the approved plan? YES
2. Is impoundment free of instability, structural weakness, or any other hazardous conditions? YES
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection? YES

COMMENTS/ OTHER INFORMATION

None

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 designs and meets or exceeds 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: S. Scott Carlson, PE, Twin Peaks, P.C.
P.E. Number & State: 187727 UTAH

REGISTERED PROFESSIONAL ENGINEER
187727
S. SCOTT CARLSON
1/2010
STATE OF UTAH

Affix Signature, Stamp and Date

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT

GENERAL INFORMATION **Sediment Pond 006**

Report Date	January 12, 2010
Permit Number	C/007/042
Mine Name	Star Point Waste Fuel
Company Name	Sunnyside Cogeneration Associates

IMPOUNDMENT IDENTIFICATION

Impoundment Name	Sediment Pond 006
Impoundment Number	006
UPDES Permit Number	UTG040025
MSHA ID Number	N/A

IMPOUNDMENT INSPECTION

Inspection Date	December 17, 2009
Inspected by	Rusty Netz
Reason for Inspection	Annual Inspection 2009

1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.

None

a. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and estimated average elevation of existing sediment.

Total Pond Volume = 2.6 Acre-feet
Pond bottom elevation = 7132.7
100% Sediment Storage Volume = 0.76 acre-feet at Elevation 7140.7
60% sediment Storage Volume = 0.45 acre feet at Elevation = 7138.8
Existing Average Sediment Elevation = 7135 +/-

b. Principle and emergency spillway elevations.

Primary Dewatering Orifice = 7140.7
Emergency Spillway Elevation = 7147.2

2. Field Information

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 outslopes of embankments, etc.

Pond had some water in it. No samples were taken
Sediment levels were reasonably low. Pond did not require decanting.
Embankment conditions were good. Vegetation on outslopes was adequate.
Inlet / Outlet conditions were good. No structural or hazardous conditions were observed.

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT

Sediment Pond 006

3. Field Evaluation.

Describe any changes in the geometry of the impounding structure, average and maximum depths and elevation 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

No recent changes in the geometry of the structure have been observed
Depth of impounded water was minimal
Sediment level was good.
No other aspects of the impounding structure were observed that could affect its stability or functionality.

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 designs and meets or exceeds the minimum design requirements under all applicable federal, state and local regulations; and that inspections are made by myself and include any appearances of instability, structural weakness or other hazardous condition of the structure affecting stability.

Signature: Rusty Neff Date: 1/15/10

CERTIFIED REPORT
IMPOUNDMENT EVALUATION

If you answer NO to these questions, please explain under comments

1. Is impoundment designed and constructed in accordance with the approved plan? YES
2. Is impoundment free of instability, structural weakness, or any other hazardous conditions? YES
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection? YES

COMMENTS/ OTHER INFORMATION

None

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 designs and meets or exceeds 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: S. Scott Carlson, PE, Twin Peaks, P.C.
P.E. Number & State: 187727 UTAH

REGISTERED PROFESSIONAL ENGINEER
187727
S. SCOTT CARLSON
1/2010
STATE OF UTAH

Affix Signature, Stamp and Date

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT

GENERAL INFORMATION **Sediment Pond 009**

Report Date	January 12, 2010
Permit Number	C/007/042
Mine Name	Star Point Waste Fuel
Company Name	Sunnyside Cogeneration Associates

IMPOUNDMENT IDENTIFICATION

Impoundment Name	Sediment Pond 009
Impoundment Number	009
UPDES Permit Number	UTG040025
MSHA ID Number	N/A

IMPOUNDMENT INSPECTION

Inspection Date	December 17, 2009
Inspected by	Rusty Netz
Reason for Inspection	Annual Inspection 2009

1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.

None

a. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and estimated average elevation of existing sediment.

Total Pond Volume = 7.4 Acre-feet
Pond bottom elevation = 7435.0
100% Sediment Storage Volume = 2.02 acre-feet at Elevation 7439.3
60% sediment Storage Volume = 1.21 acre feet at Elevation = 7437.7
Existing Average Sediment Elevation = 7437 +/-

b. Principle and emergency spillway elevations.

Primary Dewatering Orifice = 7439.8
Primary Spillway Elevation = 7445.5
Emergency Spillway Elevation = 7446.5

2. Field Information

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 outslopes of embankments, etc.

Pond had some water in it. No samples were taken. Pond did not require decanting.
Sediment levels were reasonably low.
Embankment conditions were good. Vegetation on outslopes was adequate.
Inlet / Outlet conditions were good. No structural or hazardous conditions were observed.

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT

Sediment Pond 009

3. Field Evaluation.

Describe any changes in the geometry of the impounding structure, average and maximum depths and elevation 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

No recent changes in the geometry of the structure have been observed
Depth of impounded water was minimal
Sediment level was good.
No other aspects of the impounding structure were observed that could affect its stability or functionality.

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 designs and meets or exceeds the minimum design requirements under all applicable federal, state and local regulations; and that inspections are made by myself and include any appearances of instability, structural weakness or other hazardous condition of the structure affecting stability.

