



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

September 3, 2014

Angela Townsend
387 Avalon Road
Dellroy, Ohio 44260

CERTIFIED MAIL
9171082133393715023383

RE: Carroll County
Dellroy Drive-In Restaurant
Transient noncommunity public water system
PWS ID No. OH1036212

Dear Ms. Townsend:

I am writing regarding the violations of Ohio's safe drinking water regulations at Dellroy Drive-In Restaurant. Specifically, Dellroy Drive-In Restaurant's public water system (PWS) has failed to obtain a license to operate (LTO) for 2008, 2010, 2011, 2012, 2013 and 2014. This requirement can be found in Ohio Administrative Code Chapter 3745-84 and Ohio Revised Code Section 6109.21.

In order to resolve these matters, I am proposing the enclosed Director's Streamlined Orders (Orders). These Orders require you to submit documentation of a payment schedule or receipt of all unpaid LTO fees from the Ohio Attorney General's Office, and pay a penalty of \$250.00 as a monetary settlement of Ohio EPA's claims for civil penalties.

If the terms of the settlement are acceptable, please sign the attached Orders and return the entire document, within fourteen (14) days of receipt of this letter, to the address below:

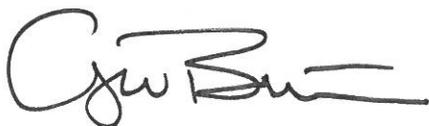
Susan Baughman
Ohio EPA - DDAGW
50 West Town Street, Suite 700
Columbus, Ohio 43215

Such a resolution would avoid the expense and time associated with litigation and penalties upon referral to the Ohio Attorney General. In accordance with Ohio Revised Code Section 6109.33, Ohio EPA may assess civil penalties of up to \$25,000 per day per violation.

If you do not sign the attached Orders and return the document to Ohio EPA within fourteen (14) days of the receipt of this letter, I will withdraw this offer to resolve the violations. If the offer is withdrawn, I will consider other enforcement options to address the noncompliance including a referral of this matter to the Attorney General's Office. Because this letter and the enclosed documents summarize a proposed settlement, I consider them to be inadmissible by you for any purpose in any subsequent enforcement action taken by the State should we be unable to reach an agreement.

If you have any questions or desire to discuss this matter in greater detail, please contact Susan Baughman at (614) 644-2752 within fourteen (14) days of the receipt of this letter. I hope that we are able to resolve this matter via the enclosed proposal, and I thank you in advance for your cooperation. Your prompt attention to this matter is requested and appreciated.

Sincerely,



Craig W. Butler, Director
Ohio Environmental Protection Agency

Enclosures

cc: Carroll County Board of Health

ec: Holly Kaloz, Manager, DDAGW – CO
Nancy Rice, Manager, DDAGW – NEDO
Dave Maschak, District Office Compliance Coordinator, DDAGW – NEDO
Beth Madis, DDAGW- NEDO
Kimberly Rhoads, Ohio EPA – Legal
Nick Haritos, Fiscal, DDAGW – CO

Effective Date _____

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Angela Townsend	:	Director's Streamlined Orders
387 Avalon Road	:	
Dellroy, Ohio 44260	:	
Respondent	:	
	:	
RE: Dellroy Drive-In Restaurant	:	
	:	

I. JURISDICTION

These Director's Streamlined Orders (Orders) are issued to Angela Townsend (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Chapter 6109 and § 3745.01.

II. FINDINGS

1. Respondent owns and operates the Dellroy Drive-In Restaurant public water system (PWS), PWS ID# OH1036212, located at 387 Avalon Road, Dellroy, Ohio 44260.
2. These Orders will remedy Respondent's noncompliance with Ohio Administrative Code (OAC) Chapter 3745-84.
3. OAC Rule 3745-84-02(A) prohibits any person from operating or maintaining a PWS without a license to operate (LTO).
4. In violation of OAC Rule 3745-84-02(A), Respondent operated the Dellroy Drive-In Restaurant PWS without an LTO in 2008, 2010, 2011, 2012, 2013 and 2014.
5. Pursuant to ORC § 6109.31, no person shall violate this chapter, any rule adopted under it, or any order or term or condition of a license, license renewal, variance, or exemption granted by the director of environmental protection under it. Each day of noncompliance is a separate violation.
6. In consideration of Respondent's business size, compliance history, and other factors as justice may require, and upon review of the entire record, these Orders are an

appropriate mechanism to resolve the noncompliance detailed in the Findings of these Orders.

III. ORDERS

1. Within thirty (30) days of the effective date of these Orders, Respondent shall contact the Ohio Attorney General's Office, Collections Enforcement Section regarding all unpaid LTO fees for renewal years 2008, 2011, 2012 and 2013, and either establish a payment schedule with the Ohio Attorney General's Office or pay all unpaid LTO fees. Respondent shall submit written documentation of such payment plan or receipt of payment of all unpaid LTO fees to the following address: Ohio EPA, Division of Drinking and Ground Waters, P.O. Box 1049, Columbus, Ohio 43216-1049, Attn: Susan Baughman.
2. Within thirty (30) days of the effective date of these Orders, Respondent shall submit payment to Ohio EPA, Division of Drinking and Ground Waters for the unpaid LTO fee for renewal year 2014. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio," together with a letter identifying Respondent, to: Ohio EPA, Division of Drinking and Ground Waters, 50 W. Town Street, Suite 700, Columbus, Ohio 43215, Attn: Nick Haritos.
3. Within thirty (30) days of the effective date of these Orders, Respondent shall pay to the Ohio EPA the amount of two-hundred and fifty dollars (\$250.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6109. Payment shall be made in accordance with Order No. 2 above.

IV. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of documentation of a payment plan or receipt of all unpaid LTO fees, and civil penalty payment required by these Orders.

V. RESERVATION OF RIGHTS AND WAIVER

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived herein. In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with them. Compliance with these Orders shall be a full accord and satisfaction of Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

VI. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

VII. SIGNATORY AUTHORITY

Each undersigned representative or party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Craig W. Butler, Director

Date

IT IS SO AGREED:

Angela Townsend

Signature

Date

Printed or Typed Name

Title



March 20, 2014

DELLROY DRIVE-IN RESTAURANT
387 AVALON ROAD
DELLROY, OH 44620

Re: CARROLL COUNTY
DELLROY DRIVE-IN RESTAURANT
TRANSIENT NONCOMMUNITY PWS
PWS ID: OH1036212

NOTICE OF VIOLATION – ACTION REQUIRED

Subject: Failure to Obtain License to Operate (LTO)

Dear Owner:

DELLROY DRIVE-IN RESTAURANT is in violation of Ohio Administrative Code (OAC) Rule 3745-84-06(G) for operating a public water system (PWS) without a license to operate (LTO). In accordance with OAC rule 3745-84-06(G), no person shall operate a PWS without a valid license. A PWS without a valid LTO is prohibited from producing water for human consumption, which includes but is not limited to, drinking, food preparation, dishwashing, hand washing, etc. Operating without an LTO may jeopardize other licenses you may hold, which include, but are not limited to, food service, liquor, daycare, campground, etc.

In addition, since the application is now more than 30 days past due from the due date listed on the original LTO application, a 10% penalty has been assessed and applied to the original amount due in accordance with Section 3745.11(m) of the Ohio Revised Code. Failure to pay the application fee and 10% penalty within 30 days from the date of this letter may result in an enforcement action with an increased penalty.

ACTION REQUIRED:

- 1) Within thirty (30) days remit the total amount due by a check or money order payable to: "TREASURER, STATE OF OHIO." Include the revenue ID number on your check or money order and return a signed copy of the bottom portion of the enclosed application. Payment does not guarantee issuance of the license.

PWS ID:	OH1036212
Revenue ID:	952412
Original Amount Owed:	\$112.00
Payment Applied:	\$0.00
10% Penalty Applied:	\$11.20
Total Amount Now Due:	\$123.20

Mail payment to: **OHIO ENVIRONMENTAL PROTECTION AGENCY
FISCAL ADMINISTRATION DEPT L-2711
COLUMBUS OH 43260-2711**

If the fee remains unpaid 30 days from the date of this letter, the Ohio Environmental Protection Agency will forward the account to the Ohio Attorney General for collection. If you have paid the total fee indicated above or you have any questions regarding this fee, please contact Susan Baughman at (614) 644-2752.

