

**Environmental
Protection Agency**

Jeff Castejon, Governor
Lee Fisher, Lt. Governor
Chris Kormanik, Director

November 1, 2010

**RE: CITY VIEW CENTER
R&B DEVELOPMENT LANDFILL
MATOUSEK LANDFILL
NOTICE OF VIOLATION**

CERTIFIED MAIL

McGill Property Group, LLC
Garfield Land Development, LLC
GHLFP, LLC
4425 Military Trail, Suite 202
Jupiter, Florida 33458

City View Center, LLC
c/o Kim K. Burke, Esq.
Tafft, Stettinius & Hollister, LLP
425 Walnut Street, Suite 1800,
Cincinnati, Ohio 45202-3957

Dear Gentlemen:

The Ohio Environmental Protection Agency (Ohio EPA) Northeast District Office (NEDO) is in receipt of a October 15, 2010, document submitted by Donald G. Bohning & Associates, Inc. titled, "September, 2010 Cap and Pavement Inspection Report." The report was received by Ohio EPA on October 20, 2010, and was submitted as a requirement of Paragraph 57 of the December 2, 2008, Consent Order and Final Judgment Entry but only pertained to property owned by City View Center, LLC, at the City View Shopping Center located in Garfield Heights, Ohio.

The report identifies ten areas of settlement on portions of the property owned by City View Center, LLC. Some of these areas have consistently been identified on past reports since at least December 2008, however, these areas have not yet been repaired. Other areas of known pavement settlement, such as at the rear of the vacant Walmart store have not been identified in the reports (see attached pictures). Areas of asphalt pavement at the rear of Walmart have "caved in" leaving dangerous openings in the pavement. Large cracks have also developed at the rear of other buildings at the building foundation and pavement interfaces (at the rear of Retail Stores B thru J). Larger gaps remain where the asphalt has pulled away from the foundations leaving openings between the ground and the building foundations. These areas are not identified in the monthly reports and also need to be repaired.

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As you are aware, Paragraph 57 of the December 2, 2008, Consent Order states, "Upon the effective date of this Order, Defendants McGill and CVC shall inspect the Facility on a monthly basis for damage to the cap and pavement and shall repair all such damage, and submit copies of the preceding month's inspection reports to Ohio EPA no later than the 15th day of each month. The report shall identify areas of concern and give detailed descriptions of the actions taken to repair all such areas of concern."

Failure to identify all areas of concern and repair any damage to the cap and pavement at the City View Center is a violation of Paragraph 57 of the December 2, 2008, Consent Order.

For your information, Order # 5.A.2. of the March 18, 2005, Director's Final Findings & Orders (DFF&Os), states in part, "... Respondents shall perform all activities described in Appendices C, D, E and F as they pertain to the Facilities, and Respondents shall perform all such activities in strict accordance with these Orders and the plans, specifications, and other information contained in Appendices C, D, E and F. There may be no deviation from the requirements of Appendices C, D, E and F without prior written authorization from Ohio EPA. Any future activities at the Facilities beyond those required or authorized under these Orders may require additional Ohio EPA approval."

Section 8.2 (page 32) of the City View Center, OAC 3745-27-13 document, as approved through Appendix E of the March 18, 2005, DFF&Os, states, "If differential settlement over 12" in depth occurs, or by direction of civil engineer and soil engineer of record, McGill or its designee will remove the pavement, sub-base, and stone and fill the sub-base with compacted clay materials as specified by geo-technical engineer to bring the soil surface back to its original grade with "structural fill" in accordance with the QA/QC Plan."

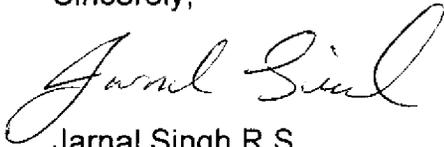
It is important to maintain and make rapid repairs to the cap and pavement at the City View Center in order to reduce erosion under the cap, additional settlement, and landfill gas generation and migration. Please take immediate actions to investigate the nature, extent and severity of the pavement damage and settlement at this site. All repairs must be conducted in accordance with the authorizing documents. Please submit an updated inspection report, within 10 days of your receipt of this letter which includes all areas of cap and pavement damage/settlement along with a schedule for the repairs that are needed to address those areas.

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 City View Center, LLC., 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.

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If you have any questions regarding this letter, please do not hesitate to contact me at (330) 963-1276.

