



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

March 22, 2013

Ms. Jill Rakes
Princeton Square Apartments
490 Hampshire Dr., Apt. 4
Hamilton, Ohio 45011

**RE: Princeton Square Apartments Complaint; Open Dumping of Solid Waste
Notice of Violation**

Dear Ms. Rakes:

On March 7, 2013, I visited Princeton Square Apartments in response to a complaint of open dumping of Solid Waste. The purpose of this investigation was to determine compliance with Ohio's Solid Waste Laws, Ohio Revised Code (ORC) 3734 and Ohio's Solid Waste Rules, Ohio Administrative Code (OAC) 3734.

The Ohio Administrative Code (OAC) defines a solid waste as:

"Solid waste" means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from combustion of coal, biomass fuels, and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or a hazardous waste.

During my complaint investigation, it was discovered that there was open dumping of solid waste on the property potentially creating an unlicensed solid waste facility. Disposal of solid waste in an unlicensed solid waste facility constitutes open dumping and places you in violation of the following Solid Waste Rule. As a result of my investigation, the following violation is being cited:

Ms. Jill Rakes
Princeton Square Apartments
March 22, 2013
Page 2

OAC Rule 3745-27-05(C), Open Dumping, which states in part:

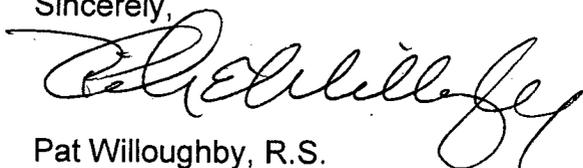
"No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734 of the Revised Code, and shall submit verification that the solid waste has been properly managed".

Please respond in writing within fourteen (14) days of receipt of this correspondence regarding your remedy and implementation schedule in regards to the aforementioned violations.

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me at (937) 285-6648.

Sincerely,



Pat Willoughby, R.S.
Environmental Specialist
Division of Material and Waste Management

PW/kb