



State of Ohio Environmental Protection Agency

Northeast District Office

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

October 9, 2007

**RE: CITY VIEW CENTER  
R&B LANDFILL  
NOTICE OF VIOLATION**

Matt McGill  
McGill Property Group, LLC  
GHLFP, LLC  
30575 Bainbridge Road, Suite 100  
Solon, Ohio 44139

Dear Mr. McGill:

On October 1, 2007, I (Jarnal Singh), and Karen Naples of the Ohio Environmental Protection Agency (Ohio EPA) briefly visited the City View Center Northeast Mound (NEM) located in Garfield Heights. Weather conditions were dry, sunny and approximately 75°F.

During our visit we observed leachate still entering the storm water catch basin located in the Snider-Cannata parking lot. Leachate appears to be flowing within the gravel filled trench located beneath the parking lot between the NEM and the storm water catch basin. Immediate action must be taken to prevent leachate from entering this storm water catch basin. Leachate staining on the curb at the toe of the western face of the NEM, staining on the surface of the parking lot and on Antenucci Drive also indicates that leachate continues to flow off site during or following rain events. As you are aware, leachate flowing off site from this area remains a problem and has repeatedly been cited by Ohio EPA and the Cuyahoga County Board of Health. Additional measures must be taken to prevent off site migration of leachate from this area.

Leachate was also observed in the storm sewer catch basins running along the southern toe of the NEM adjacent to Transportation Blvd. Extension. It appears that the storm sewer installed along the southern toe of the NEM acts as a leachate collection toe drain. This drain however is connected to the storm water drainage system for the site. Immediate actions must be taken to prevent leachate from entering the storm drains located along the southern toe of the NEM.

The following is a summary of the violations resulting from the discharges observed on October 1, 2007;

- 1) **Ohio Revised Code (ORC) Section 6111.04**, which states in part, *"No person shall cause pollution or place or cause to be placed any sewage, industrial waste, or other wastes in a location where they cause pollution of any waters of the state, and any such action is hereby declared to be a*

*public nuisance, except in such cases where the director of the environmental protection has issued a valid and unexpired permit, or renewal thereof, as provided in sections 6111.01 to 6111.08 of the Revised Code, or an application for renewal is pending.*"

- 2) **OAC Rule 3745-27-13(H)(6)** states, in part, that "no excavation of waste shall occur unless the excavated waste is replaced within the previously existing horizontal and vertical limits of waste placement or is treated or disposed of in an appropriate facility in accordance with ORC Chapter 3734. Any wastes known/suspected as hazardous shall be stored in accordance with ORC Chapter 3734 until they are properly characterized, treated, and disposed. Any liquid wastes released during the authorized activities shall be stored in accordance with ORC 3734 until characterized, treated, and disposed."
- 3) **Condition 2 of the December 3, 2003, R&B Development Landfill OAC Rule 3745-27-13 Authorization** provides, in part, that all on-site activities shall be accomplished in compliance with all applicable state and federal laws and regulations pertaining to environmental protection, including, but not limited to, the control of air pollution, leachate, surface water run-on and run-off, and protection of ground water.
- 4) **Condition 11 the December 3, 2003, R&B Development Landfill OAC Rule 3745-27-13 Authorization** provides, in part, that all, semi-solids, industrial wastes, and other ORC Chapter 6111. wastes removed shall be containerized, securely stored, characterized, and disposed of in accordance with ORC Chapter 6111.
- 5) **Condition 22 the December 3, 2003, R&B Development Landfill OAC Rule 3745-27-13 Authorization** provides, in part, that any leachate outbreaks encountered while conducting activities at the landfill shall be repaired.
- 6) **DFF&Os issued March 18, 2005, Order D.1)b.** which states that the Respondents shall, "Operate and maintain any leachate collection system at the facilities, repair all leachate outbreaks and prevent the discharge of leachate from the Facilities."

McGill Property Group, LLC (MPG) and GHLFP LLC (GHLFP) continues to illegally discharge leachate from the site.

The erosion of the cover soils also continues to occur on the NEM. Deep erosion channels that have developed on the NEM allow rainwater to infiltrate through the cap and exacerbate the production of leachate. Excess leachate within the NEM may also result in the waste mass becoming unstable. Ohio EPA is aware that some erosion control measures were undertaken in the past; however, actions were not taken to prevent erosion from reoccurring in these areas and, erosion control measures were not instituted in all areas where erosion is, or has occurred at the site. Additional measures need to be taken to address and prevent future erosion at the site.

Allowing these conditions to exist on the NEM is in violation of the following:

- 7) **DFF&Os issued March 18, 2005, Order A.11).**, states, *For the purposes of erosion control during activities conducted at the Facilities in accordance with Appendices C, D, E and F, Respondents MPG, Garfield, and GHLFP shall use best management practices and standards as specified in the National Resources Conservation manual titled Rainwater and Land Development.*
- 8) **DFF&Os issued March 18, 2005, Order D.1)c.**, states that the Respondents shall, *"Maintain the landfill cap system at the Facilities and repair damage to the engineered components."*

Erosion channels must be repaired at the site. It is recommended that additional measures such as the installation of hay bail barriers, tack on berms etc. be employed in areas that are prone to the development of erosion channels.

As a result of the above cited violations MPG and GHLFP LLC are also in violation of Order A.1) of the DFF&Os issued March 18, 2005, which states, *"Respondents MPG, Garfield, and GHLFP shall comply with all terms and conditions of the December 3, 2003, OAC Rule 3745-27-13 R&B Development Landfill authorization and the December 3, 2003, OAC Rule 3745-27-13 Matousek Landfill authorization issued to Peter J. Limited, except as modified by these Orders."*

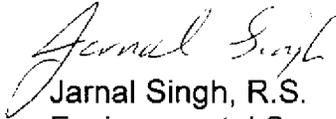
Please submit a written response, within 10 days of your receipt of this letter, identifying what actions have been taken to address the above cited violations.

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 GHLFP 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.

Matt McGill  
McGill Property Group, LLC  
October 9, 2007  
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If you have any questions regarding this letter, please do not hesitate to contact me at (330) 963-1276.

Sincerely,



Jarnal Singh, R.S.  
Environmental Specialist  
Division of Solid & Infectious Waste Management

JS/cl

cc: Robert Eubanks, AGO  
Dan Bogoevski, DSW-NEDO  
Melinda Berry, DSIWM-CO  
Colin Johnson, Cuyahoga County Board of Health  
Bob Skirkanic, Alemco  
File: [Sowers/Land/R&B Development Landfill/COR/18]