



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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

January 4, 2008

RE: CITY VIEW CENTER PROJECT
R&B DEVELOPMENT & MATOUSEK LANDFILLS
NOTICE OF VIOLATION

CERTIFIED MAIL

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

Dear Mr. McGill:

On October 18, 2007, Ohio Environmental Protection Agency (Ohio EPA) received a document titled *Outlot 3 Amendment, City View Center, for R&B Development, Garfield Heights, Ohio*. The document was submitted by NTH Consultants, Ltd. on behalf of McGill Property Group (MPG). The document was submitted as a request for an alteration to the March 18, 2005, Director's Final Findings and Orders (DFF&Os) to seek approval to construct an additional building (Outlot 3) within the area known as the I-480 Outlots. Ohio EPA has not approved this alteration request. On December 14 and 20, 2007, Ohio EPA conducted a site inspection at City View Center (the site). While at the site, Ohio EPA noted that a building is currently under construction within the footprint of the Outlot 3 alteration request as noted above.

Since MPG did not have prior authorization to construct Outlot 3, MPG is therefore in violation of the following:

Ohio Administrative Code Rule 3845-27-13(A) which states, "No person shall, without prior authorization from the director, engage in filling, grading, excavating, drilling, or mining on land where a hazardous waste facility or solid waste facility has operated. Any person proposing to engage in these activities on land where a hazardous waste facility or solid waste facility was operated shall comply with the requirements of this rule."

(DFF&Os) issued March 18, 2005, Order A.2)., which states in part, "upon the effective date of these Orders, Respondents MPG, Garfield, and GHLFP are authorized to perform activities at the Facilities...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."

According to the March 18, 2005 DFF&Os and Ohio law, MPG is required to cease all construction of Outlot 3.

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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 McGill Property Group, LLC, Garfield Land Development, LLC, GHLP, 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.

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

cc: Jarnal Singh, DSIWM, NEDO
Melinda Berry, DSIWM, CO
Matt Johnson, Cuyahoga County Board of Health
Patrick Nortz, NTH Consultants Ltd.
File: [SOWERS/COUN/CITY VIEW/COR/18]