



State of Ohio Environmental Protection Agency

Northeast District Office

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

April 2, 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 56. of the December 2, 2008, Consent Order states, "Within 30 days of the effective date of this Order, Defendants McGill and CVC shall submit a report to the Ohio EPA identifying all existing erosion at the Facilities, repair all such erosion within 30 days of the effective date of this Order, and within 45 days of the effective date of this Order submit a report to the Ohio EPA identifying the repairs that were performed."

Ohio EPA received correspondence dated January 6, 2009, from Matt McGill indicating that temporary stabilization in the form of mulch was applied in six areas at the City View Center. The document, however, did not identify whether any eroded areas were repaired prior to the placement of mulch. For example, a visit to the site by Ohio EPA on February 29, 2009, revealed that mulch was applied on the side slope adjacent to storm sewer #D-29 but, no erosion repairs were conducted in that area (see attached picture).

On January 21, 2009, Ohio EPA received correspondence dated January 16, 2009, and titled Erosion Control from Matt McGill. The correspondence stated in part that, "...weather conditions in the Greater Cleveland area have prohibited Alemko from completing all erosion measures." As of the date of this letter, Ohio EPA has not received a report identifying whether areas with erosion have been repaired. As such, Defendants McGill are in violation of Paragraph 56 of the December 2, 2008, Consent Order.

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

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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."

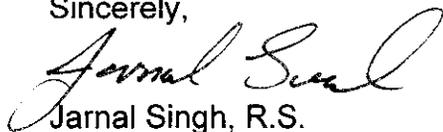
By correspondence dated January 6, 2009, from Matt McGill, Ohio EPA received notice of six areas at the site where mulch had been applied. The correspondence also stated that Ohio EPA would be notified of completion of erosion repairs in the following monthly report. Ohio EPA has not received any subsequent erosion control or cap and pavement inspection reports following the January 6, 2009, and January 16, 2008 erosion control letters. Defendants McGill are, therefore, in violation of Paragraph 57 of the December 2, 2008 Consent Order for failing to conduct and submit cap and pavement damage inspection reports for the months of January and February 2009.

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

Melinda Berry, DSIWM-CO
Steve Wolfe, USEPA

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Picture taken February 29, 2009, showing erosion of cover soils in area of storm sewer manhole D-29

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Sent to: *John McGill*
Street, Apt. No.,
or PO Box No. *McGill Property Group*
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PS Form 3800, August 2006

See Reverse for Instructions