

**BEFORE THE
OIL & GAS COMMISSION**

DUCK CREEK ENERGY, INC.,

Appellant,

-vs-

DIVISION OF OIL & GAS RESOURCES
MANAGEMENT,

Appellee.

Appeal No. 929


Review of Chief's Order 2016-162;
(Cessation of Operations; Mogadore Facility)

**ORDER OF THE
COMMISSION DISMISSING
APPEAL**

Appearances: Stephen E. Tugend, Scott M. Doran, Counsel for Appellant Duck Creek Energy, Inc.; Brian Becker, Gene Park, Assistant Attorneys General, Counsel for Appellee Division of Oil & Gas Resources Management.

Upon notice of voluntary *Withdrawal of Appeal* filed by Appellant, and pursuant to Commission Rule §1509-1-22(E), the Commission hereby **DISMISSES** appeal #929.

Date Issued: Feb. 3, 2017


ROBERT C. SMITH, Chairman


J. BRANDON DAVIS, Vice Chairman


DONALD L. MASON


ANDREW R. THOMAS


BLAKE T. ARTHUR

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Brian Becker, Gene Park, Via E-Mail [brian.becker@ohioattorneygeneral.gov; gene.park@ohioattorneygeneral.gov] &
Inter-Office Mail

BEFORE THE OIL & GAS COMMISSION
STATE OF OHIO

RECEIVED

JAN 18 2017

OIL & GAS COMMISSION

DUCK CREEK ENERGY, INC.
7033 Mill Road
Brecksville, OH 44141-1813,

Appellant,

v.

RICHARD J. SIMMERS, Chief, Division
of Oil & Gas Resources Management
Ohio Department of Natural Resources
2045 Morse Rd, Bldg F2
Columbus, OH 43229-6693

Appellee.

Appeal No. 929

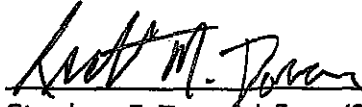
Review of Chief's Order 2016-162
(Cessation of Operations; Mogadore
Facility)

WITHDRAWAL OF APPEAL

The above named Appellant, by and through undersigned counsel and with the concurrence of the Ohio Oil and Gas Commission, does hereby withdraw the above captioned Appeal pursuant to Ohio Administrative Code Section 1509-1-22(E).

On January 4, 2017, Appellee Richard J. Simmers, Chief of the Division of Oil and Gas Resources Management of the Ohio Department of Natural Resources issued a letter effecting the termination of Chief's Order No. 2016-162, thereby obviating the instant appeal. A copy of the letter is attached.

Respectfully submitted,

 *Per consent WSL*

Stephen E. Tugend, Esq. (0055749)

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Attorneys for Appellant

Duck Creek Energy, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Withdrawal of Appeal was served upon the Brian J. Becker, counsel for Appellee Chief by electronic mail on the 13th day of January, 2017.

Scott M. Doran per consent WJC
Scott M. Doran



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

Richard J. Simmers, Chief
Division of Oil and Gas Resources Management
2045 Morse Road – Bldg. F-2
Columbus, OH 43229-6693
Phone: (614) 265-6922, Fax: (614) 265-6910

January 4, 2017

Duck Creek Energy, Inc.
7033 Mill Road
Brecksville, Ohio 44680

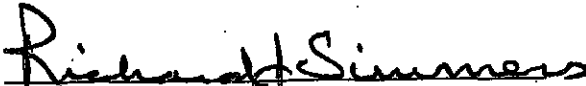
RE: Termination of Chief's Order No. 2016-162

Dear Duck Creek Energy, Inc.,

On May 23, 2016, the Division of Oil and Gas Resources Management ("Division") issued Chief's Order No. 2016-162 to Duck Creek Energy, Inc. Chief's Order No. 2016-162 found that Duck Creek Energy, Inc. had stored, recycled, treated, and processed brine or other oilfield waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources at the Duck Creek Energy, Inc. Mogadore Facility, without an order or permit, and ordered Duck Creek Energy, Inc. to do all of the following: cease all operations at the Mogadore Facility and remove all brine and other waste substances from the Mogadore facility until and unless Duck Creek Energy, Inc. received a Chief's Order from the Division authorizing Duck Creek Energy, Inc.'s operations at the Mogadore Facility; provide all manifests and documents related to the transportation and disposition of the brine and other waste substances from the Mogadore Facility upon request of the Division; remediate any contamination at the location; and restore the site to its previous condition.

After Chief's Order No. 2016-162 was issued and received by Duck Creek Energy, Inc., operations ceased at the Mogadore Facility and the location was remediated in accordance with the plan submitted to the Division. On December 22, 2016, the Division issued Chief's Order No. 2016-452 granting Duck Creek Energy, Inc. temporary authorization to store, treat, and process brine and other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources at the Mogadore Facility. Therefore, Chief's Order No. 2016-162 is terminated by this letter.

Sincerely,


Richard J. Simmers, Chief
Division of Oil and Gas Resources Management

CERTIFIED MAIL No: 91 7199 9991 7037 5557 6874

Enclosures: Chief's Order No. 2016-162

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