



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

April 22, 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 57 of the December 2, 2008, Consent Order states, "Upon the effective date of this Order, Defendants McGill and CVC shall inspect the Facility on a monthly basis for damage to the cap and pavement and repair all such damage, and submit copies of the preceding month's inspection reports to Ohio EPA no later than the 15th day of each month. The reports shall identify areas of concern and give detailed descriptions of the actions taken to repair all such areas of concern."

As of the date of this letter, Ohio EPA has not received an inspection report documenting inspection of damage to the cap or pavement and/or any repairs that may have been conducted on property owned by Defendants McGill for the month of March 2009. Defendants McGill therefore remain in violation of Paragraph 57 of the December 2, 2008, Consent Order for failing to conduct and submit a cap and pavement damage inspection report for the month of March 2009. As documented in an Ohio EPA notice of violation letter dated April 2, 2009, Defendants McGill also failed to submit inspection reports required pursuant to the Paragraph 57 for the months of January and February 2009.

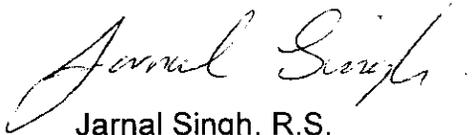
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Failure to comply with the above requirements may result in Ohio EPA pursuing escalated enforcement action to ensure that Defendants McGill comply with the terms of the December 2, 2008 Consent Order.

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
Melinda Berry, DSIWM-CO
Colin Johnson, Cuyahoga County Board of Health
Matt McGill, McGill Property Group
Dale Markowitz, Thrasher, Dinsmore & Dolan
File: [Sowers/County/City View Center/Cor/18]

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John Mc Gill
Mc Gill Property Group

PS Form 3800, August 2006

See Reverse for Instructions