



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

March 17, 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 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 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."

On December 29, 2008, Ohio EPA received a letter from Matt McGill dated December 24, 2008, stating that Garfield Land Development, LLC had engaged United Survey to commence video recording of the two 54" storm sewers to determine if any repairs were needed to the sewers. The letter also stated that, "The work is substantially complete and will be provided to Ohio EPA when available, which will not be later than 1/31/2009..."

As of the date of this letter, Ohio EPA has not received a copy of the video recording and written analysis of the results of the video inspection of the two 54" storm sewers. As such, Defendants McGill are in violation of Paragraph 41, of the December 2, 2008, Consent Order.

John McGill  
McGill Property Group, LLC  
March 17, 2009  
Page 2

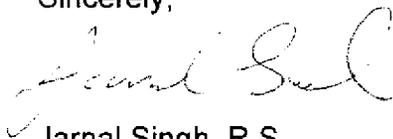
Please submit a copy of the video recording and a written analysis of the findings of the recording to Ohio EPA within 10 days of your receipt of this letter. As you are aware, pursuant to paragraph 41, of the December 2, 2008, Consent Order, any repairs that are required to be made, as identified by the video inspection, are required to be completed by April 1, 2009. 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.

In addition, paragraph 43 of the December 2, 2008, Consent Order requires Defendant McGill to submit copies of storm water inspection reports required by Paragraph H.2.c of the March 18, 2005, Directors Findings and Orders. The inspection reports are required to be submitted upon the effective date of the orders, i.e., December 2, 2008. The inspection reports are generated in response to storm water inspections conducted once every 7 days and within 24 hours of a 0.5-inch or greater rainfall. To date, Ohio EPA has not received any inspection reports, thus Defendant McGill is in violation of this provision of the December 2, 2008, Orders. Please submit a copy of the inspection reports from December 2, 2008, to the present with the information you submit regarding the video analysis of the two 54-inch storm sewers.

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 GHLFP 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  
Dan Bogoevski, DSW-NEDO  
Matt McGill, McGill Property Group  
Colin Johnson, Cuyahoga County Board of Health  
File: [Sowers/COUN/CityViewCenter/COR/18]

Melinda Berry, DSIWM-CO  
Steve Wolfe, USEPA  
Chief Nemetz, Garfield Heights Fire Dept.

7004 2510 0002 0844 2801

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

Postage	\$	Postmark Here <b>95</b> <b>3-18-09</b>
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To John Mc Gill  
 Street, Apt. No.;  
 or PO Box No. McGill Property Group  
 City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
 B. Received by (Printed Name) C. Date of Delivery  
 D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
 4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
 (Transfer from service label) 7004 2510 0002 0844 2801 Journal Singh 3-18-09