

0009

**COPY**

*C/007/042 Incoming  
CC: Karl*



**Sunnyside Cogeneration Associates**

*#3514  
K*

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

March 23, 2010

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

RE: Annual Report for 2009  
SCA Star Point Mining Permit, C/007/042

Dear Mr. Haddock:

Please find enclosed two copies of SCA's Annual report for 2009, for coal mining and reclamation operations at the SCA Star Point site. This report is inclusive of the activities that occurred within the SCA Star Point Mining Permit area during 2009.

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

Thank You,

Richard Carter  
Agent For  
Sunnyside Cogeneration Associates

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

File in:

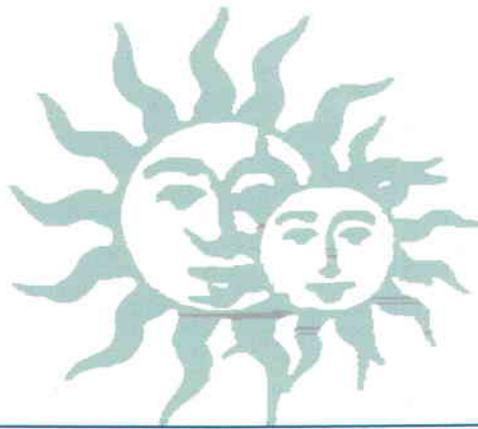
- Confidential
- Shelf
- Expandable

Refer to Record No. *0009* Date *03/23/2010*  
In C/ *007/042 2010 Incoming*  
For additional information

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**MAR 29 2010**

DIV. OF OIL, GAS & MINING



# **2009 Annual Report**

## **Sunnyside Cogeneration Associates**

### **Star Point Waste Fuel**

#### **C/007/042**





**SUNNYSIDE COGENERATION ASSOCIATES  
STAR POINT REFUSE (WASTE FUEL)  
C/007/0042  
2009 ANNUAL REPORT**

Submitted to:

State of Utah  
Department of Natural Resources  
Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801

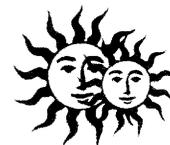
**RECEIVED**  
**MAR 29 2010**  
DIV. OF OIL, GAS & MINING



**SUNNYSIDE COGENERATION ASSOCIATES**  
**STAR POINT WASTE FUEL**  
**2009 ANNUAL REPORT**

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## I. GENERAL PERMIT INFORMATION

**Permit Number:** C/007/042

**Mine Name:** Star Point Waste Fuel

**Permittee:** Sunnyside Cogeneration Associates

**Company Representative  
& Resident Agent:** Mr. Richard Carter  
One Power Plant Road  
PO Box 159  
Sunnyside, UT 84539  
(435) 888-4476  
(435) 888-2538 fax

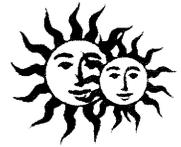
**Date of Initial Permanent Program Permit:** November 14, 2003

**Date of Most Recent Permit Renewal:** November 14, 2008  
The reclamation bond for SCA's Star Point facility was renewed during 2007.

**Date of Expiration:** November 14, 2013

SCA acquired the Star Point waste fuel area from RAG America and completed its Mining and Reclamation permit in late 2003. This annual report covers the 2009 calendar year and outlines SCA's operations at the Star Point Waste Fuel Mine.

SCA submitted two permit amendments to DOGM in 2009 (Tasks 3361 and 3363) that were reviewed and comments provided. SCA subsequently addressed the comments and resubmitted in early 2010 (Tasks 3495 and 3496). These amendments are pending.



## II. IDENTIFICATION OF OTHER PERMITS

**MSHA ID Numbers:** Star Point Refuse Pile Mine ID No. 42-02334

MSHA granted approval for final abandonment of the Coarse Refuse Pile on January 28, 2004. As such, SCA's Star Point Waste Fuel Mine has no MSHA qualifying facilities or structures. The mine ID number remains active.

**Storm Water Permit Number:** UTR000604 Approved effective August 29, 2002  
Renewed effective Jan 1, 2007  
Expires December 31, 2011

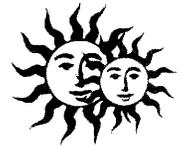
Under the Utah Pollutant Discharge Elimination System, the Utah Department of Water Quality issued SCA a Multi-Sector General Permit for Storm Water Discharges associated with Industrial Activities from Coal Mines and Coal Mining-related Facilities.

**UPDES Discharge Permit Number:** UTG040025 Approved Sept 1, 2002  
Renewed May 1, 2008  
Expires April 30, 2013

The UDWQ has also issued SCA a general storm water discharge permit to regulate discharges from the three sediment ponds in the mining permit area (Ponds 005, 006 & 009). SCA submits monthly discharge monitoring reports to the DWQ. UDEQ DWQ renewed the General Coal Mining Permit No. UTG040000 in 2008. SCA's general permit was then renewed with reference to the state permit.

### **Air Quality Permit:**

The operations on the Star Point Waste Coal Pile are of such a nature that the mining operation generates little to no emissions. The Utah State Department of Air Quality (DAQ) has determined that special air quality permitting is not required. DAQ issued a Small Source Exemption – De Minimis Emissions permit / letter for the Star Point Waste Fuel operation.



