

**BEFORE THE
OIL & GAS COMMISSION**

M-I L.L.C. dba M-I SWACO,

Appellant,

-vs-

DIVISION OF OIL & GAS RESOURCES
MANAGEMENT,

Appellee.

Appeal No. 931

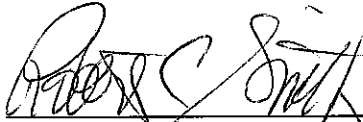
Review of Chief's Termination Letter;
Strasburg Facility

**ORDER OF THE
COMMISSION DISMISSING
APPEAL**

Appearances: Kenneth S. Komoroski, Daniel Carmeli, Counsel for Appellant M-I L.L.C. dba M-I SWACO; Brian Becker, Brian Ball, Assistant Attorneys General, Counsel for Appellee Division of Oil & Gas Resources Management.

Upon notice of *Voluntary Withdrawal* submitted by Appellant, as part of Appellant's filing in *Opposition to Motion to Dismiss* appeals #927, #930 & #931, and pursuant to Commission Rule §1509-1-22(E), the Commission hereby **DISMISSES** appeal #931.

Date Issued: March 8, 2017

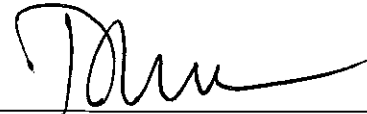


ROBERT C. SMITH, Chairman

J. BRANDON DAVIS, Vice Chairman



ANDREW R. THOMAS, Secretary



DONALD L. MASON



BLAKE T. ARTHUR

DISTRIBUTION:

Kenneth S. Komoroski, Daniel Carmeli, Via Regular Mail & E-Mail [kenneth.komoroski@morganlewis.com; daniel.carmeli@morganlewis.com]
Brian Becker, Brian Ball, Via Inter-Office Mail & E-Mail [brian.becker@ohioattorneygeneral.gov; brian.ball@ohioattorneygeneral.gov]

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contingent on issuance of the Temporary Authorization Order. Following the disposition of ^{OIL & GAS COMMISSION} Appeal No. 930, the Division potentially could, without properly promulgating regulations, seek to shut down operations it views as handling "waste" all over again. M-I SWACO has a clear interest in preventing this outcome through Appeal No. 927.

II. Appeal No. 931 Is Voluntarily Withdrawn.

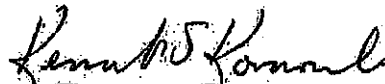
M-I SWACO previously informed the Commission and the Division that it would withdraw Appeal No. 931 (Termination Letter). Consistent with this representation, M-I SWACO, contemporaneously with this opposition, is voluntarily withdrawing that Appeal subject to its right to raise in its pending appeals any and all factual and legal issues and defenses raised in Appeal No. 931, including to the extent any such argument relates to the Termination Letter, which was the subject of that Appeal.

III. CONCLUSION

The Division's Motion, including the cases cited therein, does not support dismissal of M-I SWACO's Appeal No. 927. The Cease and Desist Order has not been rescinded, revoked, vacated or voided, but rather effectively has been ratified by the Temporary Authorization Order, and M-I SWACO continues to be adversely affected as a result. Appeal No. 927 is critical to M-I SWACO case and its ability to obtain full relief. For the foregoing reasons, M-I SWACO requests that the Commission deny the Division's Motion to Dismiss Appeal No. 927.

Date: February 15, 2017

Respectfully Submitted,



Kenneth S. Komoroski, Esquire
(OH I.D. 0072231)

kenneth.komoroski@morganlewis.com
Morgan, Lewis & Bockius LLP