



Mike DeWine, Governor  
Jon Husted, Lt. Governor  
Laurie A. Stevenson, Director

JUNE 28, 2019

Amy Fagan  
Permit Coordinator  
Marathon Petroleum, LLC  
539 South Main Street  
Findlay, Ohio 45840

Re: City of Marion Landfill  
Director's Authorization  
Approval  
Municipal Solid Waste Landfills  
Marion County  
MSWL019409

**Subject: City of Marion Landfill, Marion County  
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Ms. Fagan:

Ohio EPA JUN 28 '19  
Entered Directors Journal

On May 1, 2018, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northwest District Office (NWDO), received a request, dated April 2019, titled "OAC Rule 3745-27-13 Authorization Request, Geotechnical Borings for Stream Crossing Evaluation, Marion City Sanitary Landfill, Marion County, Ohio" (Request). The Request was submitted in accordance with OAC Rule 3745-27-13(E) by Geosyntec Consultants, Inc., on behalf of Marathon Pipe Line LLC (Marathon), for the City of Marion Landfill (Facility) located at 2100 Marion-Agosta Road, Marion, Ohio.

OAC Rule 3745-27-13 requires authorization from the director of Ohio EPA (director) before engaging in filling, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated. The Facility operated as a municipal solid waste landfill from 1952 to 1992. Marathon is proposing to conduct soil borings within the pipeline right of way near the limits of waste placement of the Facility. The Request proposes to conduct four geotechnical borings to evaluate the soil characteristics and structure surrounding the existing pipeline crossing of the Little Scioto River.

Based upon a review of the Request, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities, if conducted in accordance with the Request as submitted on May 1, 2019 and as revised through May 30, 2019 and the following conditions, will not result in violation of applicable laws or regulations, will not create a nuisance, and are unlikely to adversely affect public safety or health or the environment. Therefore, Marathon is hereby authorized to perform the activities outlined in this letter in accordance with the plans, specifications, and information submitted as part of the Request.

As part of this approval, Marathon is subject to the following conditions:

## CONDITIONS

### General Conditions:

1. This approval grants authorization to perform activities at the Facility in accordance with the Request as submitted on May 1, 2019 and last revised on May 30, 2019. All activities shall be conducted in strict accordance with the plans, specifications, and other information submitted as part of the Request. There may be no deviation from the approved plans without prior written authorization from Ohio EPA. Any future activities at the Facility may require additional Ohio EPA approval.
2. Not later than seventy-two (72) hours prior to the start of the activities associated with this authorization, Marathon shall submit written notification, which specifies the anticipated date of commencement, to Ohio EPA, DMWM, NWDO and Marion Public Health.
3. Access shall be allowed at the Facility to the director or a representative authorized by the director at any time to make inspections, conduct tests, or examine records and reports pertaining to the authorized activities.
4. All on-site activities shall be accomplished in compliance with all applicable state and federal laws and regulations pertaining to environmental protection, including but not limited to the control of air pollution, leachate, surface water run-on and run-off, and protection of ground water.

### Operational Conditions:

#### OAC Rule 3745-27-13(H)(4)

5. Any solid and/or hazardous waste to be removed from the Facility shall be collected and securely stored until these materials are properly characterized and disposed of in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.
6. Prior to any disposal of waste or contaminated soil from the Facility, Marathon shall submit copies of sample analysis results, the treatment or disposal method selected, and a letter of acceptance from the treatment or disposal facility, to Ohio EPA, DMWM, NWDO, pursuant to OAC Rule 3745-27-13(H)(4).

#### ORC Chapter 6111

7. Any liquids, semi-solids, industrial wastes, and other wastes regulated by ORC Chapter 6111 that are removed during intrusive activities shall be collected and securely stored until these materials are properly characterized and disposed of in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.

OAC Rule 3745-27-13(J)

8. All on-site activities shall be performed in a manner that:
  - a. Prevents migration of leachate, explosive gas, or toxic gas from the Facility;
  - b. Does not create a nuisance or adversely affect public safety or health or the environment;
  - c. Controls fugitive dust and other air emissions; and
  - d. Minimizes the potential for increased infiltration of surface water.
9. For the purposes of erosion control, Marathon shall use best management practices and standards as specified in the National Resources Conservation manual titled Rainwater and Land Development prepared by the Ohio Department of Natural Resources, Division of Soil & Water Conservation.

OAC Rule 3745-27-13(H)(6)

10. No boring or excavation shall occur within the limits of waste placement unless any excavated waste is replaced within previously existing horizontal and vertical limits of waste placement or is treated or disposed of at a licensed, permitted treatment or disposal facility, in accordance with ORC Chapter 3734 and the regulations promulgated thereunder.

OAC Rule 3745-27-13(H)(7)

11. If boring or excavation occurs outside the limits of waste placement at the Facility, Marathon shall not use material consisting of solid waste or hazardous waste to backfill the bored or excavated areas.

OAC Rule 3745-27-13(H)(10)

12. Not later than sixty (60) days after completing the activities authorized through this approval, Marathon shall submit to Ohio EPA, DMWM, NWDO, a certification report in accordance with OAC Rule 3745-27-13(H)(10).

OAC Rule 3745-27-13(M)

13. This authorization shall terminate three (3) years after its effective date if Marathon has not begun the activities authorized herein.

OAC Rule 3745-27-13(O)

14. The director may revoke this authorization if Marathon violates, or is likely to violate, any applicable law or if continued implementation of the approved plans may cause a threat to human health or safety or the environment.

Special Conditions:

15. Bore hole testing for explosive gases shall be conducted at each boring location. Testing for explosive gases shall be done immediately as the boring begins and continue for the duration of the boring. If an explosive gas reading exceeds 20% of the lower explosive limit (1% gas), the boring shall cease, and an evaluation must be made.
16. All leachate transmission lines close to the drilling area shall be clearly marked prior to boring commencement. All drilling shall be at least five feet from leachate transmission lines.

**END OF CONDITIONS**

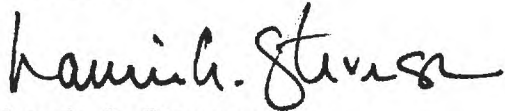
Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations except as specified herein. This authorization shall not be interpreted to release Marathon from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, the Toxic Substances Control 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.

You are hereby notified that this action of the director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission  
30 East Broad Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact Susan Hardy of Ohio EPA, DMWM, NWDO at (419) 373-3043 or [susan.hardy@epa.ohio.gov](mailto:susan.hardy@epa.ohio.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Laurie A. Stevenson". The signature is fluid and cursive, with the first name "Laurie" being more prominent.

Laurie A. Stevenson  
Director

/bnb

ec:     Jeremy Carroll, DMWM-CO  
         Mike Reiser, DMWM-NWDO  
         Jim Bischoff, City of Marion  
         Tyler Pigman, Marion Public Health