- 2) In addition, contact the Ohio Attorney General's Office, Collections Enforcement Section regarding unpaid LTO fees for previous years at 888-246-0688 or 150 E. Gay Street, 21st Floor, Columbus, Ohio 43215, for the following unpaid PWS LTO fees:

<u>LTO Year</u>	<u>EPA Account Number</u>
2008	K-629916
2010	K-732028
2011	K-782141
2012	K-838653
2013	K-908641

Owners or operators that fail to comply with Ohio's safe drinking water laws are subject to civil penalties of up to \$25,000.00 per day per violation under Ohio Revised Code Section 6109.33.

Sincerely,

Thank you for your prompt attention to this matter.



Susan Baughman, Environmental Specialist
Division of Drinking and Ground Waters

Enclosure

ec: NEDO
Nick Haritos, Fiscal, DDAGW

cc: Local Health Department



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

May 5, 2014

DELLROY DRIVE-IN RESTAURANT
387 AVALON ROAD
DELLROY, OH 44620

Re: CARROLL COUNTY
DELLROY DRIVE-IN RESTAURANT
TRANSIENT NONCOMMUNITY PWS
PWS ID: OH1036212

SECOND NOTICE OF VIOLATION – IMMEDIATE ACTION REQUIRED

Subject: Failure to Obtain License to Operate (LTO)

Dear Owner:

DELLROY DRIVE-IN RESTAURANT is in violation of Ohio Administrative Code (OAC) Rule 3745-84-06(G) for operating a public water system (PWS) without a license to operate (LTO). In accordance with OAC rule 3745-84-06(G), no person shall operate a PWS without a valid license. A PWS without a valid LTO is prohibited from producing water for human consumption, which includes but is not limited to, drinking, food preparation, dishwashing, hand washing, etc. Operating without an LTO may jeopardize other licenses you may hold, which include, but are not limited to, food service, liquor, daycare, campground, etc.

Ohio EPA has attempted to obtain your LTO application and payment since the fall of 2013:

- * On or about August 23, 2013 Ohio EPA mailed you an LTO pre-application.
- * On or about November 5, 2013 Ohio EPA mailed you the LTO application.
- * On or about March 19, 2014 Ohio EPA issued you a notice of violation for failure to obtain an LTO for your PWS.

In addition, since the application is now more than 30 days past due from the due date listed on the original LTO application, a 10% penalty has been assessed and applied to the original amount due, in accordance with Section 3745.11(m) of the Ohio Revised Code. Failure to pay the application fee and 10% penalty within 30 days from the date of this letter may result in an enforcement action with an increased penalty.

ACTION REQUIRED:

Within thirty (30) days of the date of this letter, remit the total amount due by a check or money order, payable to: "TREASURER, STATE OF OHIO". Include the revenue ID number on your check or money order and return a signed copy of the bottom portion of the enclosed application. Payment does not guarantee issuance of the license.

PWS ID:	OH1036212
Revenue ID:	952412
Original Amount Owed:	\$112.00
Payment Applied:	\$0.00
10% Penalty Applied:	\$11.20
Total Amount Now Due:	\$123.20

Mail payment to: **OHIO EPA, DDAGW**
ATTN: NICK HARITOS
P.O. BOX 1049
COLUMBUS OH 43260-2711

If the fee remains unpaid after 30 days from the date of this letter, the Ohio Environmental Protection Agency will forward the account to the Ohio Attorney General for collection. If you have paid the total fee indicated above or you have any questions regarding this fee, please contact Susan Baughman at (614) 644-2752.

Owners or operators that fail to comply with Ohio's safe drinking water laws are subject to civil penalties of up to \$25,000.00 per day per violation under Ohio Revised Code Section 6109.33.

Thank you for your prompt attention to this matter.

Sincerely,



Susan Baughman, Environmental Specialist
Division of Drinking and Ground Waters

Enclosure

ec: NEDO
Nick Haritos, Fiscal, DDAGW

cc: Local Health Department

2014 PUBLIC WATER SYSTEM LICENSE NOTICE

Invoice/Revenue ID: 952412

- NO PERSON SHALL OPERATE OR MAINTAIN A PUBLIC WATER SYSTEM IN THE STATE OF OHIO WITHOUT A PUBLIC WATER SYSTEM LICENSE.
- A LICENSE HOLDER THAT PROPOSES TO CONTINUE OPERATING A PUBLIC WATER SYSTEM FOR WHICH THE LICENSE WAS ISSUED SHALL RETURN A COMPLETED APPLICATION AND APPROPRIATE FEE TO THE DIRECTOR AT LEAST 30 DAYS PRIOR TO THE EXPIRATION DATE OF THE CURRENT LICENSE.
- IF THERE ARE ANY CHANGES TO THE OWNER NAME, ADDRESS, OR WATER SYSTEM INFORMATION CONTAINED ON THIS APPLICATION, CONTACT YOUR LOCAL OHIO EPA DISTRICT OFFICE.
- THIS IS THE ONLY INVOICE YOUR WATER SYSTEM WILL RECEIVE.

