



State of Ohio Environmental Protection Agency

**STREET ADDRESS:**

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

**MAILING ADDRESS:**

P.O. Box 1049  
Columbus, OH 43216-1049

May 7, 2009

Mr. John McGill  
125 W. Indiantown Road  
Jupiter, FL 33458

**RE: Notice of Violation  
Financial Assurance  
McGill Property Group, LLC; Garfield Land Development LLC; GHLFP, LLC  
and John McGill**

Dear Mr. McGill:

On December 2, 2008, a Consent Order and Final Judgment Entry was filed in the Cuyahoga County Court of Common Pleas. McGill Property Group, LLC; Garfield Land Development LLC; GHLFP, LLC and John McGill are named as "Defendants McGill." Order No. 58. requires \$700,000.00 to be funded in a financial assurance mechanism by May 1, 2009. Specifically, the Order states as follows:

58. Not later than May 1, 2009, Defendants McGill shall fund a \$700,000.00 (seven-hundred-thousand dollars) financial assurance mechanism (the "McGill Financial Assurance Funds(s)") in the form of cash in a trust fund, letter of credit or surety bond in accordance with Ohio Adm. Code Rules 3745-27-15, 3745-27-16 and 3745-27-17 (but modified to allow the financial assurance to be drawn by Ohio EPA to pay for civil and stipulated penalties). The McGill Financial Assurance Funds(s) can be used by Ohio EPA for any Closure and Post-Construction Care Activities, including maintenance of any Landfill gas extraction systems, and to pay for any civil or stipulated penalties as provided in this Order.

A new financial assurance mechanism was required to be funded in the amount of \$700,000.00 or an increase in the current Garfield Land Development, LLC Trust Fund was required to be made in the amount of \$700,000.00 by May 1, 2009. Our records indicate that, to date, Defendants McGill have failed to fund \$700,000.00 of financial assurance by May 1, 2009.

Therefore, Defendants McGill are in violation of the December 2, 2008 Consent Order and Final Judgment Entry. Please respond to this letter within fifteen days after receipt and indicate how you will resolve this ongoing violation of Ohio law.

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

Mr. John McGill  
McGill Property Group, LLC; Garfield Land Development, LLC; GHLFP, LLC  
and John McGill  
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Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the Defendants or owner/operator, from responsibility under Chapters 3704., 3714., 3734., or 6111. of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please call me at (614) 728-5343.

Sincerely,



Fanny Haritos  
Compliance Monitoring and Enforcement Unit  
Division of Solid and Infectious Waste Management

FH/sw

cc: Robert Eubanks, Assistant Attorney General  
Melinda Berry, DSIWM, CMEU  
Jarnal Singh, DSIWM, NEDO  
Karen Naples, DSIWM, NEDO  
Dale H. Markowitz, Thrasher, Dinsmore & Dolan