



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

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

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

March 18, 2008

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

CERTIFIED MAIL

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

and

Thomas Klein
City View Center, LLC
City View Center Holding Company, LLC
27 Orchard Street
Monsey, New York 10952-3018

and

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

Dear Mr. McGill, Mr. Klein and Mr. Kest:

On March 6, 7, 10, 13, 2008, I (Jarnal Singh) accompanied by various representatives of the Ohio Environmental Protection Agency (Ohio EPA) visited the City View Center shopping center located on Transportation Blvd. in Garfield Heights. My March 6, 2008, visit was to investigate a complaint made to Ohio EPA by a shopper at the site, who alleged that odors were coming from the shopping center. Upon my investigation, it was determined that the odors were emanating from a composting operation conducted west of the site at the bottom of the valley, and were not attributable to the shopping center.

During my March 6, 2008 visit, I monitored a storm sewer situated in the parking lot between Dicks and A.J. Wright for landfill gas levels and recorded levels at 30% LEL (Lower Explosive Limit) through the grated storm drain cover. I continued to take readings at various storm sewers on the shopping center site and recorded levels ranging between 0% and 21% LEL. A Communications vault located just south of Retail N recorded levels at 100% LEL and an Electric vault situated about 10 feet from

Matt McGill, McGill Property Group
Thomas Klein, City View Center, LLC
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the Communications vault recorded levels at 78% LEL. Garfield Heights Fire Department later confirmed levels at 50% methane by volume in the Communications vault and 10% methane by volume in the Electric vault. Readings of 100% LEL were again confirmed in the Communications vault on March 7 & 10, 2008. Gas levels as high as 52% LEL were also recorded through grated storm sewer manhole covers during the March 10, 2008 monitoring event.

Additional storm and sanitary sewer gas monitoring was conducted by myself and Lynn Sowers (of Ohio EPA) and Matt Sorace of Alemko on March 13, 2008. During this monitoring event, 64 manholes were monitored for landfill gases. Eight manholes recorded readings in excess of 100% LEL. All but 23 of the 64 manholes monitored that day recorded some level of landfill gas within them. Levels up to 85% LEL were recorded in grated/vented storm sewer manholes. It was noted during this sampling event that if a manhole cover is not lifted high enough to enable a probe to be placed inside the manhole, an accurate reading from within is not obtained. In observing Matt Sorace and discussing his sampling procedures with him, it was discovered that because he was not opening the manhole covers far enough during his previous sampling events, he did not detect the gas levels that we obtained during our joint March 10, 2008, sampling event. As such, past sanitary and storm sewer data collected during Alemko's routine storm and sanitary sewer monitoring events cannot be relied upon as being accurate monitoring data.

A sanitary manhole situated between Bed Bath & Beyond and the JoAnn Fabric store that detected elevated levels of gas during the March 10, 2008 sampling event, still had readings of 12% methane by volume on March 17, 2008, even though its manhole cover had been replaced with a vented manhole cover. Additional immediate actions must be taken to reduce the levels of gas in this manhole.

Landfill gas migrating into the storm and sanitary structures at the City View Center shopping center and accumulating at explosive levels within these structures is a threat to public health and safety and is in violation of the following:

Ohio Administrative Code (OAC) Rule 3745-27-13(J) *which states, in part* "No person shall engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or a solid waste facility was operated unless such activity will not result in violation of applicable laws and regulations administered by the director, will not create a nuisance, and will not adversely affect the public safety or health or the environment."

Matt McGill, McGill Property Group
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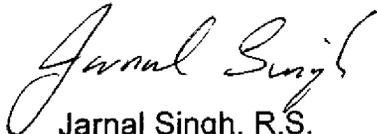
Immediate action must be taken to prevent the uncontrolled migration of landfill gas at this site. In addition, daily monitoring of the storm and sanitary sewers at the site should be undertaken until a permanent solution to gas migration is in place. Please submit a written response, within five days of your receipt of this letter, identifying what actions have been taken to address the above cited violation.

Results of the March 10, 2008, storm and sanitary sewer readings are attached for your reference.

