
**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF DRINKING WATER**

In the Matter of:

Pine Meadows PUD, Utah Public
Community Water System #UTAH24049

Docket No. UTAH24049-2017-01-WTTC

**RECOMMENDED DECISION ON
DIRECTOR'S MOTION FOR SUMMARY
JUDGMENT (MOOTNESS)**

November 2, 2018

Lucy B. Jenkins
Administrative Law Judge

Under authority of Utah Code Ann. §§ 19-1-301(5) and (6), the Executive Director of the Utah Department of Environmental Quality has appointed the undersigned as Administrative Law Judge to conduct the adjudicative proceeding and to submit to the Executive Director a proposed dispositive action pursuant to Utah Code Ann. § 19-1-301, governing non-permit review adjudicative proceedings, and Utah Admin. Code R305-7-301 *et seq.*

On June 19, 2018, the Administrative Law Judge (“ALJ”) submitted her Findings of Fact, Conclusions of Law, and Recommended Order on the Merits to the Executive Director.

On July 12, 2018, the Director of the Utah Division of Drinking Water (“Director”) and Pine Meadows Mobile Home Community (“Pine Meadows PUD”) filed a Stipulated Motion to Stay Proceedings for a period of ninety days so that the parties could pursue settlement discussions and negotiations. On July 14, 2018, the ALJ approved the Stipulated Motion to Stay Proceedings and entered an Order to stay the proceedings until October 11, 2018.

Now before me is the Director’s Motion for Summary Judgment (Mootness) (“Director’s Motion”), requesting that this matter be dismissed. The Director’s grounds for this motion are as follows:

1. On August 23, 2018, the Director issued an “After-the-Fact System Approval and Operating Permit Order” for the Pine Meadows PUD public water system (the “Approval Order”).

2. Pine Meadows PUD has complied with most of the requirements set forth in the underlying order that is the subject of the RFAA. The outstanding issues are listed in the “Public Water System IPS Report” for the Pine Meadows PUD water system, attached as Exhibit B to the Director’s Motion. Division staff are working with Pine Meadows PUD, through Mr. Renn McBride, to address the final issues that remain outstanding.

3. It does not appear that Pine Meadows PUD intends to further contest the Director’s legal jurisdiction over the Pine Meadows PUD public water system, which legal issue forms the basis for the RFAA filed in this matter.

4. Based on the foregoing considerations, the RFAA filed in this matter appears to be moot. Therefore, summary judgment is appropriate.

The ALJ has conferred by electronic mail with Mr. Renn McBride, the registered agent for McBride Enterprises of Utah, Inc., which is the owner of Pine Meadows PUD, regarding the Director’s Motion. Mr. McBride informed the ALJ by electronic mail on October 24, 2018 that he agrees with the Director’s Motion.

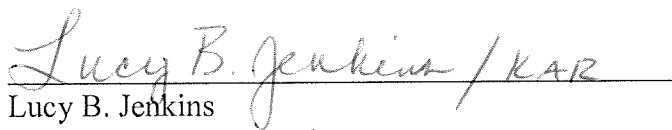
RECOMMENDED DECISION

For the foregoing reasons, I recommend that the Executive Director grant the Director’s Motion for Summary Judgment (Mootness) and dismiss Pine Meadows’ Request for Agency Action.

NOTICE OF OPPORTUNITY TO COMMENT

Parties may file comments to the Recommended Decision with the Executive Director of the Utah Department of Environmental Quality within ten business days of issuance of this Recommended Decision in accordance with the requirements of Utah Admin. Code R305-7-316(1). Comments shall not exceed 15 pages. A party may file a response to the other party's comments, not to exceed five pages, within five business days of the date of the service of the comments.

DATED this 2nd day of November, 2018.



Lucy B. Jenkins
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of November, 2018, a true and correct copy of the foregoing Recommended Decision on Director's Motion for Summary Judgment (Mootness) was sent by electronic mail to the following:

Administrative Proceedings Records Officer
DEQAPRO@utah.gov

Renn McBride
Pine Meadows PUD
150 East 750 North
Vernal, UT 84078
rennmcbride@gmail.com

Bret F. Randall
Assistant Attorneys General
Ryan Stephens
Assistant Attorney General
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195 North 1950 West, 2nd Floor
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bfrandall@agutah.gov
rstephens@agutah.gov



Bret Randall

From: Renn McBride <rennmcbride@gmail.com>
Sent: Wednesday, October 24, 2018 12:56 PM
To: Bret Randall
Cc: LUCY JENKINS; Ryan Stephens
Subject: Re: Pine Meadows - Director's Motion for Summary Judgment

Yes the dismissal would be great I have already done 90% of what they are requiring me to do the others take time thank you

Sent from my iPhone

On Oct 24, 2018, at 12:03 PM, Bret Randall <bfrandall@agutah.gov> wrote:

Judge Jenkins:

We have no problem with a status conference but have not heard from Mr. McBride. That's the reason for my follow-up emails regarding the matter status and the formal motion for summary judgment. Hopefully, you have a good enough idea about the status to proceed, with or without a status conference.

Bret Randall
Assistant Attorney General

From: LUCY JENKINS <LJENKINS@joneswaldo.com>
Sent: Wednesday, October 24, 2018 9:21 AM
To: rennmcbride@gmail.com; Bret Randall <bfrandall@agutah.gov>; Ryan Stephens <rstephens@agutah.gov>
Subject: RE: Pine Meadows - Director's Motion for Summary Judgment

I am resending (again) and copying Mr. Stephens.

<image001.gif>

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From: LUCY JENKINS
Sent: Wednesday, October 24, 2018 9:05 AM
To: rennmcbride@gmail.com; 'Bret Randall' <bfrandall@agutah.gov>
Cc: LUCY JENKINS <LJENKINS@joneswaldo.com>
Subject: FW: Pine Meadows - Director's Motion for Summary Judgment

Mr. McBride – Do you agree with Mr. Randall’s Motion or do you intend to respond? If you agree with the Motion, I will prepare a recommended decision to the Director of DEQ to dismiss this matter.

Mr. McBride and Mr. Randall – Please let me know if you would like to schedule a telephone conference.

Thank you,

Lucy B. Jenkins

Administrative Law Judge

From: Shane Bekkemellom <sbekkemellom@agutah.gov>

Sent: Monday, October 22, 2018 12:24 PM

To: DEQ APRO (DEQAPRO@utah.gov) <DEQAPRO@utah.gov>; LUCY JENKINS <LJENKINS@joneswaldo.com>; Renn McBride (rennmcbride@gmail.com) <rennmcbride@gmail.com>

Cc: Bret Randall <bfrandall@agutah.gov>; Marie Owens (mowens@utah.gov) <mowens@utah.gov>; Ryan Stephens <rstephens@agutah.gov>

Subject: Pine Meadows - Director's Motion for Summary Judgment

Please find attached the Director of the Division of Drinking Water’s Motion for Summary Judgment (Mootness) in the Pine Meadows PUD, Utah Public Water System #UTAH24049 (Docket No. UTAH24049-2017-01-WTTC), matter. If you should have any questions, or if I may be of any assistance to any of you, please let me know. Thank you.

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