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

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**In the Matter of:**

**Sunnyside Cogeneration Associates  
Final Construction Permit  
SCA #2 Ash Landfill  
(related to Permit Number: UGW070002)  
(September 4, 2014)**

**RECOMMENDED ORDER  
DISMISSING PROCEEDINGS  
(CONSTRUCTION PERMIT)**

**Dated June 10, 2015**

**Administrative Law Judge Bret F.  
Randall**

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This matter is before me pursuant to appointment by the Executive Director of the Utah Department of Environmental Quality dated October 28, 2014. The appointment charges me to act as ALJ in the matter of the Request for Agency Action filed in connection with this matter seeking review and remand of the Construction Permit (SCA #2 Ash Landfill) issued to Sunnyside Cogeneration Associates, in accordance with Utah Code Ann., § 19-1-301(5) and (6), and § 19-1-301.5(5).

On June 9, 2015, Petitioner filed a Consolidated Voluntary Motion to Dismiss Appeals in this matter. Respondents have filed pleadings indicating that they have no objection to the dismissal. For the reasons stated in the motion to dismiss and discussed below, I recommend that the Executive Director dismiss these proceedings.

The grounds for the dismissal include two primary considerations. First, in these proceedings, Petitioner filed what I deemed to be a motion to supplement the administrative record as to certain information. I granted this motion but also allowed Respondents to supplement the administrative record and Respondents did so. Petitioners have considered this supplemental information. Second, since the initiation of these proceedings, the EPA has issued

new regulations and performance standards governing the management and disposal of coal combustion residuals. Based on the supplemental information provided by Respondents in this proceeding and EPA's new regulations, "Petitioner has decided that continued prosecution of these appeals is no longer necessary to protect public health and the environment." Motion to Dismiss at 3.

The dismissal of these proceedings is a strong example of the effectiveness and efficiency of the permit review adjudicative procedures instituted by the Utah Legislature, in the interest of sound and well-informed administrative permitting decisions that also provide interested parties with a fair and reasonable opportunity to participate and be heard.

Based on the foregoing, I recommend that the Executive Director enter an Order dismissing these proceedings.

DATED this 10<sup>th</sup> day of June, 2015.

*/s/ Bret F. Randall*

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ADMINISTRATIVE LAW JUDGE

## CERTIFICATE OF SERVICE

I hereby certify that on this 10<sup>th</sup> day of June, 2015, a true and correct copy of the foregoing **RECOMMENDED ORDER DISMISSING PROCEEDINGS (CONSTRUCTION PERMIT)** was served by email upon the following:

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*/s/ BF Randall*

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Bret F. Randall  
Administrative Law Judge