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

In the Matter of:

**Sunnyside Cogeneration Associates
Ground Water Discharge Permit
Permit Number: UGW070002
(December 6, 2013)**

**RECOMMENDED ORDER
DISMISSING PROCEEDINGS
(GROUND WATER PERMIT)**

**Administrative Law Judge Bret F.
Randall**

Dated June 10, 2015

This matter is before me pursuant to appointment by the Executive Director of the Utah Department of Environmental Quality dated February 13, 2014. The appointment charges me to conduct a permit review adjudicative proceeding in this matter in accordance with Utah Code Ann., § 19-1-301.5 and Utah Admin. Code R305-7.

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 with certain information. I granted this motion but also allowed Respondents to supplement the administrative record and Respondents did so. Petitioner has indicated that they have reviewed 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 10th day of June, 2015.

/s/ Bret F. Randall

ADMINISTRATIVE LAW JUDGE

CERTIFICATE OF SERVICE

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

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/s/ BF Randall

Bret F. Randall
Administrative Law Judge