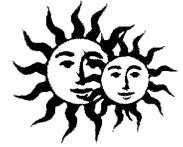
### III. CERTIFIED REPORTS

Each impoundment as well as the Refuse Pile and the proposed Disposal Area were inspected in accordance with the requirements of the Mining and Reclamation Permit. The quarterly and annual inspection / certification reports were submitted to the Division. These reports are also included in **Appendix A**.

No discharges occurred from any of the UPDES discharge points during 2009.

Excavation of Refuse from the Refuse Pile occurred in general conformance with the operational criteria and performance standards established in the permit. In 2009, the operator excavated coal material by removing refuse directly from the top of the main refuse pile.

No material was placed in the Disposal Area during the year.



## IV. REPORTING OF OTHER TECHNICAL DATA

### 1. Climatological Data

Not required in the approved permit.

### 2. Subsidence Monitoring Data

No subsidence monitoring is required by the approved plan. No material damage or diminution within the Permit Area will be caused by subsidence because no underground coal resources are available within the permit area that would cause subsidence. No past or future underground coal mining operations have or are likely to occur within the SCA Permit Area.

### 3. Vegetation Monitoring Data

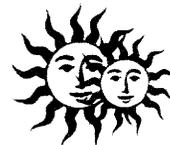
Two areas within the permit area have received final reclamation treatment. These are located at the west end of the permit area and at the southeast side, both adjoining the permit boundary. These areas were reclaimed by RAG in accordance with their reclamation work on the Star Point Mine. Monitoring of these areas is being performed by RAG and information on the reclamation success can be found in their annual report documents.

### 4. Raptor Surveys

Raptor studies were conducted by DWR in 2002. No additional periodic raptor studies are required by the approved permit.

### 5. Water Monitoring Data

Water monitoring is not required in the approved plan. SCA's operations to remove the refuse pile are not located in or around surface or ground water sources. Storm runoff is controlled and treated in sediment ponds regulated through the Storm Water Permit and UPDES Discharge Permit discussed above. Extensive water monitoring in the general vicinity is performed by RAG.



## **6. Geological / Geophysical Data**

No periodic Geological / Geophysical monitoring is required in the approved plan. The data included as resource information in the plan has been determined adequate for the operations of SCA. In the event that the operations of SCA change dramatically such that additional geologic or geophysical data becomes necessary, additional analysis will be performed at that time.

## **7. Engineering Data**

### **a. Refuse Excavation**

During 2009, SCA excavated a total of 271,325 tons of coal materials at the Star Point facility. This material was all transported to SCA's Sunnyside facilities.

### **b. Disposal Area**

During 2009 no material was deposited in the disposal area.

Inspections of the refuse area and the disposal area are conducted on a quarterly basis. Reports from these site visits are submitted to the Division throughout the year and have been included in this report with the certified reports.

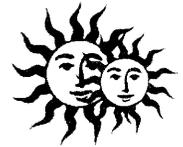
## **8. Soils Monitoring Data**

No periodic soil monitoring is required by the approved plan. The approved subsoil storage pile reserved for reclamation activities has previously undergone soils studies from which the data is included in Chapter 2 of the Permit.

In the event that SCA determines it necessary to utilize soils from other sources for reclamation, the proper analysis will be performed at that time.

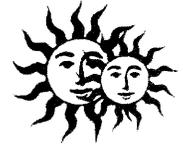
## **9. Other Data**

No additional periodic data is required in the approved plan.



## V. LEGAL, FINANCIAL, COMPLIANCE & RELATED INFORMATION

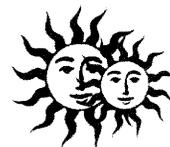
Sunnyside Cogeneration Associates is a joint venture between Sunnyside Holdings I, Inc. and Sunnyside II, L.P. **Appendix C** includes copies of the Certificates of Existence for Sunnyside Cogeneration Associates, Sunnyside Holdings I, Inc. and Sunnyside II, L.P. The Utah Department of Commerce, Division of Corporations and Commercial Code issues these certificates. They demonstrate that the entities are in good standing with the State of Utah.



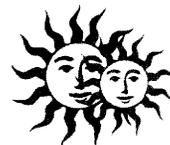
## VI. MINE MAPS

The mine map included in **Appendix D** of this report provides a photographic update to the surface configuration of the refuse area being excavated. This refuse is utilized as fuel for the Sunnyside Cogeneration Facility. The aerial survey used to generate contours of the site was performed in April 2007. A September 2009 photograph of the active mining area has been added to the map to show current conditions.

Mining activity proposed for the next five years is projected to occur in general conformance with the mining plan shown on the PE Certified drawings approved in the Mining and Reclamation Permit.



