



PORTSMOUTH LOCAL AIR AGENCY

USEPA AND OEPA REPRESENTATIVE FOR ADAMS, BROWN, SCIOTO AND LAWRENCE COUNTIES
605 Washington Street, Third Floor, Portsmouth, Ohio 45662 (740) 353-5156 Fax (740) 353-3638

October 2, 2008

CERTIFIED MAIL

Mr. Mike Bowden
Ohio Department of Natural Resources
Division of Forestry
2045 Morse Road, F-1
Columbus, Ohio 43229-6693

Re: Notice of Violation

Dear Mr. Bowden:

This letter is in response to a complaint letter received April 23, 2008 and two Verified Complaints filed with Ohio EPA in May and June of 2008 regarding the Ohio Department of Natural Resources (ODNR) prescribed burns conducted in Shawnee State forest at the Backcountry Site on April 8, 2008 per the Permission to Open Burn issued November 5, 2007.

Investigation of the above referenced complaints found that the burn ODNR conducted of the Shawnee State Forest Backcountry Unit on April 8, 2008 had several spot fires occur in which the fire crossed over the boundary lines defined in the Permission to Open Burn. As a result of the spot fires, ODNR violated the conditions of the November 5, 2007 Permission to Open Burn (Burning Permit #07-30) by burning outside of the allowed burn area.

At this time, this agency is requesting that within fourteen days of receipt of this letter ODNR submit a plan as to how future Prescribed Burns can be conducted in accordance with the conditions of the Permission to Open Burn.

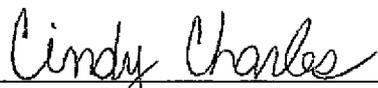
Acceptance by the Ohio EPA of this information does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or decline such penalties in this case will be made by the Ohio EPA at a later date.

If you are unable to respond to any part of this request, within the time frame discussed above, please inform us and explain so that we may be of assistance.

ODNR, Division of Forestry
October 2, 2008
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If you have any questions or need additional information, please contact me at (740) 353-5156.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Charles". The signature is written in black ink and is positioned above a horizontal line.

Cindy Charles
Director
Portsmouth Local Air Agency

cc: John Paulian, OEPA, DAPC
Lisa Holscher, USEPA