



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

February 10, 2009

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

CERTIFIED MAIL

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

Dear Mr. McGill:

The Ohio Environmental Protection Agency (Ohio EPA) is in receipt of Weekly Reports submitted for the City View Center R&B Development Landfill site located in Garfield Heights Ohio. The reports were submitted by SCS Engineers on behalf of GHLFP, LLC, Garfield Landfill Development, LLC, and City View Center, LLC, and include punch bar explosive gas monitoring results collected during weekly monitoring events along the western slope of the northeast mound. This gas monitoring is required to be conducted pursuant to contingency monitoring requirements detailed in the May 26, 2005 approved R&B Development Landfill Explosive Gas Monitoring Plan (R&B EGMP).

Ohio EPA has reviewed the Explosive Gas Monitoring Punch Bar Station reports contained in the Weekly Reports from the period of December 8, 2008, through the present (post December 2, 2008, Consent Order), and has determined that the data submitted within those reports continues to lack information required by the approved R&B EGMP.

Section 8.1.2 of the approved R&B EGMP states, in part, *"Each permanent monitoring location will be monitored for percent combustible gas, gas pressure in the monitor, water level in the monitor, ambient barometric pressure, ambient air temperature, relative humidity, and observed weather conditions. Punch bar locations will be measured for percent combustible gas, ambient barometric pressure, ambient air temperature, relative humidity and observed weather conditions."*

The data submitted in the Weekly Reports does not include the following information: ambient barometric pressure at the punch bar locations and, gas pressure, water level, ambient barometric pressure, and relative humidity for readings taken at the permanent monitoring locations.

As such, McGill Property Group, LLC and GHLFP, LLC are in violation of the following requirements:

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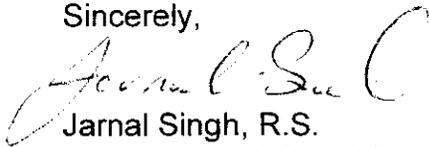
- 1) **Condition 1 of the May 26, 2005, R&B EGMP**, which states in part, *"All activities shall be conducted in strict accordance with the plans, specification, and information submitted as part of the plan."*
- 2) **Order 29 of the December 2, 2008 Consent Order**, which states in part, *"Defendants McGill shall monitor off-site migration of Landfill gas from the Northeast Mound in accordance with the contingency monitoring plan in the approved R&B Development Landfill Explosive Gas Monitoring Plan..."*
- 3) **Section 3734.041(A) of Ohio Revised Code (ORC)**, which states in part, *"no person shall violate or fail to perform a duty imposed by a plan under this section."*

Please ensure that explosive gas monitoring conducted at the site is conducted and documented in strict compliance with Ohio Administrative Code 3745-27-12 and the approved May 26, 2005 R&B EGMP.

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
Matt McGill, McGill Property Group
Bob Skirkanic, Alemco
Chief Nemetz, Garfield Heights Fire Department
Chuck Satchwill, SCS Engineers
Colin Johnson, Cuyahoga County Board of Health
File: [Sowers/COUN/CityViewCenter/COR/18]

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Sent To *John McBill*
Street, Apt. No.,
or PO Box No. *McBill Property Group*
City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions