OhioEPA
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 Korleski, Director

January 19, 2010

RE: CITY VIEW CENTER
CUYAHOGA COUNTY
OM&M PLAN
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, John McGill (collectively defined as Defendants McGill) and City View Center, LLC (CVC) entered into a Consent Order and Final Judgment Entry filed in the Cuyahoga County Court of Common Pleas.

Paragraph 49, of the December 2, 2008, Consent Order states, in part, "Within 30 days of the date the Ohio EPA approves the plans for the Main Facility Gas System, Defendants McGill and CVC shall submit, to Ohio EPA for approval, detailed plans and schedules for the operation, maintenance and monitoring of the Main Facility Gas System."

On January 2, 2009, Ohio EPA received a document titled "Northeast Mound (NEM) and Main Facility Active Gas Extraction System Documents, City View Center." Each of the documents included an operations, maintenance and monitoring plan (OM&M). However, on February 19, 2009, Ohio EPA responded to the January 2, 2009, submittals with a notice of deficiency (NOD). This NOD included deficiencies from the OM&M portions of the submittals.

Also, on September 29, 2009, Ohio EPA approved the explosive gas extraction system through Final Findings and Orders.

As of the date of this letter, Ohio EPA has not received an adequate updated OM&M plan for the Main Facility or a response to the February 19, 2009, NOD. Defendants McGill and CVC therefore are in violation of Paragraph 49 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 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
Donald Shapiro, Foresite Realty
File: [Sowers/COUN/City View Center/COR/18]
DSIWM # 2166

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1. Article Addressed to:

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

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