

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

B & P CAMPGROUND, INC.
d/b/a Arrow Point Campground,

Applicant.

Case No. 09-WT-027
Hearing Officer Wilson

REPORT AND RECOMMENDATION

Attached hereto is a copy of the Hearing Officer's Report and Recommendation in this matter. Pursuant to Ohio Revised Code Section 119.09 and Ohio Administrative Code Rule 3745-47-24, any party to this matter may file written objections to the Report and Recommendation. Such objections must be filed with the Director of Environmental Protection within ten (10) days of the receipt of the Report and Recommendation. Written objections should be filed with:

Ohio Environmental Protection Agency
Hearing Clerk - Fifth Floor Legal Section
50 West Town Street, Suite 700
P. O. Box 1049
Columbus, Ohio 43216-1049

If objections are filed, an original plus two (2) copies are required.

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B & P CAMPGROUND, INC.
d/b/a Arrow Point Campground,

REPORT AND RECOMMENDATION

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FINDINGS OF FACT

1. October 10, 2008, the Director of the Ohio EPA ("Director") received a Permit to Install ("PTI") application from B & P Campground, Inc., d/b/a Arrow Point Campground ("B & P Campground, Inc.").
2. On May 18, 2009, the Director issued a proposed denial of B & P Campground, Inc.'s PTI application.
3. On June 15, 2009, B & P Campground, Inc. filed a request for an adjudication hearing regarding the Director's May 18, 2009 proposed action.
4. On April 16, 2010, B & P Campground, Inc., by and through its attorney, filed an "Unopposed Motion to Dismiss", effectively withdrawing its request for an adjudication hearing in this matter.
5. No adjudication hearing has been held in this matter.

CONCLUSION OF LAW

1. In light of B & P Campground, Inc.'s filing of an "Unopposed Motion to Dismiss", effectively withdrawing its request for an adjudication hearing, there remain no unresolved issues of law or fact requiring an adjudication hearing in this matter. Therefore, Ohio EPA Case No. 09-WT-027 is moot and should be dismissed.

RECOMMENDATION

1. The Director should dismiss Ohio EPA Case No. 09-WT-027.

Sam Wilson
W. SAMUEL WILSON, Esq.
Presiding Hearing Officer

4-29-10
Date

B & P CAMPGROUND, INC. d/b/a Arrow Point Campground
Case No. 09-WT-27

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