Signature: Rusty Neff Date: 1/15/10

CERTIFIED REPORT
IMPOUNDMENT EVALUATION

If you answer NO to these questions, please explain under comments

1. Is impoundment designed and constructed in accordance with the approved plan? YES
2. Is impoundment free of instability, structural weakness, or any other hazardous conditions? YES
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection? YES

COMMENTS/ OTHER INFORMATION

None

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 designs and meets or exceeds 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: S. Scott Carlson, PE, Twin Peaks, P.C.
P.E. Number & State: 187727 UTAH

REGISTERED PROFESSIONAL ENGINEER
187727
S. SCOTT CARLSON
1/2010
STATE OF UTAH

Affix Signature, Stamp and Date

INSPECTION AND CERTIFIED REPORT ON EXCESS SPOIL PILE OR REFUSE PILE

Coarse Refuse Pile

GENERAL INFORMATION

Report Date	January 12, 2010
Permit Number	C/007/042
Mine Name	Star Point Waste Fuel
Company Name	Sunnyside Cogeneration Associates

EXCESS SPOIL PILE OR REFUSE PILE IDENTIFICATION

Pile Name	Coarse Refuse Pile
Pile Number	N/A
MSHA ID Number	Abandoned by MSHA Jan 2004

Inspection Date	December 17, 2009
Inspected by	Rusty Netz
Reason for Inspection	Annual Inspection 2009

Attachment to Report? (such as refuse sample analysis or photos) **YES**

Field Evaluation

1. Foundation preparation, including the removal of all organic material and topsoil.

   N/A

2. Placement of underdrains and protective filter systems.

   N/A

3. Installation of final surface drainage systems

   N/A

4. Placement and compaction of fill materials

   N/A - Activities occurring at this time are associated with removal of refuse material

5. Final grading and revegetation of fill.

   N/A

6. Appearances of instability, structural weakness, and other hazardous conditions

   No aspects of the Fill structure were observed that could affect its stability or functionality

INSPECTION AND CERTIFIED REPORT ON EXCESS SPOIL PILE OR REFUSE PILE

Coarse Refuse Pile

7. Other comments. Describe any changes in the geometry of the Excess Spoil/Refuse Pile structure, instrumentation, average and maximum lifts of materials placed in the pile, elevations of active benches, total and remaining storage capacity of the structure, evidence of fires in the pile and abatement of such fires, volumes of materials placed in the structure during the year, and any other aspect of the structure affecting its stability or function which has occurred during the reporting period

Refuse material is actively being excavated and removed from the top of the pile

QUALIFICATION STATEMENT:

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

Signature: Rusty Nef Date: 1/15/10

CERTIFICATION STATEMENT

I hereby certify that: I am experienced in the construction of earth and rock fills; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of earth and rock fills in accordance with the certified and approved designs for this structure; that the fill structure has been maintained in accordance with the approved design and meets or exceeds 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.

By: S. Scott Carlson, PE, Twin Peaks, P.C.
P.E. Number & State: 187727 UTAH

Affix Signature, Stamp and Date

REGISTERED PROFESSIONAL ENGINEER
187727
S. SCOTT CARLSON
1/2010
STATE OF UTAH

INSPECTION AND CERTIFIED REPORT ON EXCESS SPOIL PILE OR REFUSE PILE

GENERAL INFORMATION **Disposal Area**

Report Date January 12, 2010
Permit Number C/007/042
Mine Name Star Point Waste Fuel
Company Name Sunnyside Cogeneration Associates

EXCESS SPOIL PILE OR REFUSE PILE IDENTIFICATION

Pile Name Disposal Area
Pile Number N/A
MSHA ID Number N/A

Inspection Date December 17, 2009
Inspected by Rusty Netz
Reason for Inspection Annual Inspection 2009

Attachment to Report? (such as refuse sample analysis or photos) **YES**

Field Evaluation

1. Foundation preparation, including the removal of all organic material and topsoil.

The site selected for the disposal area is the old slurry ponds associated with the prior mining activity. No topsoil is available to be removed.

2. Placement of underdrains and protective filter systems.

N/A

3. Installation of final surface drainage systems

N/A

4. Placement and compaction of fill materials

The disposal area did not receive any materials during the year.

5. Final grading and revegetation of fill.

N/A

6. Appearances of instability, structural weakness, and other hazardous conditions

No aspects of the Fill structure were observed that could affect its stability or functionality

INSPECTION AND CERTIFIED REPORT ON EXCESS SPOIL PILE OR REFUSE PILE

Disposal Area

7. Other comments. Describe any changes in the geometry of the Excess Spoil/Refuse Pile structure, instrumentation, average and maximum lifts of materials placed in the pile, elevations of active benches, total and remaining storage capacity of the structure, evidence of fires in the pile and abatement of such fires, volumes of materials placed in the structure during the year, and any other aspect of the structure affecting its stability or function which has occurred during the reporting period

The disposal area did not receive any materials during the year.

QUALIFICATION STATEMENT:

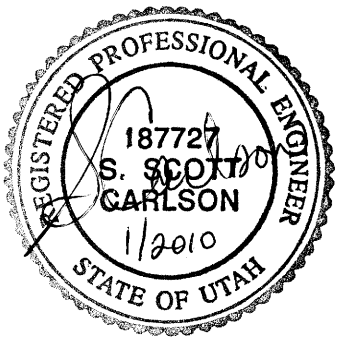
I hereby certify that; I am experienced in the construction of earth and rock fills; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of earth and rock fills in accordance with the certified and approved designs for this structure;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

Signature: Rusty Net Date: 1/15/10

CERTIFICATION STATEMENT

I hereby certify that: I am experienced in the construction of earth and rock fills; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of earth and rock fills in accordance with the certified and approved designs for this structure; that the fill structure has been maintained in accordance with the approved design and meets or exceeds 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.

By: S. Scott Carlson, PE, Twin Peaks, P.C.
P.E. Number & State: 187727 UTAH



Affix Signature, Stamp and Date

Star Point Refuse Pile September 2009

Star Point Refuse Pile September 2009

Star Point Disposal Area September 2009

Star Point Disposal Area September 2009

Star Point Sediment Pond #009 September 2009

Star Point Sediment Pond #009 September 2009

Star Point Sediment Pond #005 September 2009

Star Point Sediment Pond #006 September 2009