

BEFORE THE WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
AT CHARLESTON

WEST VIRGINIA COAL MINE, LLC,

Appellant;

Appeal No. 08-08-EQB

v.

DIRECTOR, DIVISION OF WATER AND
WASTE MANAGEMENT, WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Appellee.

AGREED ORDER OF DISMISSAL

Upon request of the Appellant, West Virginia Coal Mine, L.L.C., and with the consent of the Appellee, West Virginia Department of Environmental Protection, the Appellant desires to voluntarily withdraw and dismiss the above styled appeal, filed on March 26, 2008, which complained of the denial of the application by the Appellant for transfer of that certain WV/NPDES permit No. WV0062766 from Martinka Coal Company to the Appellant which denial was set forth in the Appellee's Order dated February 20, 2008 and attached as EXHIBIT A to the Appellant's Petition for Appeal. And the parties agreeing that such voluntary dismissal shall be without prejudice to the right of the Appellant to file a new application

for transfer of the aforesaid permit, it is, accordingly;

ORDERED, that the above styled appeal is hereby voluntarily dismissed, and removed from the docket of this Board, without prejudice to the right of the Appellant to file a new application for transfer of the permit which was the subject of this appeal.

ENTERED this 10th day of June 2008.

Environmental Quality Board

for Wendy E. Radcliffe

Dr. Edward Snyder, Chairperson

AGREED TO BY:

[Signature]

A.M. "Fenway" Pellock
Counsel to Appellee

Larry W. George

Larry W. George
Counsel to Appellant