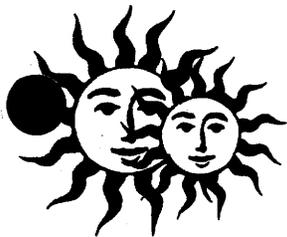
## **APPENDIX A CERTIFIED REPORTS**



**APPENDIX A  
CERTIFIED REPORTS**

**FIRST QUARTER INSPECTION**

**IMPOUNDMENTS, REFUSE PILE AND DISPOSAL  
AREA**



## Sunnyside Cogeneration Associates

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

April 28, 2009

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

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

Dear Daron:

Please find enclosed a copy of the First Quarter 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,

Michael J. Blakey  
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 April 20, 2009  
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 March 19, 2009  
Inspected by Rusty Netz  
Reason for Inspection First Quarter 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 = 7391 +/-

#### 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 out slopes 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 out slopes 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 Nety Date: 4/28/09

**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

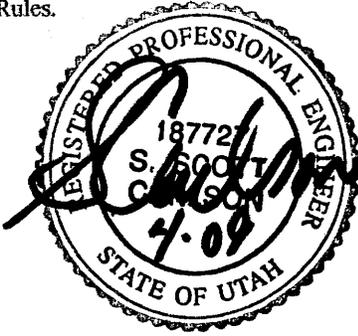
**COMMENTS/ OTHER INFORMATION**

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



Affix Signature, Stamp and Date

# IMPOUNDMENT INSPECTION AND CERTIFIED REPORT

## GENERAL INFORMATION

Sediment Pond 006

Report Date April 20, 2009  
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 March 19, 2009  
Inspected by Rusty Netz  
Reason for Inspection First Quarter 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 = 7134 +/-

#### 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 out slopes of embankments, etc.*

Pond had no water in it. No samples were taken  
Sediment levels were reasonably low. Pond did not require decanting.  
Embankment conditions were good. Vegetation on out slopes 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 [unclear]*

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

4/28/09

### 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?   | <u>YES</u> |
| 2. Is impoundment free of instability, structural weakness, or any other hazardous conditions?                                 | <u>YES</u> |
| 3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection? | <u>YES</u> |

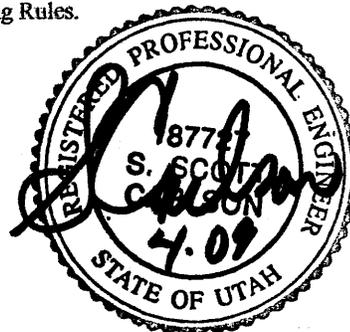
### COMMENTS/ OTHER INFORMATION

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



Affix Signature, Stamp and Date

# IMPOUNDMENT INSPECTION AND CERTIFIED REPORT

## GENERAL INFORMATION

Sediment Pond 009

Report Date April 20, 2009  
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 March 19, 2009  
Inspected by Rusty Netz  
Reason for Inspection First Quarter 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 = 7436.5 +/-

#### 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 out slopes 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 out slopes 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 Nety Date: 4/28/09

**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

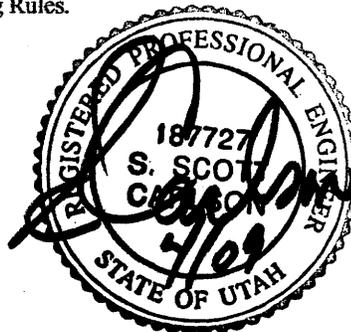
**COMMENTS/ OTHER INFORMATION**

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



Affix Signature, Stamp and Date

**INSPECTION AND CERTIFIED REPORT  
ON EXCESS SPOIL PILE OR REFUSE PILE**

**GENERAL INFORMATION**

**Coarse Refuse Pile**

Report Date April 20, 2009  
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 March 19, 2009  
Inspected by Rusty Netz  
Reason for Inspection First Quarter Inspection 2009

Attachment to Report? (such as refuse sample analysis or photos) **NO**

**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:**

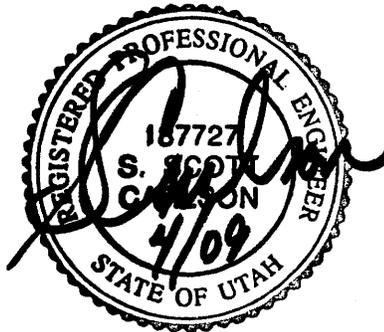
I hereby certify that; I am experienced in the construction of earth and rock fills; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of earth and rock fills in accordance with the certified and approved designs for this structure; 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 Nety Date: 4/28/09

**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

**INSPECTION AND CERTIFIED REPORT  
ON EXCESS SPOIL PILE OR REFUSE PILE**

**GENERAL INFORMATION**

**Disposal Area**

Report Date April 20, 2009  
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 March 19, 2009  
Inspected by Rusty Netz  
Reason for Inspection First Quarter Inspection 2009

Attachment to Report? (such as refuse sample analysis or photos) **No**

**Field Evaluation**

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

The site selected for the new 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 quarter.

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 quarter.

**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 nety Date: 4/28/09

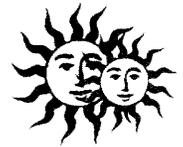
**CERTIFICATION STATEMENT**

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



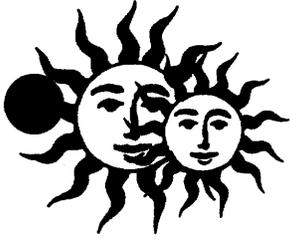
Affix Signature, Stamp and Date



**APPENDIX A  
CERTIFIED REPORTS**

**SECOND QUARTER INSPECTION**

**IMPOUNDMENTS, REFUSE PILE AND DISPOSAL  
AREA**



## Sunnyside Cogeneration Associates

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

July 24, 2009

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

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

Dear Daron:

Please find enclosed a copy of the Second Quarter 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.

