



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

January 15, 2010

RE: **R&B DEVELOPMENT AND
MATOUSEK LANDFILLS
CUYAHOGA COUNTY
NOTICE OF VIOLATION**

CERTIFIED MAIL

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

Thomas Klein
City View Center, LLC
27 Orchard Street
Monsey, New York 10952

Dear Mr. McGill and Mr. Klein:

On December 2, 2008, Defendants McGill Property Group, LLC, Garfield Land Development, LLC, GHLFP and John McGill (collectively defined as Defendants McGill) entered into a Consent Order and Final Judgment Entry filed in the Cuyahoga County Court of Common Pleas.

Paragraph 53 of the December 2, 2008, Consent Order states, "Within 60 days of the date of this Order, Defendants McGill and CVC shall submit the updated explosive gas monitoring plans for the R&B Development and Matousek Landfills to the Ohio EPA."

On January 29, 2009, the Ohio Environmental Protection Agency (Ohio EPA) received a document titled "Explosive Gas Monitoring Plan, R&B Development Landfill, Garfield Heights, Cuyahoga County, Ohio." On February 10, 2009, Ohio EPA received a document titled "Explosive Gas Monitoring Plan, Matousek Landfill, Garfield Heights, Cuyahoga County, Ohio." Ohio EPA reviewed each of the submittals and sent a notice of deficiency (NOD) for each facility on June 8, 2009.

As of the date of this letter, Ohio EPA has not received an adequate updated explosive gas monitoring plan or a response to the June 8, 2009 NOD. Defendants McGill and CVC therefore are in violation of Section XII, Paragraph 53 of the December 2, 2008 Consent Order.

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, GLD, GHLFP and CVC or others from responsibility under ORC Chapters

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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 Naples
Environmental Specialist
Division of Solid and Infectious Waste Management

KN/cl

cc: Jarnal Singh, DSIWM, NEDO
Dane Tussell, Cuyahoga County Board of Health
Todd Sciano, Donald G. Bohning
Chuck Satchwill, SCS Engineers
Sam Cannata, Vista Way Partners
Donald Shapiro, Foresite Realty
Lea Boyas-Morabito, Peter J. Limited
File: [Sowers/LAND/R&B and Matousek/COR/18]
PID 2289, 2242