

# BEFORE THE RECLAMATION COMMISSION

BUCKEYE INDUSTRIAL MINING CO., :

Appellant, :

-vs- :

DIVISION OF MINERAL RESOURCES :  
MANAGEMENT, :

Appellee. :

Case No. RC-07-010

Review of Final Civil Penalty  
Assessment 11264; Permit D-928

## ORDER GRANTING JOINT MOTION FOR DISPOSITION & DISMISSAL

Appearances: April Bott, Counsel for Appellant Buckeye Industrial Mining Company; Molly Corey, Assistant Attorney General, Counsel for Appellee Division of Mineral Resources Management.

### FINDINGS, CONCLUSIONS

On September 20, 2007, Buckeye Industrial Mining Company filed with the Reclamation Commission a notice of appeal from Final Civil Penalty Assessment 11264. Accompanying Appellant's notice of appeal was a draft in the amount of \$600, as required by O.R.C. §1513.02(E)(3). This cause was assigned case number RC-07-010.

On June 26, 2009, the Appellant and the Appellee filed a Joint Motion for Disposition and Dismissal. A copy of the motion is attached hereto. The Reclamation Commission **GRANTS** the parties' joint motion. Pursuant to O.A.C. §1513-3-17, case number RC-07-010 is hereby **DISMISSED** without further action required by the Reclamation Commission. Additionally, in accordance with the parties' agreement, \$300 (plus ½ of any accrued interest) of Appellant's payment to the Reclamation Commission shall be released to Appellant and \$300 (plus ½ of any accrued interest) shall be transferred to the Division of Mineral Resources Management.

7/1/09  
DATE

  
LINDA WILHELM OSTERMAN  
Hearing Officer, Reclamation Commission

#### DISTRIBUTION:

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**BEFORE THE  
RECLAMATION COMMISSION  
STATE OF OHIO**

JUN 26 2009

**RECLAMATION  
COMMISSION**

**Buckeye Industrial Mining.**

**Appellant,**

**v.**

**Division of Mineral Resources  
Management,**

**Appellee.**

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**Case No. RC 07-010  
Review of CPA 11264  
Permit D-2241**

**JOINT MOTION FOR DISPOSITION AND DISMISSAL**

The parties to this matter, Buckeye Industrial Mining and the Division of Mineral Resource Management, have reached an agreement, and a Consent Agreement was filed with the Commission on April 8, 2009. Specifically, the parties have agreed that \$300.00 plus one-half the accrued interest should be transferred to DMRM and that \$300.00 plus one-half the accrued interest should be transferred to Buckeye. Once this transfer has occurred, the parties move the Commission to dismiss the instant appeal and close the case.

Respectfully submitted,

*Molly Corey by ARB+*  
Molly Corey (0079284)  
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*+ per electronic authorization*

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