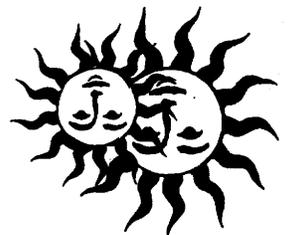
Thank You,

Richard Carter  
Agent For  
Sunnyside Cogeneration Associates

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

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

Sunnyside Cogeneration Associates



# IMPOUNDMENT INSPECTION AND CERTIFIED REPORT

## GENERAL INFORMATION

Sediment Pond 005

Report Date July 20, 2009  
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 June 25, 2009  
Inspected by Rusty Netz  
Reason for Inspection Second Quarter 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 = 7391.5 +/-

#### 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

## GENERAL INFORMATION

Sediment Pond 006

Report Date July 20, 2009  
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 June 25, 2009  
Inspected by Rusty Netz  
Reason for Inspection Second Quarter 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 = 7134 +/-

#### 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 out slopes of embankments, etc.*

Pond had no water in it. No samples were taken  
Sediment levels were reasonably low. Pond did not require decanting.  
Embankment conditions were good. Vegetation on out slopes 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 Rody Date: 7/24/09

**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

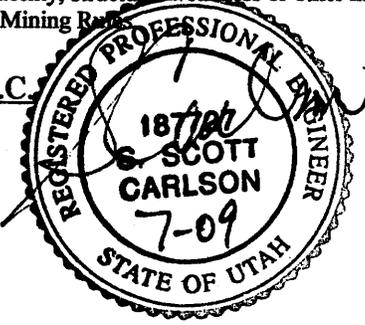
**COMMENTS/ OTHER INFORMATION**

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



Affix Signature, Stamp and Date

# IMPOUNDMENT INSPECTION AND CERTIFIED REPORT

## GENERAL INFORMATION

Sediment Pond 009

Report Date July 20, 2009  
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 June 25, 2009  
Inspected by Rusty Netz  
Reason for Inspection Second Quarter 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 = 7436.7 +/-

#### 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: Randy Neth Date: 7/24/09

**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

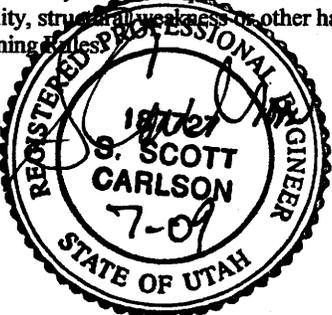
**COMMENTS/ OTHER INFORMATION**

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



Affix Signature, Stamp and Date

**INSPECTION AND CERTIFIED REPORT  
ON EXCESS SPOIL PILE OR REFUSE PILE**

**GENERAL INFORMATION**

**Coarse Refuse Pile**

Report Date July 20, 2009  
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 June 25, 2009  
Inspected by Rusty Netz  
Reason for Inspection Second Quarter Inspection 2009

Attachment to Report? (such as refuse sample analysis or photos) **NO**

**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:**

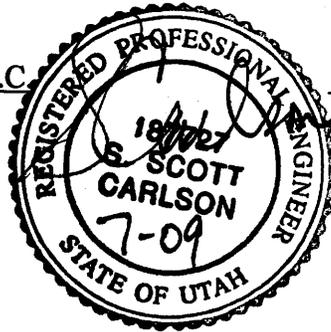
I hereby certify that; I am experienced in the construction of earth and rock fills; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of earth and rock fills in accordance with the certified and approved designs for this structure; 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: Randy nety Date: 7/24/09

**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

**INSPECTION AND CERTIFIED REPORT  
ON EXCESS SPOIL PILE OR REFUSE PILE**

**GENERAL INFORMATION**

**Disposal Area**

Report Date July 20, 2009  
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 June 25, 2009  
Inspected by Rusty Netz  
Reason for Inspection Second Quarter Inspection 2009

Attachment to Report? (such as refuse sample analysis or photos) **No**

**Field Evaluation**

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

The site selected for the new 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 quarter.

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 quarter.

**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 nety*

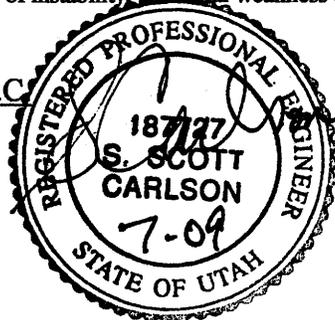
Date: \_\_\_\_\_

*7/24/09*

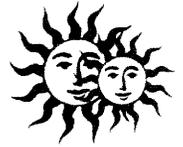
**CERTIFICATION STATEMENT**

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



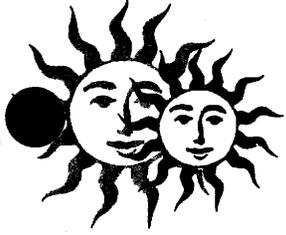
Affix Signature, Stamp and Date



**APPENDIX A  
CERTIFIED REPORTS**

**THIRD QUARTER INSPECTION**

**IMPOUNDMENTS, REFUSE PILE AND DISPOSAL  
AREA**



## Sunnyside Cogeneration Associates

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

October 16, 2009

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

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

Dear Daron:

Please find enclosed a copy of the Third Quarter 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 October 7, 2009  
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 September 17, 2009  
Inspected by Rusty Netz  
Reason for Inspection Third Quarter 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 = 7391.5 +/-

#### 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 out slopes 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 out slopes 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 nuf Date: 10/16/09

