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

In the matter of:

**SUNNYSIDE COGENERATION
ASSOCIATES, FINAL CONSTRUCTION
PERMIT, SCA #2 ASH LANDFILL (related
to Permit Number: UGW070002) (September
4, 2014)**

**ORDER ON PETITION TO
INTERVENE**

November 11, 2014

Administrative Law Judge Bret F. Randall

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 October 6, 2014, HEAL Utah filed a Request for Agency Action as well as a Petition to Intervene in the above-referenced matter. The Petition to Intervene (and its attachments) states that it was served in accordance with R305-7-104, Utah Administrative Code. The Petition to Intervene is supported by declarations from the following individuals: Robert L. Warren, Gerald D. Huff, Madeline C. Huff, and Janice C. Hunt.

On October 10, 2014, counsel for Sunnyside Cogeneration Associates (“SCA”) filed a Request for Appointment of an Administrative Law Judge, but no opposition to the Petition to Intervene has been submitted.

This order is limited to the Petition to Intervene. Pursuant to R305-7-212, Utah Administrative Code, respondents have the right to challenge the Petition to Intervene by motion or in the parties’ briefs on the merits. All findings reached in this order are thus provisional in nature and are subject to reconsideration at a later stage in these proceedings.

This matter is related to a the Ground Water Discharge Permit (#UGW 070002) issued to SCA that is the subject of a Request for Agency Action dated January 6, 2014, a matter for which I was previously appointed as ALJ by the Executive Director pursuant to a letter dated February 13, 2014 (the “Groundwater Permit Appeal”). The Groundwater Permit Appeal involves the same parties and the same underlying project.

On February 19, 2014, I entered an order granting a Petition to Intervene in the Groundwater Permit Appeal in favor of HEAL Utah. The Petition to Intervene in that matter involves the same persons, affiants, and legal arguments. In the interest of judicial economy, I incorporate by this reference my Order on Petition to Intervene in the Groundwater Permit Review and find that HEAL Utah has met the requirements for intervention under applicable law, for the same reasons previously discussed.

ORDER

Based on the foregoing, it is hereby ordered that the Petition to Intervene is provisionally granted.

DATED this 10th day of November, 2014.

A handwritten signature in black ink, appearing to read "B. Randall", written over a horizontal line.

BRET F. RANDALL
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of November, 2014, a true and correct copy of the foregoing **ORDER ON PETITION TO INTERVENE** was served by e-mail upon the following:

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Bret F. Randall, ALJ