OhioEPA
State of Ohio Environmental Protection Agency
Northeast District Office

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

March 28, 2007

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

Matt McGill
McGill Property Group
Garfield Land Development LLC
30575 Bainbridge Road, Suite 100
Solon, Ohio 44139

Dear Mr. McGill:

On February 26, 2007, the Ohio Environmental Protection Agency, (Ohio EPA) Division of Solid and Infectious Waste Management (DSIWM) received a report titled "O&M Explosive Gas Monitoring and Inspection Report for February" for the floor monitoring ports monitoring event conducted on February 22, 2007, at the City View Center. The report was submitted by McCabe Corporation on behalf of McGill Property Group, LLC (MPG) and was dated February 23, 2007.

Ohio EPA has reviewed the report and noted that floor monitoring port JA5 located in the Jo-Ann Fabric store was not monitored during the monitoring event. The report states that access to this port was 'blocked by a wall'. Floor monitoring ports JA2 and JA3 respectively, recorded 39% LEL and 10% LEL for methane, during the February 2007 monitoring event.

Failure to monitor all floor monitoring ports in compliance with the Operation and Maintenance Manual (O&M) contained in Appendix H of the OAC 3745-27-13 approval, at the City View Center, as approved by Appendix E of the March 18, 2005, Director's Final Findings & Orders (DFF&O) is in violation of the following requirement:

> **Order # 5.A.2) of the DFF&O issued March 18, 2005,** which 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."

It is imperative that access to floor monitoring port JA5 be gained so that monitoring of this floor port can be conducted. Please submit, within 10 days of your receipt of this letter, confirmation that access has been achieved to floor monitoring port JA5, along with monitoring results from that port.

Also, in instances where floor monitoring ports detect levels greater than 25% LEL, the actions taken to reduce those levels, along with the results of the weekly monitoring (as required per the O&M plan) should be included in the Weekly Reports that are submitted to Ohio EPA and the health department.

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, 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) 963-1276.

Sincerely,

Jarnal Singh

Jarnal Singh
Environmental Specialist
Division of Solid & Infectious Waste Management

JS/cl

cc: John Schmidt, DSIWM-NEDO
Robert Eubanks, AGO, EES
Melinda Berry, DSIWM-CO
Matt Johnson, Cuyahoga County Board of Health
John McGill, President, McGill Property Group
Kristin Esser, Coral Asset Management
Todd Sciano, Donald G. Bohning & Associates, Inc
Ed McCabe, McCabe Engineering
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