

**BEFORE THE  
RECLAMATION COMMISSION**

JAMES FAIN,

Appellant,

-vs-

DIVISION OF MINERAL RESOURCES  
MANAGEMENT,

Appellee,

and

OXFORD MINING COMPANY, LLC,

Intervenor.

Case No. RC-11-010

Review of Informal Review of  
Groundwater Investigation; Permit  
D-2318 (Oxford Mining)

**REPORT OF THE  
HEARING OFFICER**

Appearances: Nicholas R. Grilli, Cathryn N. Loucas, Counsel for Appellant James Fain; George Horvath, Daniel Martin, Assistant Attorneys General, Counsel for Appellee Division of Mineral Resources Management; Michael B. Gardner, Mark S. Stemm, Counsel for Intervenor Oxford Mining Company, LLC.

**FINDINGS, CONCLUSIONS**

On November 3, 2011, Appellant James Fain filed with the Reclamation Commission a notice of appeal from a decision of the Chief of the Division of Mineral Resources Management, addressing a groundwater complaint filed by Mr. Fain, investigated by the Division, and relating to Oxford Mining Company LLC's mining activities pursuant to permit D-2318. This cause was assigned case number RC-11-010.

On July 5, 2012, the Appellant filed a Notice of Voluntary Dismissal / Withdrawal of this appeal with the Reclamation Commission. Pursuant to Ohio Administrative Code §1513-3-17, case number RC-11-010 is hereby **DISMISSED** without further action required by the Reclamation Commission.

7/5/2012  
DATE

  
LINDA WILHELM OSTERMAN  
Hearing Officer

James Fain  
RC-11-010

**DISTRIBUTION:**

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**RECLAMATION  
COMMISSION**

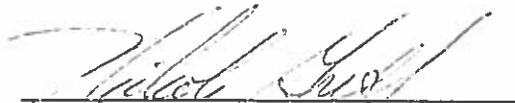
**BEFORE THE  
RECLAMATION COMMISSION**

<b>James Fain,</b>	:	<b>Case No. RC-11-010</b>
	:	
Appellant,	:	Review of Informal Review of
	:	Groundwater Investigation;
vs.	:	Permit D-2318
	:	(Oxford Mining)
<b>Division of Mineral Resources</b>	:	
<b>Management,</b>	:	
	:	
Appellee.	:	

**NOTICE OF VOLUNTARY DISMISSAL/ WITHDRAWAL, WITHOUT PREJUDICE**

Now comes Appellant James Fain, by and through his undersigned counsel and pursuant to O.A.C. 1513-3-17, hereby dismisses/withdraws his request for a review by the Commission of the Chief's informal review of Groundwater Investigation Report dated July 6, 2011, Complaint # JAC-426 relating to Permit D-2318 (Oxford Mining). This dismissal/withdrawal is without prejudice to Appellant who expressly reserves the right to seek all relief and remedies available to him under Ohio law.

Respectfully submitted,



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Attorney for Appellant

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing *Notice of Dismissal/Withdrawal* was served upon the following individuals, via electronic and ordinary U.S. Mail postage prepaid, this 5 day of July, 2012:

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