

BEFORE THE RECLAMATION COMMISSION

PENN OHIO COAL COMPANY,
dba KIMBLE CLAY & LIMESTONE,

Appellant,

-vs-

DIVISION OF MINERAL RESOURCES
MANAGEMENT,

Appellee.

Case Nos. RC-11-008 & 009

Review of Chief's Orders 7350 &
7351; (Chapman & Burk water supplies)
Permit D-2263

REPORT OF THE HEARING OFFICER

Appearances: Shane A. Farolino, Kelly J. Espy, Counsel for Appellant Penn Ohio Coal Company, *dba* Kimble Clay & Limestone; Molly Corey, Tara Paciorek, Dan Martin, Assistant Attorneys General, Counsel for Appellee Division of Mineral Resources Management.

FINDINGS, CONCLUSIONS

On August 11, 2011, Appellant Penn Ohio Coal Company, *dba* Kimble Clay & Limestone, filed with the Reclamation Commission notices of appeal from Chief's Orders 7350 and 7351. These Orders addressed water supplies owned by Robert & Pam Chapman and by Ryan Burk. These causes were assigned case numbers RC-11-008 & RC-11-009.

On June 4, 2012, Appellant filed a request to voluntarily dismiss these appeals, indicating that the underlying Chief's Orders had been terminated by the Division. Pursuant to Ohio Administrative Code §1513-3-17, case numbers RC-11-008 & RC-11-009 are hereby **DISMISSED** without further action required by the Reclamation Commission. The hearing currently scheduled in these matters for June 6, 2012 is cancelled.

6/5/2012
DATE


LINDA WILHELM OSTERMAN
Hearing Officer, Reclamation Commission

DISTRIBUTION:

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tara.paciorek@ohioattorneygeneral.gov & daniel.martin@ohioattorneygeneral.gov] & Inter-Office Mail
Robert & Pam Chapman, Via e-mail [chappysbp@peoplepc.com] & Regular Mail
Ryan Burk (or current occupant), Via Regular Mail

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JUN 4 2012

**RECLAMATION
COMMISSION**

BEFORE THE
RECLAMATION COMMISSION
STATE OF OHIO

PENN OHIO COAL COMPANY,)
dba KIMBLE CLAY & LIMESTONE,)

Appellant,)

V.)

DIVISION OF MINERAL RESOURCES)
MANAGEMENT,)

Appellee.)

CASE NOS. RC-11-008 & 009

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(Chapman & Burk Water Supplies)
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NOTICE OF VOLUNTARY DISMISSAL

On May 23, 2012, the Chief of the Division of Mineral Resources Management terminated Chief's Orders 7350 and 7351 (the "Orders"), which Orders are the subject of the above-captioned appeals filed by Appellant, Penn-Ohio Coal Company, dba Kimble Clay & Limestone ("Penn-Ohio"). Because the Orders in question have been terminated, Penn-Ohio's appeals of the Orders are now arguably moot.

In light of the foregoing, and pursuant to Ohio Administrative Code Rule 1513-3-17, Penn-Ohio hereby voluntarily dismisses its appeals in the above-captioned matters.

Respectfully submitted,



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CLAY & LIMESTONE

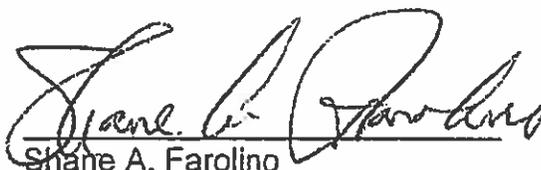
CERTIFICATE OF SERVICE

I hereby certify that a copy of the instant *Notice of Voluntary Dismissal* was hereby served this 4th day of June, 2012, by electronic transmission and ordinary

U.S. Mail, postage prepaid, upon the following:

Ohio Reclamation Commission
Ohio Department of Natural Resources
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