



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

July 10, 2009

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

CERTIFIED MAIL

John McGill
McGill Property Group, LLC
Garfield Land Development, LLC
GHLFP, LLC
125 W. Indiantown Road, Suite 101
Jupiter, Florida 33458

Dear Mr. McGill:

On July 6, 2009, the Ohio Environmental Protection Agency, Northeast District Office (Ohio EPA, NEDO) received correspondence dated June 17, 2009, from Matt McGill of McGill Property Group, LLC regarding Ohio EPA's Notice of Violation (NOV) dated March 17, 2009. Ohio EPA's March 17, 2009, NOV was issued due to Defendants McGill Property Group, LLC, Garfield Land Development, LLC, GHLFP and John McGill (collectively defined as Defendants McGill) failure to comply with Paragraph 41. of the December 2, 2008, Consent Order and Final Judgment Entry filed in the Cuyahoga County Court of Common Pleas.

Attached to the June 17, 2009, letter were results of a TV Inspection Report conducted by United Survey, Inc. in October 2008, on sections of 54" storm sewers at the City View Center. The sections inspected and reported to Ohio EPA were from manhole (MH) B3 to MH B4 (Buried) (conducted on October 10, 2008), MH B3 to MH B2 (conducted on October 13, 2008), MH B1 to MH B2 (conducted on October 13, 2008), and MH D2 to MH D1B (conducted on October 16, 2008).

The results of the October 2008 TV inspection indentified that sections of the 54" storm sewer lines are broken and that joints in the pipes are leaking. Debris buildup was also identified as existing in the lines. A copy of the TV inspection video tape was not included with the June 17, 2009, submittal, nor was a written report of any proposed or actual repairs that had been made to fix the defects identified in the October 2008 TV Inspection Report.

As you are aware, Paragraph 41. of the December 2, 2008, Consent Order states, "Within 30 days of the effective date of this Order, Defendants McGill shall video (camera and record) the interior of the two 54" storm sewers discharging to the Western Slope to determine if any repairs are needed to the sewers. Within 30 days of Defendants McGill videoing the two 54" storm sewers, Defendants McGill shall provide to Ohio EPA a copy of the video and a written analysis of the results of the video. Within 120 days of the effective date of this Consent

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Order, Defendants McGill shall repair the interior of either or both of the 54" storm sewer pipes at the Facilities, in the event the video film shows repairs are required. Within 30 days of Defendants McGill performing repairs on the 54" sewers, Defendants McGill shall provide to Ohio EPA a written report of the repairs made."

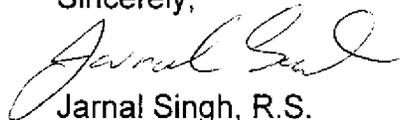
Defendants McGill have not submitted a copy of the video tape of the October 2008 TV inspection of the sewers and have not conducted repairs to the broken or leaking sewers as identified in the United Survey, Inc. October 2008 TV Inspection Report. As such, Defendants McGill remain in violation of Paragraph 41, of the December 2, 2008, Consent Order.

Please submit a copy of the video recording and a complete written analysis (including maps etc) of the findings and fixes resulting from the October 2008 TV inspection of the 54" sewers, to Ohio EPA within 10 days of your receipt of this letter. Failure to comply with the above requirements may result in Ohio EPA pursuing escalated enforcement to ensure that Defendants McGill comply with the terms 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 Defendants McGill 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

cc: Karen Naples, DSIWM-NEDO
Steve Wolfe, USEPA
Melinda Berry, DSIWM-CO
Dan Bogoevski, DSW-NEDO
Colin Johnson, Cuyahoga County Board of Health
Matt McGill, McGill Property Group
File: [Sowers/COUN/CityViewCenter/COR/18]

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PS Form 3800, August 2006 See Reverse for Instructions

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John McGill
 McGill Property Group, LLC
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 125 W. Indiantown Road, Suite 101
 Jupiter, Florida 33458

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