



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**

Bennett Kest  
c/o Thomas Klein  
Kest Property Management Group  
25200 Chagrin Blvd., Suite 300  
Beachwood, Ohio 44122

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

Dear Sirs:

On October 29, 2007, Ohio Environmental Protection Agency (Ohio EPA) conducted a site inspection of the City View Center property. While at the site, Ohio EPA noted that Retail N and Dollar Tree were under construction prior to receiving certification concurrence for cap construction for those areas. City View Center, LLC and McGill Property Group (MPG) are therefore in violation of the following:

**Director's Final Findings & Orders (DFF&Os) issued March 18, 2005, Order A.4).**, which states, "*Prior to placement of the gas collection layer or commencement of pile installation over any building pad on the Facilities, Respondents MPG, Garfield Land Development, LLC (GLD), and GHLFP, LLC (GHLFP) shall receive concurrence from Ohio EPA, NEDO, of a certification report for installation of the final cover system as required by the December 3, 2003, authorizations, and as modified by these Orders.*"

**(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.*"

Bennett Kest  
c/o Thomas Klein  
Kest Property Management Group  
Matt McGill  
McGill Property Group  
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**Section 8.1 of Appendices E and F of the March 18, 2005, DFF&Os** states in part, *"The majority of waste relocation activities will be completed and the certified 2-foot clay cap installed prior to the start of the site activities outlined in this application...Once the final cover system is certified and approved, the soil fill layer... will be constructed."*

Since the actions noted above are a violation of the authorizing documents set forth for the construction of these buildings at City View Center (the only authority under which City View Center, LLC and MPG has a legal right to perform construction) the 2005 Orders require work to cease on construction of Retail N and Dollar Tree.

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 McGill Property Group, LLC, Garfield Land Development, LLC, GHLFP, 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]