



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

April 9, 2009

RE: CITY VIEW CENTER
WESTERN SLOPE
LEACHATE TOE DRAIN PLAN
NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. Matt McGill
McGill Property Group, LLC
Garfield Land Development, LLC
GHLFP, LLC
125 W. Indiantown Road, Suite 101
Jupiter, Florida 33458

Dear Mr. McGill:

On January 16, 2009, Ohio Environmental Protection Agency (Ohio EPA) received a document titled *Garfield Land Development, LLC, City View Center, Response to Comments, Leachate Toe Drain for Western Slope*. Ohio EPA responded with an additional Notice of Deficiency (NOD) in a letter dated March 3, 2009.

Paragraph 80 of the December 2, 2008, Consent Order, states, in part, "...in the event that Ohio EPA initially disapproves a submission, in whole or in part, and notified the Parties Bound in writing of the deficiencies, the Parties Bound shall within 14 days, or such longer period of time as specified by the Ohio EPA in writing, correct the deficiencies and submit the revised submission to Ohio EPA for approval."

As of the date of this letter, Ohio EPA has not received a response to the NOD dated March 3, 2009, nor has Ohio EPA received a written request for an extension. Failure to submit the revised Leachate Toe Drain Design within 14 days of notice of deficiency is a violation of paragraph 80 of the December 2, 2008 Consent Order, and may result in Ohio EPA pursuing escalated enforcement to ensure that Defendants McGill comply with the terms 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 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.

Mr. Matt McGill
McGill Property Group, LLC
April 9, 2009
Page 2

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

Sincerely,



Karen J. Naples
Environmental Specialist
Division of Solid and Infectious Waste Management

KJN/cl

pc: Jarnal Singh, DSIWM, NEDO
Melinda Berry, DSIWM, CO
Denise Romano, Cuyahoga County Board of Health
File: [Sowers/County/City View/COR/18]

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City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

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1. Article Addressed to:

Mr. Matt McGill
McGill Property Group, LLC
Garfield Land Development, LLC
GHLFP, LLC
125 W. Indiantown Road, Suite 101
Jupiter, Florida 33458

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