

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

JUN -4 2012

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Case No. ~~11~~ DW-01-2

SKYWAY RESTAURANT, LLC.,
SOUTH SHORE BEACH RESORT,
[D-Q ENTERPRISES, LLC.]
(c/o Donald and Susan Thwaite),

DIRECTOR'S FINAL
FINDINGS AND ORDER

Applicants.

Pursuant to Chapter 6109. and sections 119.09 et seq. of the Ohio Revised Code, and the rules of the Ohio Environmental Protection Agency, the Director of Environmental Protection hereby makes the following Findings and issues the following Order:

FINDINGS

1. December 17, 2010, the Ohio Environmental Protection Agency ("Ohio EPA") issued a proposed denial of the 2010 licenses to operate (LTO) the public water systems (PWS) at both Skyway Restaurant (PWS ID: OH6237812) and South Shore Beach Resort (PWS ID: OH6259712) for one (1) year.
2. On or after January 26, 2011, Skyway Restaurant and South Shore Beach Resort filed a request for an adjudication hearing.
3. On December 7, 2011, Skyway Restaurant and South Shore Beach Resort, by and through counsel, withdrew their request for an adjudication hearing.
4. Because the Applicants, Skyway Restaurant, LLC., and South Beach Resort have effectively withdrawn the request for an adjudication hearing, there remain no unresolved issues of law or fact requiring an adjudication hearing in this matter.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. 11-DW-01-2 is moot and should be dismissed.
5. No adjudication hearing has been held in this matter.
6. On March 19, 2012, the Hearing Officer assigned to this case issued a Report and Recommendation recommending that the Director dismiss Ohio EPA Case No. 11-DW-01-2.

7. No objection to the Hearing Officer's recommendation has been filed.
8. The recommendation of the Hearing Officer is lawful and reasonable and is hereby adopted.

ORDER

1. Ohio EPA Case No. 11-DW-01-2 is hereby dismissed, effective immediately.

IT IS SO ORDERED:



SCOTT J. NALLY
Director

JUN - 4 2012

Date