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

JS/cl

Attachment: March 13, 2008, CVC Storm/Sanitary Sewer Gas Monitoring Results

cc: Robert Eubanks, AGO
Melinda Berry, DSIWM-CO
Mayor Longo, City of Garfield Heights
Colin Johnson, Cuyahoga County Board of Health
Bob Skirkanic, Alemco
Chief Nemetz, Garfield Heights Fire Dept.
Bill Waverly, Garfield Heights Building Dept.
File: [Sowers/COUN/CityViewCenter/COR/18]

City View Center Storm/Sanitary Sewer Explosive Gas Monitoring Results

Present were: Jarnal Singh and Lynn Sowers of Ohio EPA,
Matt Sorace of Alemko

Date Conducted: March 13, 2008

Gas Instrument Used: MSA Sirius Multi Gas Detector Serial # A3-5555

Last Calibrated: 3/13/2008 Calibration Standard: A

Weather Conditions: Overcast, windy and approximately 40 Degrees F

Monitoring Station #	Time	Description	LEL (%)	CH4 v/v	O2 (%)
1	1019	Storm	0		20.8
2	1027	Storm	100	21	17.8
3	1036	Storm	100	15	17.8
4	1045	Storm	85		20.8
5	1050	Sanitary	0		20.8
6	1055	Storm	75		20.8
7	1104	Storm	6		20.8
8	1106	Sanitary	5		20.8
9	1110	Storm	100	21	17.8
10	1116	Storm solid w/vents	100	8	19.5
11	1120	Storm vented	10		20.8
12	1123	Storm vented	0		20.8
13	1130	Sanitary	18		20.8
14	1133	Storm	0		20.8
15	1137	Sanitary vented	10		20.8
16	1142	Storm vented	12		20.8
17	1143	Storm	0		20.8
18	1150	Storm	3		20.8
19	1151	Storm	8		20.8
20	1152	Sanitary solid	4		20.8
21	1156	Storm vented	2		20.8
22	1205	Storm vented	19		20.8

Monitoring Station #	Time	Description	LEL (%)	CH4 v/v	O2 (%)
23	1208	Storm vented	33		20.8
24	1209	Storm vented	8		20.8
25	1212	Storm vented	14		20.8
26	1214	Sanitary solid	100	30	17.0
27	1327	Sanitary solid	100	38	13.0
28	1329	Sanitary solid	0		20.8
29	1329	Sanitary	4		20.8
30	1342	Storm vented	8		
31	1345	Sanitary solid	100	7	11
32	1346	Sanitary ? solid Sq	40		
33	1357	Storm vented	5		
34	1359	Storm vented	1		
35	1400	Storm vented	0		
36	1403	Storm vented	40		
37	1408	Storm vented	0		
38	1410	Storm vented	8		
39	1412	Sanitary solid	100	10	19.2
40	1417	Storm vented	0		
41	1419	Sanitary solid	1		
42	1421	Storm vented	0		
43	1423	Storm vented	20		
44	1425	Storm vented	7		
45	1429	comm solid	0		
46	1430	Storm vented	0		
47	1430	Sanitary solid	0		
48	1433	Storm vented	0		
49	1435	Storm vented	5		
50	1439	Storm vented	0		
51	1442	Storm vented	1		
52	1444	Storm vented	20		
53	1445	Storm vented	0		

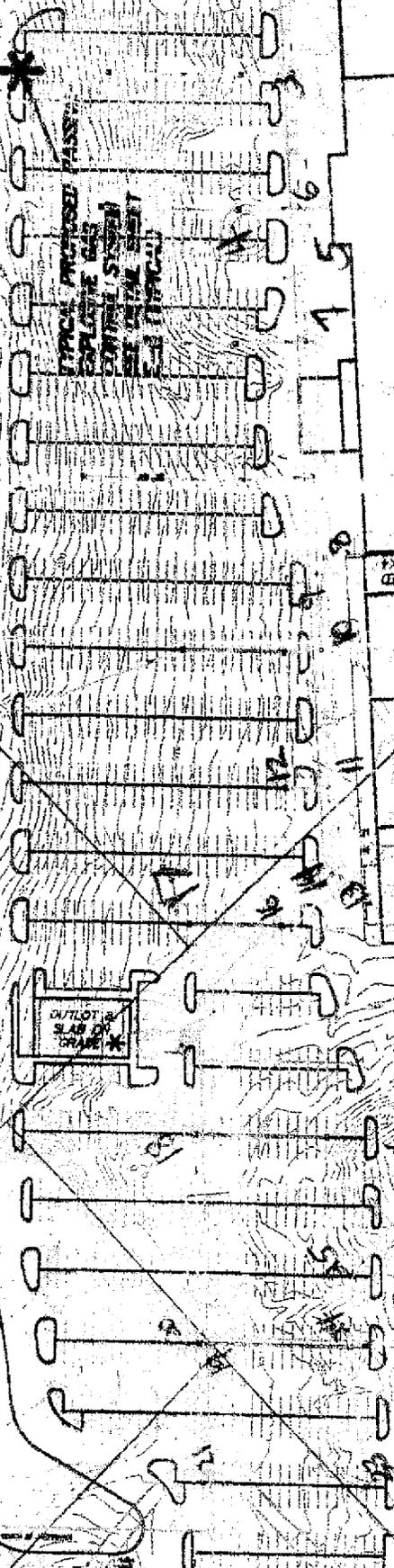
54	1447	Storm vented	10		
55	1454	Storm vented	4		
56	1505	Storm vented	0		
57	1507	Storm vented	0		
58	1509	Storm vented	0		
59	1510	Storm vented	0		
60	1512	Storm vented	0		
61	1515	Storm vented	0		
62	1519	Storm vented	2		
63	1520	Storm vented	8		
64	1523	Storm vented	10		
Electric Vault	1200	vented	8		
Communications Vault	1201	vented	6		