Sincerely,

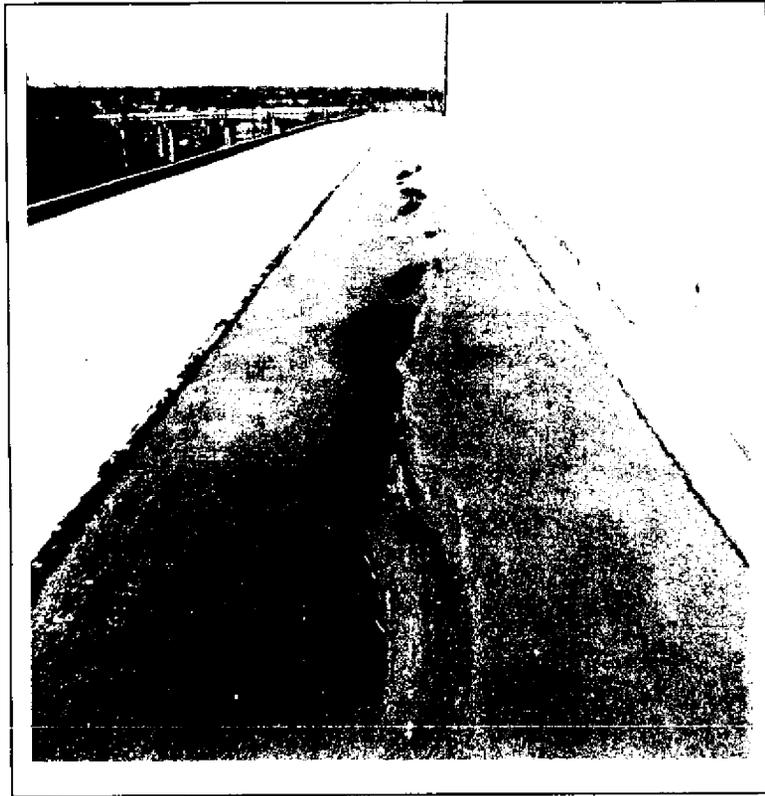


Jarnal Singh R.S.
Environmental Specialist
Division of Solid & Infectious Waste Management

JS:cl

cc: Karen Naples, DSIWM-NEDO
Melinda Berry, DSIWM-CO
Robert Eubanks, AAG, AGO, EES
Colin Johnson, Cuyahoga County Board of Health
Bennett Kest, Kest Property Management Group, LLC.
File: [Sowers/Land/CityView /COR/18]

3089



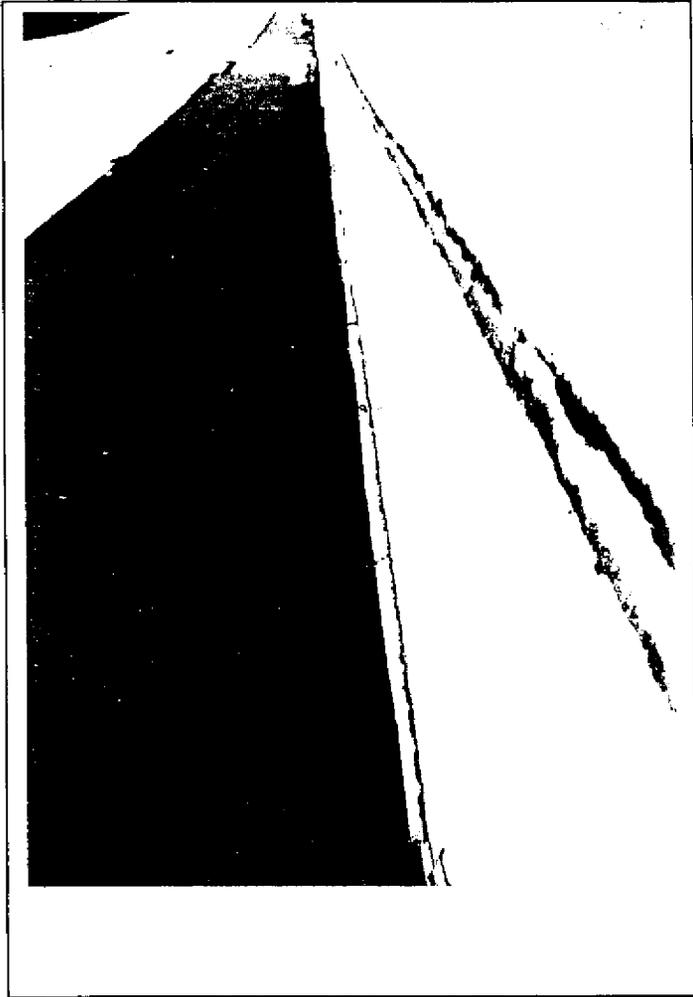
Picture taken October 7, 2010.
by Jarnal Singh

