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

In the matter of:

**SEVIER POWER COMPANY, APPROVAL
ORDER NO.: DAQE-AN125290003-12, dated
October 25, 2012**

**ORDER ADOPTING RECOMMENDED
DECISION**


May 23, 2013

On October 25, 2012, the Director of the Division of Air Quality approved an order granting a permit to Sevier Power for a gas fired power application. Approval Order No.: DAQE-AN125290003-12 ("Approval Order"). On November 21, 2013, Sevier Citizens For Clean Air & Water, Inc. ("Sevier Citizens") filed a Request for Agency Action to contest the Approval Order. On February 15, 2013, I appointed an Administrative Law Judge in the matter pursuant to Utah Code Ann. §19-1-301.5 and (6) and §19-1-301.5(5). I charged the Administrative Law Judge to conduct a permit review adjudicative proceeding in accordance with Utah Code Ann. § 19-1-301.5 and Utah Admin. Code R305-7. On April 1, 2013, the Administrative Law Judge issued a Recommended Decision. Sevier Citizens, the Division of Air Quality and Sevier Power Company filed comments to the Recommended Decision.

When the Administrative Law Judge submits a proposed dispositive action to the Executive Director, the Executive Director may: (1) adopt, adopt with modifications, or reject the proposed dispositive action; or (ii) return the proposed dispositive action to the Administrative Law Judge for further action as directed. Utah Code Ann. § 19-1-301.5 (13). I have reviewed the Recommended Decision. I have also reviewed the comments to the Recommended Decision separately filed on April 19, 2013, by the Division of Air Quality and Sevier Power Company, the objections to the Recommended

Decision filed by Sevier Citizens on April 19, 2013, and the responses to the objections separately filed on April 26, 2013, by the Division of Air Quality and Sevier Power Company. Having carefully considered the Recommended Decision and the comments, objections, and responses, I am persuaded that Sevier Citizens failed to file a petition to intervene, failed to satisfy the substantive requirements for intervention set forth in Section 19-1-307(c)(ii) and that neither the Administrative Law Judge nor I have discretion to modify the deadline to file a Petition to Intervene pursuant to Utah Admin. Code R305-7-108(2)(a) and (c). Therefore, I adopt the Recommended Decision and SO ORDER SEVIER CITIZENS' REQUEST FOR AGENCY ACTION DISMISSED.

Dated this 23rd day of May, 2013.



Amanda Smith
Executive Director

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Utah Code Ann. § 19-1-301.5(14), a party may seek judicial review in the Utah Court of Appeals of a dispositive action in a permit review adjudicative proceeding , in accordance with Sections 63G-4-401, 63G-4-403, and 63G-4-405.

CERTIFICATE OF SERVICE

I hereby certify that on this 23 day of May 2013, a true and correct copy of the Order Adopting Recommended Decision was served by e-mail upon the following:

Carol Clawson, Administrative Law Judge (CCLawson@klmrlaw.com)

Marcus Taylor (marcustaylor@gwestoffice.net)

Christian Stephens (cstephens@utah.gov)

Brian Burnett (brianburnett@cnmlaw.com)

Administrative Proceedings Record Officer (DEQAPRO@utah.gov)

Debbie Obermayer

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

In the matter of:

**SEVIER POWER COMPANY, APPROVAL
ORDER NO.: DAQE-AN125290003-12, dated
October 25, 2012**

**AMENDED CERTIFICATE OF SERVICE RE:
ORDER ADOPTING RECOMMENDED
DECISION**

May 28, 2013

I hereby certify that on the 23rd day of May 2013, a true and correct copy of the
Order Adopting Recommended Decision was served by e-mail upon:

Christian Stephens (cstephens@utah.gov)

Brian Burnett (brianburnett@cnmlaw.com)

Administrative Proceedings Record Officer (DEQAPRO@utah.gov)

I hereby certify that on the 24th day of May 2013, a true and correct copy of the
Order Adopting Recommended Decision was served by e-mail upon:

Carol Clawson, Administrative Law Judge (CCLawson@klmrlaw.com)

Marcus Taylor (marcustaylor@qwestoffice.net)

Debbie Oberlander 5/28/13

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

In the matter of:

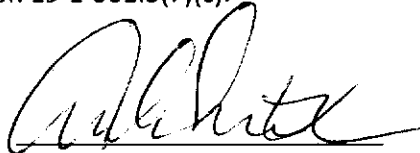
**SEVIER POWER COMPANY, APPROVAL
ORDER NO.: DAQE-AN125290003-12, dated
October 25, 2012**

**NOTICE OF CORRECTION TO ORDER
ADOPTING RECOMMENDED DECISION**

June 7th 2013

On May 23, 2013, I issued an Order Adopting Recommended Decision. There is a typo in the citation to “§19-1-301.5 and (6) and” starting on the 5th line on page 1. Please take notice that the citation is hereby deleted. There is a typo in the citation to “Section 19-1-307(c)(ii)” on page 2. Please take notice that the citation is corrected to read “Section 19-1-301.5(7)(c).”

Dated this 7th day of June, 2013.



Amanda Smith
Executive Director

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of June 2013, a true and correct copy of the Notice of Correction to Order Adopting Recommended Decision was served by e-mail upon the following:

Carol Clawson, Administrative Law Judge (CCLawson@klmrlaw.com)

Marcus Taylor (marcustaylor@qwestoffice.net)

Christian Stephens (cstephens@utah.gov)

Brian Burnett (brianburnett@cnmlaw.com)

Administrative Proceedings Record Officer (DEQAPRO@utah.gov)

Debbie Obermayer