DELLROY DRIVE-IN RESTAURANT
 387 AVALON ROAD
 DELLROY, OH 44620

FOLLOW THESE IMPORTANT STEPS IN COMPLETING THIS APPLICATION

WATER SYSTEM INFORMATION	
Name:	DELLROY DRIVE-IN RESTAURANT
PWS ID:	OH1036212
System Type:	TRANSIENT NONCOMMUNITY
Number of Wells:	1
Surface Water Source:	No

1 CONFIRM THE WATER SYSTEM INFORMATION...
 Such as System Name, System Type, Mailing Address, and Fee Amount.
 IF THIS INFORMATION IS INCORRECT CONTACT NORTHEAST DISTRICT OFFICE - DDAGW at 330-963-1200

FEES FOR YEAR 2014	TOTAL						
Based on the water system information taken from above, the fee owed by your water system is shown in the total column.	The current amount due includes a 10% penalty.						
Attached is a handout that indicates how this information was used to determine your fee and examples of how the fee is calculated for each type of water system.	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">License Fee:</td> <td style="text-align: right;">\$112.00</td> </tr> <tr> <td>10% Penalty:</td> <td style="text-align: right;">\$11.20</td> </tr> <tr> <td>Total Due:</td> <td style="text-align: right; border-top: 1px solid black;">\$123.20</td> </tr> </table>	License Fee:	\$112.00	10% Penalty:	\$11.20	Total Due:	\$123.20
License Fee:	\$112.00						
10% Penalty:	\$11.20						
Total Due:	\$123.20						

2 SIGN... IMPORTANT
 Application **MUST** be signed and dated in the designated area below.

3 PAY FEES...
 Please pay the required fee by check or money order, CREDIT CARDS ARE NOT CURRENTLY ACCEPTED.
 - Make check or money order payable to: TREASURER STATE OF OHIO
 - Print the current "INVOICE/REVENUE ID" number, referenced on this application, on the check or money order.
 - DO NOT SEND CASH. SEE "FEES FOR YEAR" SECTION FOR TOTAL AMOUNT DUE.

4 RETURN APPLICATION PROMPTLY...
 Return the signed application along with the appropriate fee by December 31, 2013, using the enclosed envelope or by mailing to:
Ohio EPA
 Office of Fiscal Administration
 Department L-2711
 Columbus, OH 43260-2711

DETACH HERE, MAIL THIS PART

2014 APPLICATION FOR LICENSE TO OPERATE A PUBLIC WATER SYSTEM

DETACH HERE, MAIL THIS PART

DELLROY DRIVE-IN RESTAURANT
 387 AVALON ROAD
 DELLROY, OH 44620

PAY THIS AMOUNT:	\$123.20
PAYMENT DUE:	December 31, 2013
INVOICE/REVENUE ID:	952412
NAME:	DELLROY DRIVE-IN RESTAURANT
COUNTY:	CARROLL
PWS ID:	OH1036212
LICENSE WILL EXPIRE:	January 30, 2015
DISTRICT OFFICE:	NORTHEAST DISTRICT OFFICE - DDAGW
SYSTEM TYPE:	TRANSIENT NONCOMMUNITY

I hereby certify that I have reviewed the above information and that it is true, accurate and complete. I am aware that the submission of false information to the State of Ohio could result in prosecution and the imposition of penalties. Also, I consent to the granting of access to this property to Ohio EPA personnel upon presentation of proper credentials.

SIGNATURE OF OWNER		DATE
FOR OFFICE USE ONLY:		INVOICE/REVENUE ID: 952412
CHECK NO.: _____	CHECK DATE: _____	LICENSE #: 1036212-952412-2014
DATE RECEIVED: _____	CHECK ID: _____	TOTAL FEE PAID: _____