



**Environmental
Protection Agency**

**John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director**

**Proposed denial is being
adjudicated; denial is not effective
until adjudication is resolved**

The Ginger Root, LLC
9788 SR 250 NW
Strasburg, Ohio 44680
Attn: Jerry Meeder

CERTIFIED MAIL
9171082133393715014497

Issuance Date: January 20, 2012

RE: The Ginger Root Public Water System
PWS ID: #OH7935612

Dear Mr. Meeder:

The Ohio Environmental Protection Agency, Division of Drinking and Ground Waters has received the 2012 application and fee for the license to operate (LTO) a public water system (PWS) at The Ginger Root. I find that the PWS at The Ginger Root has not been operated in substantial compliance with Ohio Revised Code (ORC) Chapter 6109 and the rules adopted there under. The Ginger Root has failed to monitor total coliform and nitrate and failed to submit applications and pay the LTO fees for 2006, 2007, 2009, 2010 and 2011 in a timely manner. Additionally, The Ginger Root, LLC has failed to negotiate a settlement for these violations with the Ohio Environmental Protection Agency or the Ohio Attorney General's Office.

Therefore, pursuant to ORC Section 6109.21(B)(3) and Ohio Administrative Code (OAC) Rule 3745-84-06, I hereby propose to deny the 2012 LTO at The Ginger Root for one (1) year. Simply put, this action would prohibit operation of the PWS at The Ginger Root for one (1) year from its effective date.

During the one year denial period, pursuant to OAC Rule 3745-84-04, non-community PWSs shall display a red sign issued by Ohio EPA, indicating absence of an LTO so as to be clearly visible to the general public and to any person entering the facility. Per OAC Rule 3745-84-06, no person shall operate a PWS with an expired, denied or revoked LTO. A PWS with an expired, denied or revoked LTO is prohibited from producing water for human consumption as defined in OAC Rule 3745-81-01. This denial may also jeopardize the ability to obtain licenses from other agencies for food service or liquor sales.

Under ORC Chapters 119 and 6109, this action of the Director will become final no sooner than thirty (30) days from the issuance date indicated unless you or an objector requests an adjudication hearing. As provided by ORC Sections 119.07 and 3745.07, a request for an adjudication hearing must be received by the Ohio Environmental Protection Agency within thirty (30) days of the date of issuance of this action. At the adjudication hearing you may appear in person, or be represented by your attorney, or by such representative as is permitted to practice before this Agency, or you may present your position, arguments, or contentions in writing. At the hearing you may present evidence and examine witnesses appearing against

Jerry Meeder
The Ginger Root, LLC
dba The Ginger Root
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you. The request for hearing shall be in writing and shall specify the issues of fact and law to be contested. Requests for hearing shall be submitted in writing to:

Hearing Clerk
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

Sincerely,



Scott J. Nally, Director
Ohio Environmental Protection Agency

cc: Myra Pancher, Tuscarawas County Health Department
Gary E. Jones, Chief, Investigations & Compliance, Ohio Dept of Liquor Control

ec: Beth Messer, Manager, DDAGW-CO
Nick Haritos, Fiscal Officer, DDAGW-CO
Janet Barth, Unit Supervisor, DDAGW-SEDO
Russell Flagg, DDAGW-SEDO
Michael Carper, DDAGW-SEDO
Kimberly Rhoads, OEPA-Legal
Janean Weber, Attorney General's Office