Rear of WalMart, west of loading dock.
Looking north

Picture taken October 7, 2010.
by Jarnal Singh

Rear of WalMart, west of loading dock.
Looking south

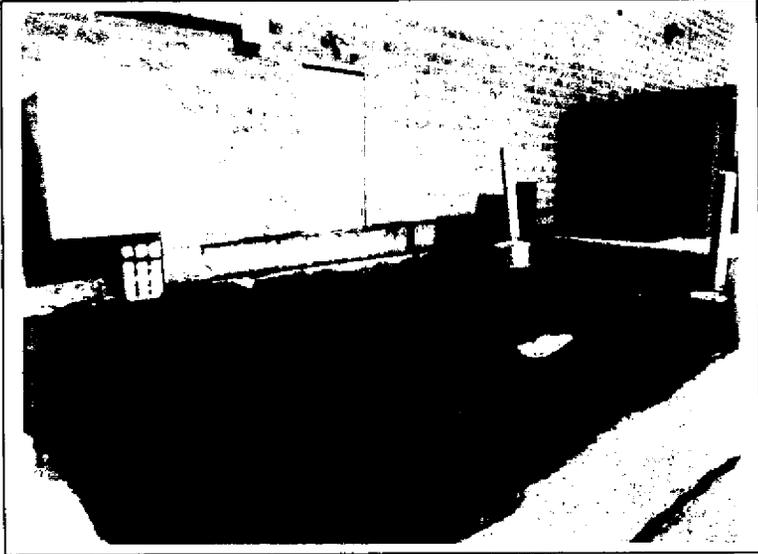




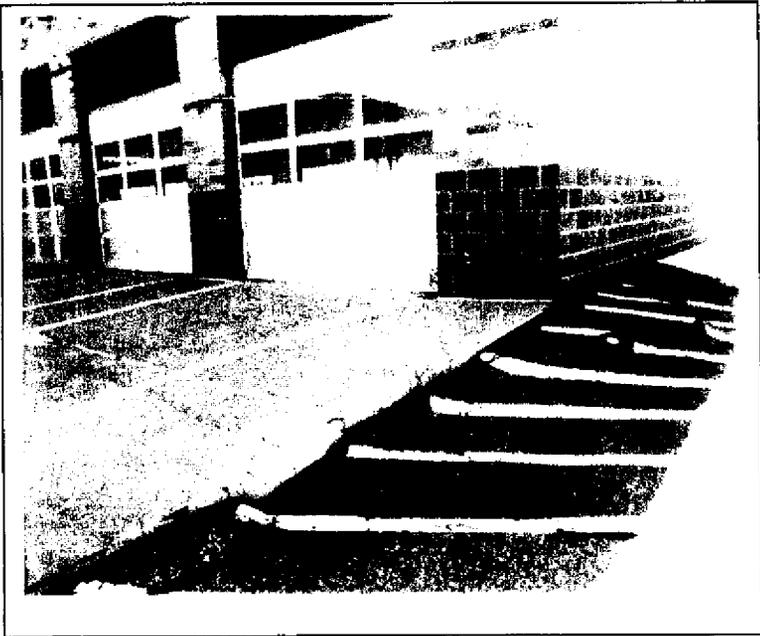
by Jarnal Singh
Rear of WalMart. Looking North

Picture taken October 7, 2010.
by Jarnal Singh
Rear of WalMart. South of Transformer



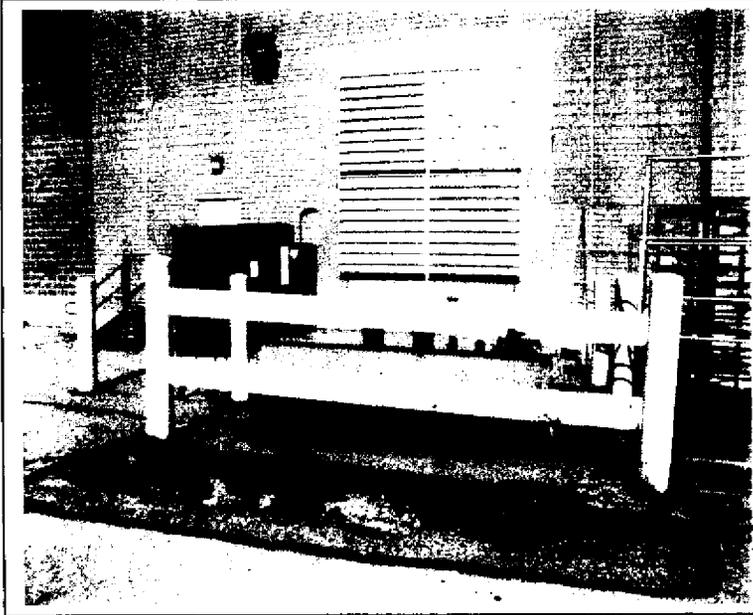


Picture taken October 7, 2010.
by Jarnal Singh
Rear of WalMart. North of Transformer



Picture taken October 7, 2010.
by Jarnal Singh
WalMart North/Automotive Side

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Picture taken October 7, 2010.

by Jarnal Singh

Rear of Giant Eagle.

U.S. Postal Service
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PS Form 3800 August 2006 See Reverse for Instructions

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

McGill Property Group, LLC
 Garfield Land Development, LLC
 GHLFP, LLC
 4425 Military Trail, Suite 202
 Jupiter, Florida 33458

2. Article Number

(Transfer from service label)

7010 1060 0000 0089 9517 g. Singh 11-1-10

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
 11/4/10

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
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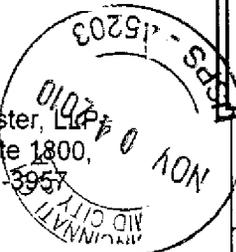
4. Restricted Delivery? (Extra Fee) Yes

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A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
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D. Is delivery address different from item 1? Yes
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3. Service Type
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