**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

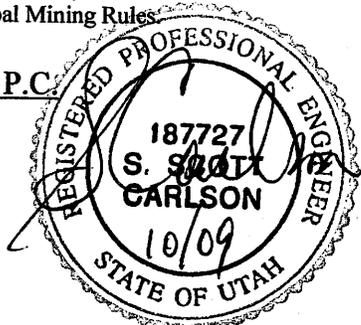
**COMMENTS/ OTHER INFORMATION**

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



Affix Signature, Stamp and Date

# IMPOUNDMENT INSPECTION AND CERTIFIED REPORT

## GENERAL INFORMATION

Sediment Pond 006

Report Date October 7, 2009  
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 September 17, 2009  
Inspected by Rusty Netz  
Reason for Inspection Third Quarter 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 = 7134 +/-

#### 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 out slopes 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 out slopes 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 net*

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

*10/16/09*

### 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

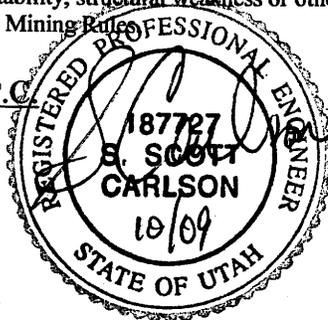
#### COMMENTS/ OTHER INFORMATION

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



Affix Signature, Stamp and Date

# IMPOUNDMENT INSPECTION AND CERTIFIED REPORT

## GENERAL INFORMATION

Sediment Pond 009

Report Date October 7, 2009  
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 September 17, 2009  
Inspected by Rusty Netz  
Reason for Inspection Third Quarter 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 = 7436.7 +/-

#### 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 net*

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

*10/16/09*

## 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

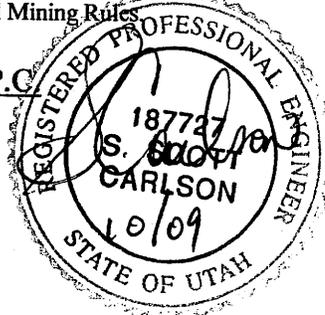
## COMMENTS/ OTHER INFORMATION

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



Affix Signature, Stamp and Date

**INSPECTION AND CERTIFIED REPORT  
ON EXCESS SPOIL PILE OR REFUSE PILE**

**GENERAL INFORMATION**

**Coarse Refuse Pile**

Report Date October 7, 2009  
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 September 17, 2009  
Inspected by Rusty Netz  
Reason for Inspection Third Quarter 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:**

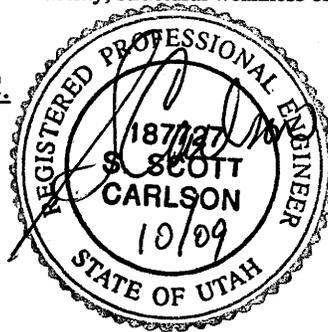
I hereby certify that; I am experienced in the construction of earth and rock fills; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of earth and rock fills in accordance with the certified and approved designs for this structure; 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 ref Date: 10/16/09

**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

**INSPECTION AND CERTIFIED REPORT  
ON EXCESS SPOIL PILE OR REFUSE PILE**

**GENERAL INFORMATION**

**Disposal Area**

Report Date October 7, 2009  
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 September 17, 2009  
Inspected by Rusty Netz  
Reason for Inspection Third Quarter 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 new 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 quarter.

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 quarter.

**QUALIFICATION STATEMENT:**

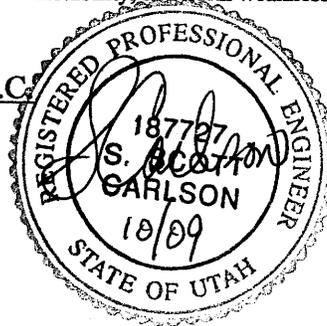
I hereby certify that; I am experienced in the construction of earth and rock fills; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of earth and rock fills in accordance with the certified and approved designs for this structure; 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: Ruef ng Date: 10/14/09

**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



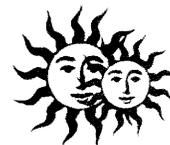
Star Point Sediment Pond #005

September 2009



Star Point Sediment Pond #006

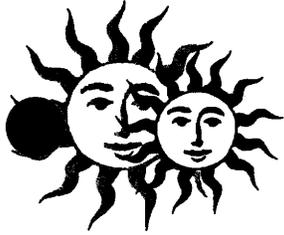
September 2009



**APPENDIX A  
CERTIFIED REPORTS**

**FOURTH QUARTER INSPECTION**

**IMPOUNDMENTS, REFUSE PILE AND DISPOSAL  
AREA**



## Sunnyside Cogeneration Associates

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

January 15, 2010

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

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

Dear Daron:

Please find enclosed a copy of the Fourth Quarter 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 Fourth Quarter 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 Nety 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

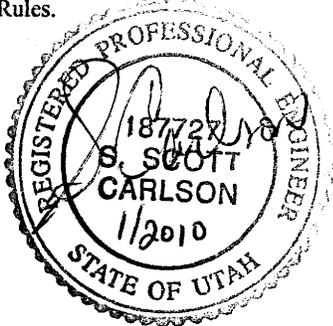
**COMMENTS/ OTHER INFORMATION**

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



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 Fourth Quarter 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 Metz Date: 1/15/19