PROPOSED TRANSPORTATION BOULEVARD
LANDFILL CROSSING TYPICAL SECTION (TYP.)
SEE ATTACHED DETAIL SHEET C-3

TRANSPORTATION BLVD. EXTENSION

OUTLET'S
SLAB ON
GRADE

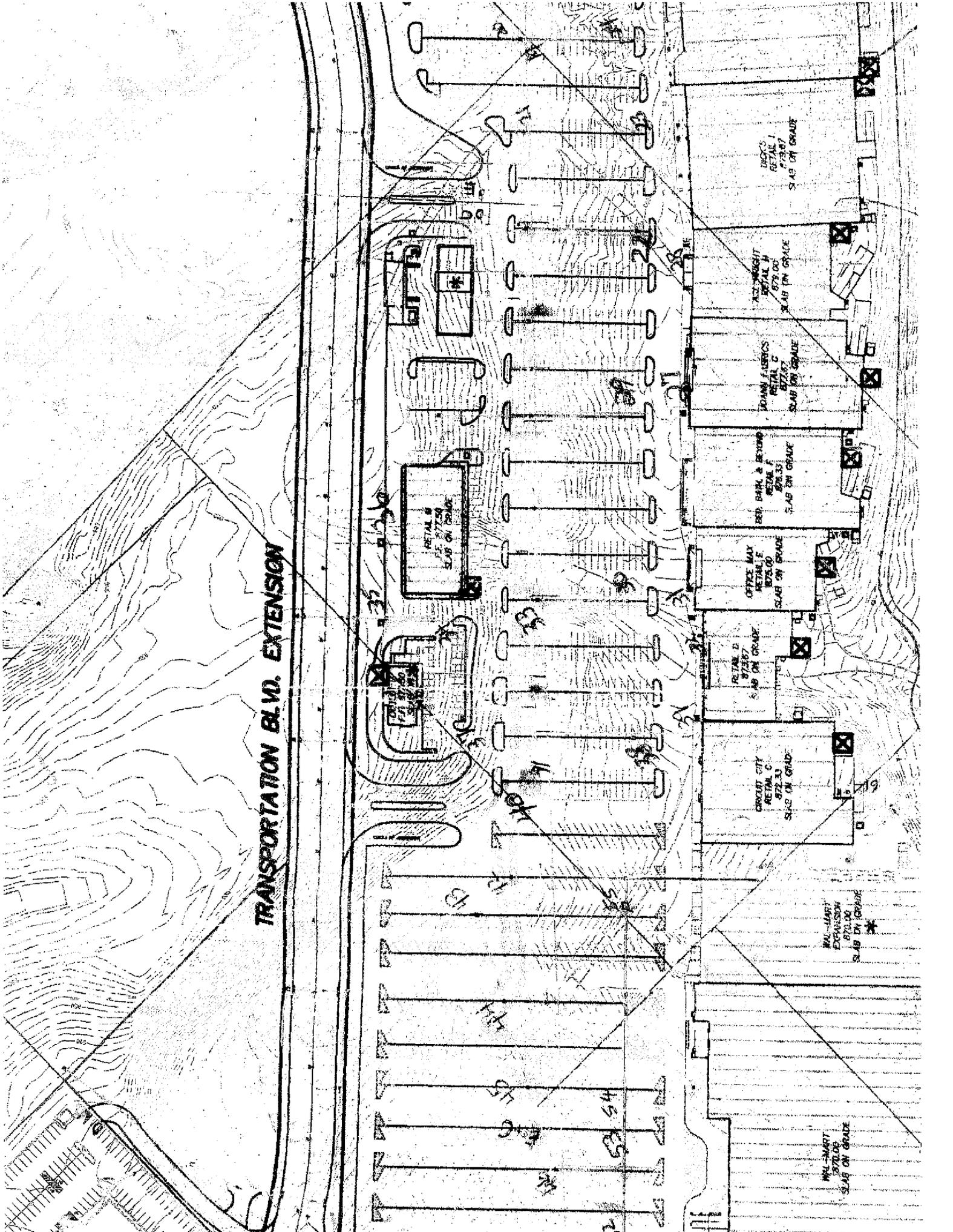
TYPICAL PROPOSED MASS
EXPLOSIVE GAS
EXHAUST SYSTEM
SEE DETAIL SHEET
C-3 (TYPICAL)

