



State of Ohio Environmental Protection Agency

North West 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

March 13, 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 46. of the December 2, 2008, Consent Order states, "Within 30 days of the effective date of this Order Defendants McGill shall apply a soil layer with a minimum thickness of six inches and of sufficient fertility to support dense vegetation on areas currently not paved or where building construction has not commenced. These areas shall also be graded to prevent the ponding of water on the surface and shall be seeded to establish a dense vegetative cover. Dense vegetation shall be maintained until construction commences on such areas."

As of the date of this letter, Defendants McGill have failed to apply a minimum 6" soil layer over all areas that are not paved or in areas where building construction has not commenced. Although some grading was conducted in the unpaved parking lot area at the proposed 'Retail L' location, no soil or seeding was applied to other unpaved or unconstructed Garfield Land Development, LLC property (see attached photographs). As such, Defendants McGill are in violation of Paragraph 46, of the December 2, 2008, Consent Order.

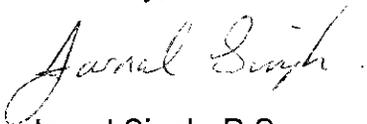
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Please complete the grading and seeding requirements per paragraph 46, of the December 2, 2008, Consent Order within 10 days of your receipt of this letter, and submit documentation that identifies what actions have been taken, to Ohio EPA within 15 days of this letter. Failure to comply with the above requirements may result in Ohio EPA pursuing escalated enforcement 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  
Attachments

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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Photograph taken February 27, 2009. Overlooking Outlot 2 - Looking northwest



Photograph taken February 27, 2009. Overlooking Outlot 2 - Looking northeast

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Photograph taken February 27, 2009. Overlooking Outlot 3A - Looking east



Photograph taken March 8, 2009. Overlooking Outlot 2 - Looking north

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Photograph taken February 27, 2009. Overlooking Retail "L" Parking lot -  
Looking north



Photograph taken February 27, 2009. Overlooking Retail "L" Parking lot -  
Looking south

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*3-13-09*

Sent to: *John Mc Gill*

Street, Apt. No.,  
or PO Box No.: *Mc Gill Property Exp*

City, State, ZIP+4: