



State of Ohio Environmental Protection Agency

Northeast District Office

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

March 3, 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 February 27, 2009, the Ohio Environmental Protection Agency (Ohio EPA) received email notification from Bob Skirkanic that Alemko terminated services with your companies at the City View Center in Garfield Heights, Ohio. Ohio EPA confirmed via telephone conversations with Matt McGill, and Chuck Satchwill of SCS Engineers on March 2, 2009, that no explosive gas monitoring has been conducted on property owned by McGill Property Group, GHLFP or Garfield Land Development at the City View Center since Alemko's termination of services with you on February 27, 2009. Ohio EPA visited that site on February 27, 2009, and observed that the 16 blowers that were in place on your properties at the City View Center had also been removed.

As you are aware, paragraph 50 of the December 2, 2008 Consent Order and Final Judgment Entry filed at the Cuyahoga County Court of Common Pleas states in part, "Defendants McGill and CVC shall monitor daily all underground structures (i.e. catch basins, manholes and vaults) for methane gas, unless otherwise approved by Ohio EPA, and submit a weekly written report of the findings to Ohio EPA. If methane gas is detected at or above the action level of 18% LEL peak reading during any monitoring event, Defendants McGill and CVC shall immediately cordon off the area with a 10 foot perimeter and insert a blower to remove the build-up of methane gas. After a blower is installed, the blower will remain in place until the Main Facility Gas System is installed and all underground structures are sealed..."

Failure to conduct daily monitoring on your properties at the City View Center and the removal of 16 blowers (that were in place over sewer manholes, catch basins and vaults which historically showed elevated levels of landfill gas) at this site is in violation of paragraph 50 of the December 2, 2008 Consent Order, and may result in Ohio EPA filing contempt charges against you with the Cuyahoga County Court of Common Pleas.

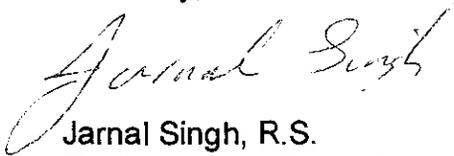
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It is imperative that blowers be reinstalled on structures from which they were removed and that daily monitoring of the subsurface structures be reinstated immediately at the site.

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 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
Melinda Berry, DSIWM-CO
Steve Wolfe, USEPA
Colin Johnson, Cuyahoga County Board of Health
Matt McGill, McGill Property Group
Bennett Kest, Kest Property Management Group
Chief Nemetz, Garfield Heights Fire Dept.
File: [Sowers/COUN/CityViewCenter/COR/18]

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