



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

March 31, 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 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. The Consent Order required actions to be taken with regard to the Rule 13 (OAC 3745-27-13) activities conducted at the City View Center located in Garfield Heights, Ohio.

Paragraph 36 of the December 2, 2008, Consent Order states, "Within 5 days of the effective date of this Order, Defendants McGill and CVC shall begin monthly visual inspection(s) of the Facilities for leachate outbreaks. By the 10th day of each month for the preceding month's inspections, Defendants McGill and CVC shall submit, in an inspection report, the date, time, and location of all outbreaks identified and the work undertaken to correct the leachate outbreaks and submit those reports to Ohio EPA and the Cuyahoga County Board of Health. Defendants McGill and CVC shall continue under the requirements of this provision until such time that Ohio EPA expressly determines in writing that leachate outbreaks and off-site migration of leachate at the Facilities have been permanently addressed."

In correspondence from Matt McGill dated December 9, 2008 and January 7, 2009, Ohio EPA received notice of leachate inspections conducted on property owned by Garfield Land Development and GHLFP. The January 7, 2009 letter stated that Alemko was in the process of completing repairs to leachate outbreaks identified in the letter and that an updated map and summary would be provided upon completion of the repairs.

As of the date of this letter, Ohio EPA has not received an updated map or summary of the repairs conducted at the leachate outbreak areas as identified in the January 7, 2009 letter. Also, Ohio EPA has not received leachate outbreak inspection reports for the months of January and February 2009. As such, Defendants McGill are in violation of Paragraph 36, of the December 2, 2008, Consent Order.

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As referenced above, Defendants McGill are required to conduct monthly visual inspection(s) of the Facilities for leachate outbreaks and report those findings to Ohio EPA and the health department by the 10th day of each month for the preceding month's inspections. The inspection report must include, at a minimum, the date, time, and location of all outbreaks identified and the work undertaken to correct the leachate outbreaks.

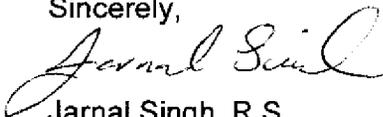
Failure to comply with the above requirements may result in Ohio EPA pursuing escalated enforcement action to ensure that Defendants McGill comply with the terms of the December 2, 2008 Consent Order.

Please be reminded that Paragraph 37 of the December 2, 2008, Consent Order requires that "All leachate outbreaks identified by Defendants McGill, CVC, Ohio EPA, or Cuyahoga County Board of Health at the Facilities shall be repaired by Defendants McGill and/or CVC within 7 business days of becoming aware of the leachate outbreaks".

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

cc: Robert Eubanks, AGO, EES
Karen Naples, DSIWM-NEDO
Melinda Berry, DSIWM-CO
Steve Wolfe, USEPA
Colin Johnson, Cuyahoga County Board of Health
Matt McGill, McGill Property Group
Dale Markowitz, Thrasher, Dinsmore & Dolan
File: [Sowers/COUN/CityViewCenter/COR/18]

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 City, State, ZIP+4 *McGill Property Group*

PS Form 3800, August 2006 See Reverse for Instructions

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1. Article Addressed to:

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

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