**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

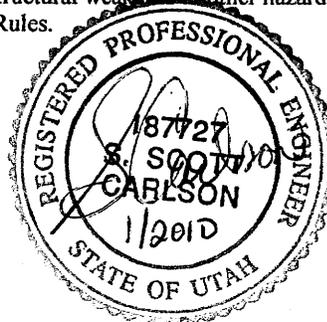
**COMMENTS/ OTHER INFORMATION**

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



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 Fourth Quarter 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 out slopes 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 out slopes 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 Red 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

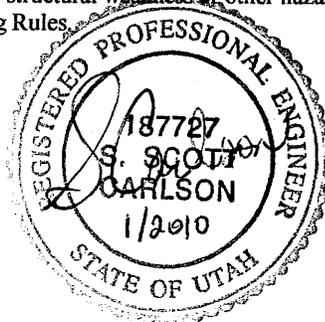
**COMMENTS/ OTHER INFORMATION**

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



Affix Signature, Stamp and Date

**INSPECTION AND CERTIFIED REPORT  
ON EXCESS SPOIL PILE OR REFUSE PILE**

**GENERAL INFORMATION**

**Coarse Refuse Pile**

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 Fourth Quarter Inspection 2009

Attachment to Report? (such as refuse sample analysis or photos) **NO**

**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.

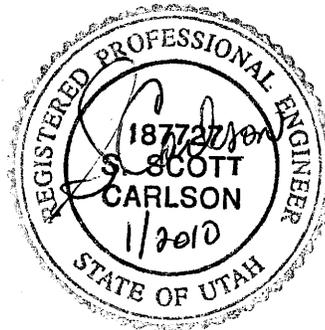
Signature:                     Rusty Nety                     Date:                     1/15/10                    

**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



**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 Fourth Quarter Inspection 2009

Attachment to Report? (such as refuse sample analysis or photos) **NO**

**Field Evaluation**

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

The site selected for the new 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 quarter.

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 quarter.

**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 [Signature]*

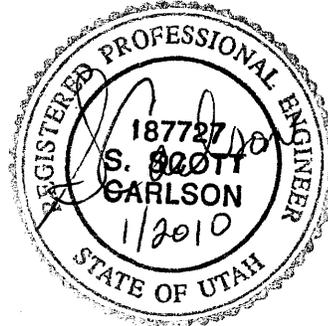
Date: \_\_\_\_\_

*1/15/10*

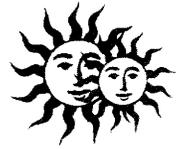
**CERTIFICATION STATEMENT**

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



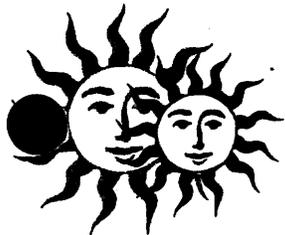
Affix Signature, Stamp and Date



**APPENDIX A  
CERTIFIED REPORTS**

**ANNUAL INSPECTION**

**IMPOUNDMENTS, REFUSE PILE AND DISPOSAL  
AREA**



## 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 out slopes 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 out slopes 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 [Signature] 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

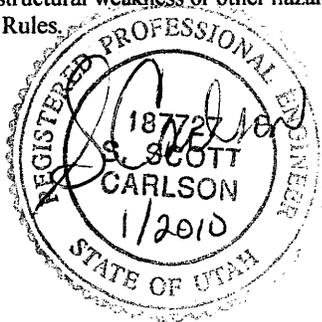
**COMMENTS/ OTHER INFORMATION**

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



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 out slopes 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 out slopes 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 Neg 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

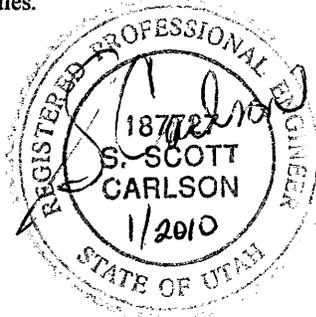
**COMMENTS/ OTHER INFORMATION**

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



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 out slopes 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 out slopes 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 [Signature] 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

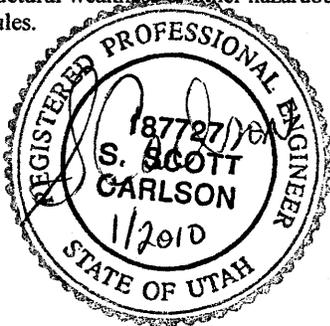
**COMMENTS/ OTHER INFORMATION**

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



Affix Signature, Stamp and Date

**INSPECTION AND CERTIFIED REPORT  
ON EXCESS SPOIL PILE OR REFUSE PILE**

**GENERAL INFORMATION**

**Coarse Refuse Pile**

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.

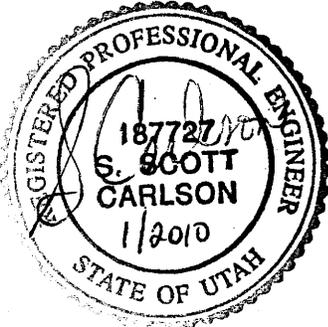
Signature: Rusty ref Date: 1/15/10

**CERTIFICATION STATEMENT**

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

Affix Signature, Stamp and Date



**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 [Signature]*

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

*1/15/10*

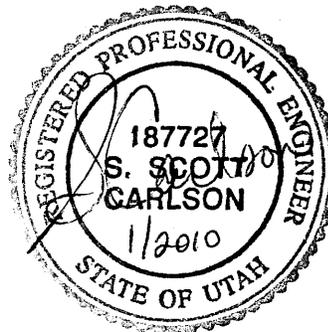
**CERTIFICATION STATEMENT**

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



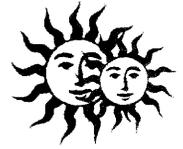
Star Point Sediment Pond #006

September 2009



## **APPENDIX B**

**NO ADDITIONAL TECHNICAL INFORMATION IS  
BEING SUBMITTED WITH THIS REPORT**



## **APPENDIX C**

# **DEPARTMENT OF COMMERCE CERTIFICATES OF EXISTENCE**



**Utah Department of Commerce**  
**Division of Corporations & Commercial Code**  
160 East 300 South, 2nd Floor, PO Box 146705  
Salt Lake City, UT 84114-6705  
Service Center: (801) 530-4849  
Toll Free: (877) 526-3994 Utah Residents  
Fax: (801) 530-6438  
Web Site: <http://www.commerce.utah.gov>

03/12/2010  
4911242-015003122010-1556738

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## CERTIFICATE OF EXISTENCE

**Registration Number:** 4911242-0150  
**Business Name:** SUNNYSIDE COGENERATION ASSOCIATES  
**Registered Date:** April 24, 2001  
**Entity Type:** DBA  
**Current Status:** Good Standing

The Division of Corporations and Commercial Code of the State of Utah, custodian of the records of business registrations, certifies that the business entity on this certificate is authorized to transact business and was duly registered under the laws of the State of Utah. The Division also certifies that this entity has paid all fees and penalties owed to this state; its most recent annual report has been filed by the Division (unless Delinquent); and, that Articles of Dissolution have not been filed.



*Kathy Berg*

Kathy Berg  
Director  
Division of Corporations and Commercial Code



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# Business Entity Search

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## Business Entity Search - Principals:

Name	Type	City	Status
SUNNYSIDE COGENERATION ASSOCIATES	DBA	Sunnyside	Active

Position	Name	Address	
Applicant	SUNNYSIDE HOLDINGS I, INC.	103 SPRINGER BUILDING	WILMINGTON DE 19810
Applicant	SUNNYSIDE II, LP	C/O CONTELLATION POWER	BALTIMORE MD 21202
Registered Agent	BRIAN W BURNETT	10 E SOUTH TEMPLE ST	Salt Lake City UT 84133

Additional Principals on file at Division of Corporations: N

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## Business Entity Search

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Name	Type	City	Status
SUNNYSIDE COGENERATION ASSOCIATES	DBA	Sunnyside	Active
Business Name:	SUNNYSIDE COGENERATION ASSOCIATES		
Entity Number:	4911242-0150		
Registration Date:	04/24/2001		
State of Origin:			

## Address

ONE POWER PLANT RD PO BOX 159  
Sunnyside, UT 84539

## Status

Status:	Active
Status Description:	Good Standing
This Status Date:	04/24/2001
Last Renewed:	02/25/2010
License Type:	DBA
Delinquent Date:	04/24/2013

## Registered Agent

Registered Agent:	BRIAN W BURNETT
	<a href="#">[Search BES]</a> <a href="#">[Search RPS]</a>
Address Line 1:	10 E SOUTH TEMPLE ST
Address Line 2:	STE 900
City:	Salt Lake City
State:	UT
Zip:	84133

## Additional Information

NAICS Code:	2211
NAICS Title:	2211-Electric Power Generation, Transmis
Qualified Alien - I-94 or:	
Qualified Alien - Registration No:	
U.S. Citizen - SSN or:	

With this information, you can...

Images are not available for DBA documents at this time.

If you would like to purchase a Certificate of Existence for this business entity, select the button to the left. You will be assessed a \$ 12.00 fee for this service. You will need Adobe Reader to view this certificate. If you do not have Adobe Reader, click on the button below and download it.




If you would like to receive information on the principal individuals associated with this entity, click the button on the left. You will be assessed a \$ 1.00 fee for this information.



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Toll Free: (877) 526-3994 Utah Residents  
Fax: (801) 530-6438  
Web Site: <http://www.commerce.utah.gov>

03/12/2010  
2113550-018103122010-1943911

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## CERTIFICATE OF EXISTENCE

**Registration Number:** 2113550-0181  
**Business Name:** SUNNYSIDE II, L.P.  
**Registered Date:** December 30, 1994  
**Entity Type:** Limited Partnership - Foreign  
**Current Status:** Good Standing

The Division of Corporations and Commercial Code of the State of Utah, custodian of the records of business registrations, certifies that the business entity on this certificate is authorized to transact business and was duly registered under the laws of the State of Utah. The Division also certifies that this entity has paid all fees and penalties owed to this state; its most recent annual report has been filed by the Division (unless Delinquent); and, that Articles of Dissolution have not been filed.



