



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769  
www.epa.state.oh.us

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

January 19, 2010

RE: CITY VIEW CENTER  
CUYAHOGA COUNTY  
NEM OM&M PLAN  
NOTICE OF VIOLATION

**CERTIFIED MAIL**

Matt McGill  
McGill Property Group  
125 W. Indiantown Road, Suite 102  
Jupiter, Florida 33458

Dear Mr. McGill:

On December 2, 2008, Defendants McGill Property Group, LLC, Garfield Land Development, LLC, GHLFP and John McGill (collectively defined as Defendants McGill) entered into a Consent Order and Final Judgment Entry filed in the Cuyahoga County Court of Common Pleas.

**Paragraph 32, of the December 2, 2008, Consent Order** states, in part, "Within 30 days of the effective date of this Order, Defendants McGill shall submit to Ohio EPA for approval, detailed plans and schedules for the operation, maintenance, and monitoring of the NEM Gas System."

On January 2, 2009, Ohio EPA received a document titled "Northeast Mound (NEM) and Main Facility Active Gas Extraction System Documents, City View Center." Each of the documents included an operations, maintenance and monitoring plan (OM&M). However, on February 19, 2009, Ohio EPA responded to the January 2, 2009, submittals with a notice of deficiency (NOD). This NOD included deficiencies from the operation and maintenance portions of the plans.

As of the date of this letter, Ohio EPA has not received an adequate updated OM&M plan for the NEM or a response to the February 19, 2009, NOD. Defendants McGill therefore are in violation of Paragraph 32 of the December 2, 2008 Consent Order.

Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This letter shall not be interpreted to release MPG, GLD, and GHLFP or others from responsibility under ORC Chapters 3704., 3714., 3734., or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

Matt McGill  
McGill Property Group  
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If you have any questions regarding this letter, please do not hesitate to contact me at (330) 963-1244.

Sincerely,



Karen Naples  
Environmental Specialist  
Division of Solid and Infectious Waste Management

KN/cl

cc: Jarnal Singh, DSIWM, NEDO  
Dane Tussell, Cuyahoga County Board of Health  
Donald Shapiro, Foresite Realty  
File: [Sowers/COUN/CITY VIEW CENTER/COR/18]  
PID 2165

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 City, State, ZIP+4

PS Form 3809, August 2006

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Matt McGill  
 McGill Property Group  
 125 W. Indiantown Road, Suite 102  
 Jupiter, Florida 33458

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