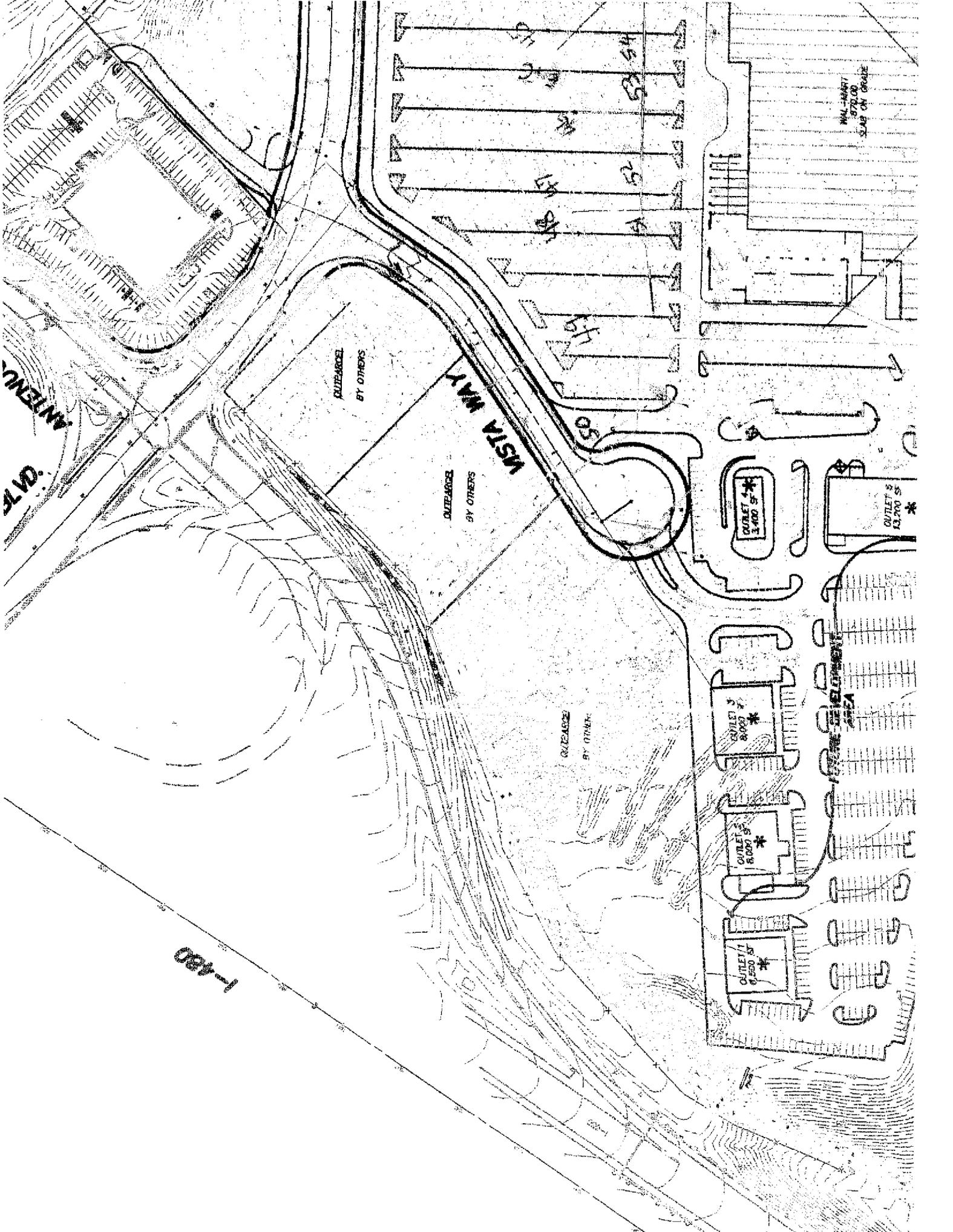


ACTIVE EXTRACTION OF LANDFILL GAS
MAY BE NECESSARY IF WASTE IS
ENCOUNTERED DURING CONSTRUCTION
OF THE BUILDING FOUNDATION

APPROXIMATE LOCATION OF
PROPOSED ACTIVE EXPLOSIVE GAS

TRANSPORTATION BLDG. EXTENSION





ANTENNA
DVA

I-190

OUTLEAGE
BY OTHERS

OUTLEAGE
BY OTHERS

MSTA HWY

OUTLEAGE
BY OTHERS

OUTLET 4
3,400 SF

OUTLET 3
8,000 SF

OUTLET 2
8,000 SF

OUTLET 1
6,500 SF

OUTLET 5
13,200 SF

FUTURE DEVELOPMENT
AREA

WAL-LIBRARY
87,000 SF
SLAB ON GRADE

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