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

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**In the Matter of:**

**Kennecott Utah Copper, L.L.C.  
UPDES Permit No. UT0000051**

**RECOMMENDED ORDER OF  
DISMISSAL**

Administrative Law Judge  
Kimberlee McEwan

May 17, 2017

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This matter is before me pursuant to appointment by the Executive Director of the Utah Department of Environmental Quality dated January 9, 2014, as successor Administrative Law Judge (“ALJ”) to Connie S. Nakahara’s previous ALJ appointment dated July 8, 2010. 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.

The initial Request for Agency Action was filed by Friends of Great Salt Lake and Utah Rivers Council, and dated February 15, 2007, challenging the 2007 Utah Pollutant Discharge Elimination System (“UPDES”) Permit No. UT0000051 (“2007 Permit”) issued by the Division of Water Quality to Kennecott Utah Copper, L.L.C.

On April 20, 2017, the Director of the Division of Water Quality, Kennecott Utah Copper L.L.C., and Friends of Great Salt Lake and Utah Rivers Council, filed a Joint Motion to Dismiss, requesting that this adjudicative proceeding be dismissed. The Joint Motion to Dismiss states that the 2007 Permit originally challenged “has been superseded by a revised UPDES Permit issued to Kennecott effective February 1, 2017,” which has not been appealed, and that, therefore, the 2007 Request for Agency Action is moot.

Based on the foregoing and for the reasons stated in the Joint Motion to Dismiss, I recommend that the Executive Director enter an Order dismissing these proceedings with prejudice.

A Proposed Order Adopting Recommended Order of Dismissal is included herewith.

DATED this 17<sup>th</sup> day of May, 2017.



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Kimberlee McEwan, Administrative Law Judge  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 17<sup>th</sup> day of May, 2017, the undersigned served a copy of the foregoing **Recommended Order of Dismissal and Proposed Order Adopting Recommended Order of Dismissal** via e-mail to the following:

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