



State of Ohio Environmental Protection Agency

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

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

D-Q Enterprises, LLC/
Skyway Restaurant, LLC/
South Shore Beach Resort
c/o Donald and Susan Thwaite
1240 Tri Motor Drive, South Bass Island
Put-in-Bay, Ohio 43456

CERTIFIED MAIL
9171082133393715010611

Issuance Date: December 17, 2010

RE: Skyway Restaurant and South Shore Beach Resort
PWS ID: #OH6237812/PWS ID#OH6259712

Dear Mr. and Mrs. Thwaite:

The Ohio Environmental Protection Agency, Division of Drinking and Ground Waters has received the 2010 fees for the licenses to operate (LTO) a public water system (PWS) at Skyway Restaurant and South Shore Beach Resort. I find that the PWSs at Skyway Restaurant and South Shore Beach Resort have not been operated in substantial compliance with Ohio Revised Code (ORC) Chapter 6109 and the rules adopted thereunder. Skyway Restaurant and South Shore Beach Resort have failed to submit monthly operating reports; failed to monitor total coliform, nitrate, free and total chlorine; failed to issue public notification; and, failed to submit applications and pay the LTO fees for 2007 and 2008. Additionally, the 2009 LTO fees were paid late on March 25, 2009, and the 2010 LTO fees were paid late on July 29, 2010.

As you will recall, Skyway Restaurant was previously issued Director's Unilateral Findings and Orders (Orders) on August 26, 2004. On September 14, 2004, these Orders were revoked and new Unilateral Orders were issued due to a positive total coliform sample taken on September 9, 2004 at the Skyway Restaurant PWS. On May 18, 2005, Director's plan approvals were issued for the installation of hauled water systems at both PWSs. To date, the PWSs have failed to comply with the requirements of both the Unilateral Orders and the plan approvals.

Therefore, pursuant to ORC Section 6109.21(B)(3) and Ohio Administrative Code (OAC) Rule 3745-84-06, I hereby propose to deny the 2010 LTOs at both Skyway Restaurant and South Shore Beach Resort for one (1) year.

During the one year denial period, pursuant to OAC Rule 3745-84-04, noncommunity 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 your ability to obtain licenses from other agencies.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

D-Q Enterprises, LLC
Skyway Restaurant and South Shore Beach Resort
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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 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,



Chris Korleski, Director
Ohio Environmental Protection Agency

cc: Nancy Osborn, Ottawa County Health Department
Gary E. Jones, Chief, Investigations & Compliance, Ohio Dept of Liquor Control
Kevin Nose, Attorney at Law

ec: Beth Messer, Manager, DDAGW-CO
Nick Haritos, Fiscal Officer, DDAGW-CO
Mark Sheahan, Supervisor, DDAGW-CO
JoAnn Sabo, DOCC, DDAGW-NWDO
Kimberly Rhoads, OEPA-Legal
Ellen Gerber, Unit Supervisor, DDAGW-NWDO
Julie Gillenwater, DDAGW-CO



State of Ohio Environmental Protection Agency

SOUTH SHORE BEACH RESORT

PWS ID: OH6259712

HAS BEEN **DENIED** ITS LICENSE TO OPERATE A PUBLIC WATER SYSTEM DUE TO VIOLATIONS OF THE OHIO REVISED CODE CHAPTER 6109 AND THE RULES ADOPTED THEREUNDER FOR A PERIOD OF **ONE YEAR**.

SOUTH SHORE BEACH RESORT IS NOT PERMITTED TO PROVIDE WATER FOR HUMAN CONSUMPTION UNTIL A VALID LICENSE TO OPERATE IS OBTAINED AFTER THE EXPIRATION DATE OF THIS DENIAL.

EFFECTIVE DATE: 1/31/2011

EXPIRATION DATE: 1/31/2012

A handwritten signature in black ink, appearing to read "Chris Kuehl". The signature is written in a cursive style and is positioned above a horizontal line.

Director



State of Ohio Environmental Protection Agency

SKYWAY RESTAURANT, LLC

PWS ID: OH6237812

HAS BEEN **DENIED** ITS LICENSE TO OPERATE A PUBLIC WATER SYSTEM DUE TO VIOLATIONS OF THE OHIO REVISED CODE CHAPTER 6109 AND THE RULES ADOPTED THEREUNDER FOR A PERIOD OF **ONE YEAR**.

SKYWAY RESTAURANT, LLC, IS NOT PERMITTED TO PROVIDE WATER FOR HUMAN CONSUMPTION UNTIL A VALID LICENSE TO OPERATE IS OBTAINED AFTER THE EXPIRATION DATE OF THIS DENIAL.

EFFECTIVE DATE: 1/31/2011

EXPIRATION DATE: 1/31/2012

A handwritten signature in black ink, appearing to read "Ch. R. R. R.", written over a horizontal line.

Director