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**BEFORE THE EXECUTIVE DIRECTOR  
OF THE UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY**

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**In the Matter of:**

**PETROLEUM PROCESSING PLANT  
EMERY REFINING L.L.C Approval  
Order Dated June 21, 2013, Project No.  
N14627-0001  
DAQE-AN146270001-13**

**ORDER DISMISSING ADJUDICATIVE  
PROCEEDING**

**Amanda Smith  
Executive Director  
Department of Environmental Quality**

**July 29, 2014**

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On the grounds set forth herein, the permit review adjudicative proceeding that began with the Request for Agency Action filed by Petitioners Grand Canyon Trust, Living Rivers, Southern Utah Wilderness Alliance, and the Center for Biological Diversity (Collectively, the GCT) on July 22, 2013 is dismissed.

**Findings of Fact**

1. On June 21, 2013, the Director of the Division of Air Quality (DAQ) issued an Approval Order (2013 AO) to Emery Refining, LLC (Emery) to construct and operate a petroleum refinery near Green River, Utah. The GCT filed a Request for Agency Action on July 22, 2013 challenging the 2013 AO.
2. On June 26, 2014, the Director of the DAQ signed and issued to Emery a modified Approval Order (2014 AO), which superseded the Director's 2013 AO.
3. On July 14, 2014, Carol Clawson, Administrative Law Judge, submitted a *Recommended Order* to dismiss this proceeding. Judge Clawson's *Recommended Order* stated that Respondents Emery and the DAQ had filed a *Motion to Dismiss for Lack of Jurisdiction*, and that the GCT did not oppose this motion.

### Conclusions of Law and Order

4. The 2014 AO superseded the 2013 AO. Granting Respondents' unopposed *Motion to Dismiss for Lack of Jurisdiction* is appropriate. Therefore, Judge Clawson's *Recommended Order* is approved and the permit review adjudicative proceeding on the 2013 AO is DISMISSED.

DATED this 29<sup>th</sup> day of July, 2014.



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CERTIFICATE OF SERVICE

I hereby certify that on this 29<sup>th</sup> day of July, 2014, I caused a copy of the forgoing **ORDER DISMISSING ADJUDICATIVE PROCEEDING** to be e-mailed to the following:

Carol Clawson, Administrative Law Judge, [clawsonlaw@centurylink.net](mailto:clawsonlaw@centurylink.net)

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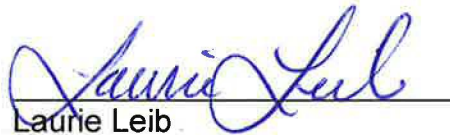
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