

**COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET
FILE NO. BFA-24641-042
PERMIT NO. 898-5892
NONCOMPLIANCE NO. 51-0761
FAILURE TO ABATE CESSATION ORDER NO. 50-3093**

NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET,

PLAINTIFF,

VS.

SECRETARY'S ORDER

APPCO MINING, INC.,

DEFENDANT.

* * * * *

THIS MATTER being before the Secretary upon the Report and Recommended Order of James L. Dickinson, Hearing Officer, and the Secretary having considered said Report and Recommendation, and any exceptions and responses filed thereto, and being sufficiently advised,

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. The Hearing Officer's Report and Recommended Order filed in the Record on [5/10/00]_____, 2000, is ADOPTED and incorporated by reference herein, as if set forth verbatim.

2. The Plaintiff's Administrative Complaint against APPCO Mining, Inc. is DISMISSED without prejudice.

3. This is a FINAL and APPEALABLE Order.

ENTERED THIS _____ day of _____, 2000.

NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET

_____/s/ [6/14/00]_____
JAMES E. BICKFORD
SECRETARY

APPEAL RIGHTS

In accordance with the provisions of KRS 350.0305 and KRS 350.032, any person or party aggrieved by a Final Order of the Secretary resulting from a hearing may obtain a review of the Final Order by filing in Circuit Court a Petition for Review. Such Petition must be filed within thirty (30) days after the entry or rendition of the Final Order, and a copy of the Petition must be served upon the Cabinet.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing SECRETARY'S ORDER was, on this ____ day of _____, 2000, mailed by first-class mail, postage prepaid to:

APPCO MINING INC
378 PATCHEN DRIVE
LEXINGTON KY 40517-4309

and hand-delivered to:

Hon.TAMARA J. PATRICK
Natural Resources and
Environmental Protection Cabinet
Office of Legal Services
Fifth Floor, Capital Plaza Tower
Frankfort, KY 40601

DOCKET COORDINATOR

Distribution:

Division of Field Services
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NONCOMPLIANCE NO. 51-0761
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NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET,

PLAINTIFF,

VS.

HEARING OFFICER'S REPORT
AND
RECOMMENDED SECRETARY'S ORDER

APPCO MINING, INC.,

DEFENDANT.

* * * * *

The Plaintiff, Natural Resources and Environmental Protection Cabinet, by and through counsel, having filed an unopposed Motion to Dismiss Without Prejudice its Administrative Complaint on the basis that the violations referenced in the Administrative Complaint as being a basis for bond forfeiture have now been abated; and the Hearing Officer being of the opinion that the Administrative Complaint should be dismissed without prejudice,

IT IS HEREBY RECOMMENDED that the Secretary sign the attached Secretary's Order dismissing the Administrative Complaint without prejudice.

So RECOMMENDED this the _____ day of _____, 2000.

//S// [5/10/00]
JAMES L. DICKINSON, HEARING OFFICER
OFFICE OF ADMINISTRATIVE HEARINGS
35-36 Fountain Place
Frankfort, Kentucky 40601
Telephone: (502) 564-7312

EXCEPTION RIGHTS

Pursuant to KRS 350.0301 any party may file exceptions to this Report and Recommendation within fourteen (14) days of service of this Report. A party may file a Response to any Exceptions within twenty-one (21) days of service of this Report. The Secretary will then consider this Report, any Exceptions, any Responses and the recommended Order and decide this case.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing HEARING OFFICER'S REPORT & RECOMMENDED SECRETARY'S ORDER was, on this ____ day of _____, 2000, mailed by first-class mail, postage prepaid to:

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