



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

June 5, 2007

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

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

Dear Mr. McGill:

On June 4, 2007, the Ohio Environmental Protection Agency, (Ohio EPA) Division of Solid and Infectious Waste Management (DSIWM) received an email copy of a report titled "O&M Explosive Gas Monitoring and Inspection Report for March". The report was emailed by Bob Skirkanic of Alemko LLE on behalf of McGill Property Group, LLC (MPG), and stated that interior gas monitoring and inspection was conducted by Alemko on "May 24, 2007, per the Operation and Maintenance Manual for the R&B Development and Matousek Landfill." The report was dated June 4, 2007.

Ohio EPA has reviewed the report and noted that floor monitoring Port #5 located in the Jo-Ann Fabric store and Ports numbered 3 & 4 in Retail D were not monitored during the May 2007 monitoring event. The report states that access to these ports were 'Blocked by Wall'.

As you are aware, 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."

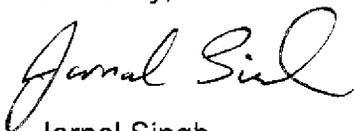
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It is imperative that access to all floor monitoring ports be gained so that monitoring of the ports can be conducted. Please submit, within 10 days of your receipt of this letter, confirmation that access has been gained to the above mentioned floor monitoring ports, along with monitoring results from these ports. Ohio EPA also requests that signed copies of the O&M Explosive Gas Monitoring and Inspection Reports also be submitted to Ohio EPA in addition to the emailed notifications.

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
Environmental Specialist
Division of Solid & Infectious Waste Management

JS:ddw

cc: Karen Naples, DSIWM-NEDO
Robert Eubanks, AGO, EES
Melinda Berry, DSIWM-CO
Colin Johnson, Cuyahoga County Board of Health
John McGill, President, McGill Property Group
Kristin Esser, Coral Asset Management
Bob Skirkanic, Alemko LLE
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