



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

Ms. Shirley Masserelli, Owner
The Red Onion/The Red Onion Party Center
2352 SR 39 NE
New Philadelphia, Ohio 44663

CERTIFIED MAIL-9171082133393109723219

Issuance Date: September 18, 2009
Effective Date: October 23, 2009

RE: The Red Onion/ The Red Onion Party Center
PWS ID: #OH7936112/PWS ID#OH7937812

Dear Mr. Masserelli:

The Ohio Environmental Protection Agency, Division of Drinking and Ground Waters has received your applications for licenses to operate a public water system at The Red Onion and The Red Onion Party Center. I find that the public water systems at The Red Onion and The Red Onion Party Center have not been operated in substantial compliance with Chapter 6109 of the Revised Code and the rules adopted under it. The Red Onion and The Red Onion Party Center have failed to monitor for total coliform bacteria, nitrate and nitrite. The Red Onion was previously issued enforcement actions in the form of a Bilateral Compliance Agreement (Effective Date: September 30, 1999) and Director's Final Findings and Orders (Effective Date: August 7, 2001). The Red Onion is in violation of both actions that were issued.

Therefore, pursuant to Section 6109.21(B)(3) of the Revised Code and Ohio Administrative Code Rule 3745-84-06, I hereby propose to deny your licenses to operate a public water system at The Red Onion and The Red Onion Party Center for five (5) years.

Under Ohio Revised Code Chapters 119 and 6109, this action of the Director will become final on the effective date indicated unless you or an objector requests an adjudication hearing. As provided by Ohio Revised Code 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

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

The Red Onion and The Red Onion Party Center
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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: Myra Pancher, Tuscarawas County Health Department
Roger Fanning, Tuscarawas County Health Department
Andre Smith, Ohio Department of Liquor Control

ec: Beth Messer, Manager, DDAGW-CO
Nick Haritos, Fiscal Officer, DDAGW-CO
Mark Sheahan, Supervisor, DDAGW-CO
Bob Little, DOCC, DDAGW-SEDO
Kimberly Rhoads, OEPA-Legal
Janet Barth, Unit Supervisor, DDAGW-SEDO
Tanushree Courlas, DDAGW-CO