



State of Ohio Environmental Protection Agency

Northwest District Office

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Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.gov/ohio

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

March 11, 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:

As you are aware, 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 47. of the December 2, 2008, Consent Order states, "Within 30 days of the effective date of this Order, Defendants McGill shall submit a detailed plan and implementation schedule for sealing all underground structures such as catch basins, storm and sanitary sewers, manholes, and utility vaults using the method of sealing employed on the CVC owned Facilities by Marra Constructors, Inc. or as approved by Ohio EPA. Within 30 days of the Ohio EPA's approval of the detailed plan and implementation schedule, Defendants McGill shall commence to seal all underground structures as approved. Defendants McGill shall complete the work within 60 days of commencing to seal the underground structures."

As of the date of this letter, Defendants McGill have failed to submit a detailed plan and implementation schedule for sealing the underground structures on property owned by Defendants McGill at the City View Center site. Additionally, no sealing or repairs to the underground structures has occurred on property owned by Defendants McGill. As such, Defendants McGill are in violation of Paragraph 47, of the December 2, 2008, Consent Order.

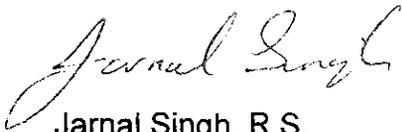
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The sealing of the subsurface structures is a requirement of Appendices E and F of the March 18, 2005 Orders and is required per the December 2, 2008, Consent Order in order to prevent gas migration of explosive gases into these structures. Please submit detailed plans and an implementation schedule for sealing all underground structures on your properties at this site, within 5 days of your receipt of this letter. Failure to submit or comply with the above requirements may result in Ohio EPA filing contempt charges against you with the Cuyahoga County Court of Common Pleas.

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
Chief Nemetz, Garfield Heights Fire Dept.
File: [Sowers/COUN/CityViewCenter/COR/18]

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JS
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Sent To: *John Mc Gill*
 Street, Apt. No. or PO Box No.: *McGill Property Grp*
 City, State, ZIP+4: