



State of Ohio Environmental Protection Agency

Northeast District Office

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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

May 20, 2009

**RE: CITY VIEW CENTER
DECEMBER 2, 2008
CONSENT AGREEMENT
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 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. The Consent Order required actions to be taken with regard to the Rule 13 (OAC 3745-27-13) activities conducted at the City View Center located in Garfield Heights, Ohio.

Paragraph 39 of the December 2, 2008, Consent Order states, "Within 60 days of the effective date of this Order, Defendants McGill shall submit a plan to the Ohio EPA and the NEORSR for the Ohio EPA's and NEORSR's approval to connect the Northeast Mound underdrains to the NEORSR sewer system."

As of the date of this letter, Ohio EPA has not received a plan for connection of the Northeast Mound underdrain on the south slope of the Northeast Mound to the NEORSR sewer system. Defendants McGill therefore are in violation of Paragraph 39 of the December 2, 2008, Consent Order for failing to submit a plan for approval for connection of the Northeast Mound underdrains to the sewer system.

Paragraph 48 of the December 2, 2008, Consent Order states, in part, "Within 30 days of the effective date of this Order, Defendants McGill shall submit a detailed plan and an installation schedule for the Main facility Gas System, in conjunction with the required submittals for the NEM Gas System. Within 30 days of the Ohio EPA's approval of the detailed design plan and implementation schedule, Defendants McGill shall commence with the installation of the Main Facility Gas System as approved."

On April 13, 2009, Ohio EPA approved the Main Facility gas extraction system. As of the date of this letter, Defendants McGill have not commenced with the installation of the Main Facility or NEM Gas Systems. Defendants McGill therefore are in violation of Paragraph 48 of the December 2, 2008, Consent Order for failing to commence installation of the Main Facility gas system within 30 days of Ohio EPA's approval.

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Paragraph 55 of the December 2, 2008, Consent Order states, in part, "Within 75 days of the effective date of this Order, Defendants McGill shall identify and repair existing damage to the Landfill's cap systems, resulting from intrusive cap investigations and areas where straws were removed. The cap shall be installed and/or repaired, in accordance with the March 18, 2005 Orders. Within 30 days thereafter, Defendants McGill shall submit a cap certification report to Ohio EPA documenting the work, in accordance with the March 18, 2005 Orders.

As of the date of this letter, Defendants McGill have not repaired all existing damage to the Landfills' cap systems nor has Ohio EPA received a cap certification report as a result of any repairs that may have been made. Defendants McGill is therefore in violation of Paragraph 55 of the December 2, 2008, Consent Order.

Paragraph 60 of the December 2, 2008, Consent Order states, in part, "Within 30 days of Ohio EPA's approval of the plans for the NEM Gas System, Defendants McGill shall submit to Ohio EPA a financial assurance cost estimate that contains an itemized written estimate of the cost of Post-Construction Care Activities for the NEM Gas System."

As of the date of this letter, Ohio EPA has not received a financial assurance cost estimate for costs of Post-Construction Care Activities for the NEM Gas System. Defendants McGill are therefore in violation of Paragraph 60 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 GHLP 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.

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
File: [Sowers/County/City View/COR/18]

Robert Eubanks, Ohio AGO
Denise Romano, CCBH

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Mc Gill Property Group

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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