

BEFORE THE RECLAMATION COMMISSION

MARIETTA COAL COMPANY, : Case Nos. RC-08-010 through 014
: RC-08-023 through 026
Appellant, :
: Review of Notice of Violation 28570,
-vs- : Cessation Orders 12111, 12112, 12113
: & 12114, Civil Penalty Assessments
: 12457, 12458, 12459 & 12460; Permit
DIVISION OF MINERAL RESOURCES : D478
MANAGEMENT, :
: **REPORT OF THE**
Appellee. : **HEARING OFFICER**

Appearances: C. Keith Plummer, Counsel for Appellant Marietta Coal Company; Mark G. Bonaventura, Assistant Attorney General, Counsel for Appellee Division of Mineral Resources Management.

FINDINGS, CONCLUSIONS

On April 14, 2008, Appellant Marietta Coal Company filed with the Reclamation Commission notices of appeal from Notice of Violation 28570 and Cessation Orders 12111, 12112, 12113 and 12114. These causes were assigned case numbers RC-08-010 through RC-08-014, respectively. On July 3, 2008, Marietta filed notices of appeal from Civil Penalty Assessments 12457, 12458, 12459 and 12460. These causes were assigned case numbers RC-08-023 through RC-08-026, respectively.

On October 19, 2009, Appellant filed a Notice to Withdrawal these appeals with the Reclamation Commission. Pursuant to Ohio Administrative Code §1513-3-17, case numbers RC-08-010, RC-08-011, RC-08-012, RC-08-013, RC-08-014, RC-08-023, RC-08-024, RC-08-025 and RC-08-026 are hereby **DISMISSED** without further action required by the Reclamation Commission.

10/20/2009
DATE


LINDA WILHELM OSTERMAN
Hearing Officer

DISTRIBUTION:

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