*Kathy Berg*

Kathy Berg  
Director  
Division of Corporations and Commercial Code



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# Business Entity Search

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## Business Entity Search - Principals:

Name	Type	City	Status
SUNNYSIDE II, L.P.	Limited Partnership	BALTIMORE	Active
Position	Name	Address	
Registered Agent	C T CORPORATION SYSTEM	136 EAST SOUTH TEMPLE, SUITE 2100	Salt Lake City UT 84111
Partner	SUNNYSIDE II, INC.	750 E PRATT STREET 5TH FL	Baltimore MD 21202

Additional Principals on file at Division of Corporations: N

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# Business Entity Search

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Name	Type	City	Status
SUNNYSIDE II, L.P.	Limited Partnership	BALTIMORE	Active
<b>Business Name:</b>	SUNNYSIDE II, L.P.		
<b>Entity Number:</b>	2113550-0181		
<b>Registration Date:</b>	12/30/1994		
<b>State of Origin:</b>	DE		

**Address**

750 E PRATT ST 17TH FLOOR  
BALTIMORE, MD 21202

**Status**

<b>Status:</b>	Active
<b>Status Description:</b>	Good Standing
<b>This Status Date:</b>	N/A
<b>Last Renewed:</b>	11/25/2009
<b>License Type:</b>	Limited Partnership - Foreign
<b>Delinquent Date:</b>	12/30/2010

**Registered Agent**

<b>Registered Agent:</b>	C T CORPORATION SYSTEM <a href="#">[Search BES]</a> <a href="#">[Search RPS]</a>
<b>Address Line 1:</b>	136 EAST SOUTH TEMPLE, SUITE 2100
<b>Address Line 2:</b>	
<b>City:</b>	Salt Lake City
<b>State:</b>	UT
<b>Zip:</b>	84111

**Additional Information**

<b>Additional Principals:</b>	N
<b>Amendment Date:</b>	
<b>NAICS Code:</b>	5239
<b>NAICS Title:</b>	5239-Other Financial Investment Activiti
<b>Qualified Alien - I-94 or:</b>	
<b>Qualified Alien - Registration No:</b>	
<b>U.S. Citizen - SSN or:</b>	

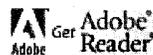
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03/12/2010  
1215877-014303122010-2374070

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## CERTIFICATE OF EXISTENCE

**Registration Number:** 1215877-0143  
**Business Name:** SUNNYSIDE HOLDINGS I, INC.  
**Registered Date:** December 30, 1994  
**Entity Type:** Corporation - Foreign - Profit  
**Current Status:** Good Standing

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*Kathy Berg*

Kathy Berg  
Director  
Division of Corporations and Commercial Code



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# Business Entity Search

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## Business Entity Search - Principals:

Name	Type	City	Status
SUNNYSIDE HOLDINGS I, INC.	Corporation	WILMINGTON	Active
Position	Name	Address	
Registered Agent	C T CORPORATION SYSTEM	136 EAST SOUTH TEMPLE, SUITE 2100	Salt Lake City UT 84111
Director	WILLIS S MCLEESE	1105 N. MARKET ST.	WILMINGTON DE 19801
President	CHRIS L THOMPSON	1105 N. MARKET STREET	WILMINGTON DE 19801
President	CHRIS L THOMPSON	1105 N. MARKET STREET	WILMINGTON DE 19801

Additional Principals on file at Division of Corporations: N

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<b>Name</b>	<b>Type</b>	<b>City</b>	<b>Status</b>
SUNNYSIDE HOLDINGS I, INC.	Corporation	WILMINGTON	Active
<b>Business Name:</b>	SUNNYSIDE HOLDINGS I, INC.		
<b>Entity Number:</b>	1215877-0143		
<b>Registration Date:</b>	12/30/1994		
<b>State of Origin:</b>	DE		

**Address**

1105 N. MARKET STREET SUITE 1300  
WILMINGTON, DE 19801

**Status**

<b>Status:</b>	Active
<b>Status Description:</b>	Good Standing
<b>This Status Date:</b>	03/23/2006
<b>Last Renewed:</b>	11/19/2009
<b>License Type:</b>	Corporation - Foreign - Profit
<b>Delinquent Date:</b>	12/30/2010

**Registered Agent**

<b>Registered Agent:</b>	C T CORPORATION SYSTEM <a href="#">[Search BES]</a> <a href="#">[Search RPS]</a>
<b>Address Line 1:</b>	136 EAST SOUTH TEMPLE, SUITE 2100
<b>Address Line 2:</b>	
<b>City:</b>	Salt Lake City
<b>State:</b>	UT
<b>Zip:</b>	84111

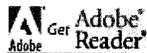
**Additional Information**

<b>Additional Principals:</b>	N
<b>NAICS Code:</b>	5617
<b>NAICS Title:</b>	5617-Services to Buildings and Dwellings
<b>Qualified Alien - I-94 or:</b>	
<b>Qualified Alien - Registration No:</b>	
<b>Stock Class 1 Amount:</b>	0000000000
<b>Stock Class 2 Amount:</b>	0000000000
<b>Stock Class 3 Amount:</b>	0000000000
<b>Stock Class 4 Amount:</b>	0000000000
<b>U.S. Citizen - SSN or:</b>	

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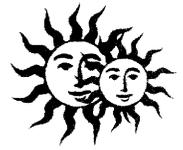
**MINE  
MAP**

**DEPT OF  
COMMERCE**

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**CERTIFIED  
REPORTS**

**ANNUAL  
REPORT**



## **APPENDIX D**

### **MINE MAP**