



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 18, 2007

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

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

Thomas Klein
City View Center, LLC
c/o City View Center Holding Company, LLC
27 Orchard Street
Monsey, NY 10952

Dear Messrs. McGill and Klein:

On July 10, 2007, Ohio Environmental Protection Agency (Ohio EPA) Northeast District Office (NEDO) observed that a number of the sinkholes created by settlement greater than 12 inches in depth at the rear of Wal-Mart located at the City View Center site had been repaired by filling the sinkholes with an asphalt patch mix. On July 11, 2007, Ohio EPA revisited the site and observed that a majority of the filled sinkholes had 'caved in' and holes were again present.

Order # 5.A.2) of the March 18, 2005, Director's Final Findings & Orders (DFF&Os), states in part, "...Respondents shall perform all activities described in Appendices C, D, E and F as they pertain to the Facilities, and Respondents shall perform all such activities in strict accordance with these Orders and the plans, specifications, and other information contained in Appendices C, D, E and F. There may be no deviation from the requirements of Appendices C, D, E and F without prior written authorization from Ohio EPA. Any future activities at the Facilities beyond those required or authorized under these Orders may require additional Ohio EPA approval."

Section 8.2 (page 32) of your OAC 3745-27-13 document, as approved through Appendix E of the March 18, 2005, DFF&Os, states, "If differential settlement over 12" in depth occurs, or by direction of civil engineer and soil engineer of record, McGill or its designee will remove the pavement, sub-base, and stone and fill the sub-base with compacted clay materials as specified by geo-technical engineer to bring the soil surface back to its original grade with "structural fill" in accordance with the QA/C Plan."

The repairs you conducted on July 10, 2007 at the rear of Wal-Mart to fix the sinkholes that resulted from settlement greater than 12 inches in depth deviate from Section 8.2 (page 32) of your OAC 3745-27-13 document. As such, you are in violation of Order # 5.A.2) of the March 18, 2005, DFF&Os.

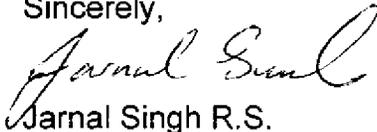
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Please take immediate actions to investigate the nature, extent and severity of the settlement at the rear of Wal-Mart and conduct repairs in accordance with the authorizing documents. Please submit, as a matter of urgency, a detailed schedule and work plan of the actions to be taken to investigate and repair the effects of settlement at this site.

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 McGill Property Group, LLC, Garfield Land Development, LLC, 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
Melinda Berry, DSIWM-CO
Robert Eubanks, AAG, AGO, EES
Denise Romano, Cuyahoga County Board of Health
John McGill, President, McGill Property Group
Bennett Kest, Kest Property Management Group, LLC.
File: [Sowers/Land/CityView /COR/18]