



# **OAC RULE 3745-27-13 AUTHORIZATION REQUEST**

## **HEATH-HARPSTER 10" PRODUCTS PIPELINE LITTLE SCIOTO RIVER PIPE BRIDGE CROSSING INSTALLATION**

### **MARION CITY SANITARY LANDFILL**

*MARION COUNTY, OHIO*

*Prepared for*

**Marathon Pipe Line, LLC**  
539 South Main Street  
Findlay, Ohio 45840

*Prepared by*

Geosyntec Consultants, Inc.  
8217 Shoal Creek Blvd  
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Project Number: TXE1153

October 2019

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## 1. INTRODUCTION

On behalf of Marathon Pipe Line, LLC. (MPL), Geosyntec Consultants (Geosyntec) is submitting this Ohio Administrative Code (OAC) Rule 3745-27-13 (Rule 13) Authorization Request to perform excavations associated with a pipe bridge installation at the inactive Marion City Sanitary Landfill (MCSL) in Marion, OH. The MCSL is a closed solid waste disposal facility located in Marion, Ohio. Much of the landfill was closed in accordance with the 1976 Solid Waste Regulations and has a 2-foot thick re-compacted soil barrier layer and a 4-inch thick vegetative cover layer. The remaining portions of the site have a Best Available Technology (BAT) Cap System consisting of a 2-foot thick re-compacted soil barrier layer, a 1-foot thick drainage layer, and a 2-foot thick vegetative cover layer.

MPL retains a 10-inch diameter steel pipeline (Heath-Harpster 10" Products) located within their active maintained right-of-way (ROW) across the inactive MCSL property. MPL proposes to replace the existing above ground pipeline river crossing with an elevated pipe bridge crossing of the Little Scioto River and is pursuing an OAC Rule 13 Authorization from Ohio EPA. The pipeline river crossing occurs within the property bounds of the MCSL. Rule 13, effective August 15, 2003, requires Ohio EPA (OEPA) approval for activities on a closed solid waste facility including drilling, filling, grading, or excavating. The MCSL was formerly permitted under OAC Chapter 3734 of the Revised Code as described in Rule 3745-27-13(D)(1)(a). In accordance with Rule 3745-27-13(E), the following sections demonstrate that the proposed excavation activities at the inactive MCSL will not create a nuisance and is unlikely to adversely affect human health or the environment.

This Rule 13 Authorization Request narrative has been formatted according to Paragraphs (E)(1) to (E)(13) of Rule 3745-27-13 and provides the required information that pertains to the regulatory history of the MCSL and the potential excavation activities at the facility.

## 2. SITE LOCATION & INFORMATION – OAC 3745-27-13(E)(1)

*The location specified on a 7-1/2 minute USGS topographical map and on a topographic map with a maximum scale of one inch equals two hundred feet, legal description, type of facility, demonstration of current property ownership, and demonstration of current facility ownership.*

The inactive MSCL is located at 2100 Marion Agosta Road in Marion and Big Island Townships, Marion County, Ohio. Legal demonstration of current property/facility ownership (i.e. City of Marion, Ohio) can be found in Appendix A. The site location is specified in Figure 1 on a 7 ½ minute USGS topographical map and on a current topographic map.

### 3. SUMMARY OF PROPOSED ACTIVITIES & PURPOSES – OAC 3745-27-13(E)(2)

*The specific activities and their intended purposes for which authorization is requested.*

As displayed on Figure 2, MPL retains the Heath-Harpster Products pipeline located within their maintained 50-foot ROW across the MCSL property. This pipeline spans the landfill from the southern property line (between the western and eastern limits of waste in Area 5) to the northern property boundary (between the limits of waste of Areas 2 and 3). MPL proposes to conduct four excavations to facilitate the replacement of the existing crossing of the Little Scioto River with installation of an elevated pipe bridge crossing (crossing location at latitude 40.588034 and longitude -83.188177). Two shallow, superficial surface excavations may be conducted where the current pipe immediately enters the banks of the river to facilitate removal of the replaced segment. The excavations are anticipated to be completed with a typical tracked backhoe excavator with access routes limited to maintained landfill access roads and existing right-of-way bounds to minimize the amount of potential disturbance to the existing cover system. The approximate locations for the excavations are provided in Figure 2 with detailed drawings of excavations included in Appendix A. Further detail regarding the description of potential excavation activities is provided in Section 8.0.



#### 4. SITE REGULATORY HISTORY & PREVIOUS PERMITS – OAC 3745-27-13(E)(3)

*Discussion of all previous and existing permits, licenses, approvals, and orders pertaining to past and ongoing waste treatment, storage, or disposal activities issued under local, state, and federal environmental regulations for lands upon which authorization under this rule is requested.*

The MCSL facility began receiving solid waste in 1956, prior to any solid waste regulations. The City received an operating permit from the OEPA Northwest District Office in 1986 and continued to operate under the permit until January of 1992 when the facility ceased acceptance of solid waste. In October of 1991, the City of Marion submitted a Closure/Post-Closure Plan in accordance with OAC Rule 3745-27-11 (A). OEPA issued a Notice of Deficiency letter dated November 20, 1991 and a revised Closure/Post Closure Plan was submitted to the Agency on April 17, 1992. Approval of the Closure/Post Closure Plan for the MCSL was issued on August 11, 1992.

Closure activities at the landfill began in August of 1993, with the installation of a leachate collection system. Construction of a landfill cap and a surface water drainage system began on November 12, 1993 and continued through October 20, 1994. The landfill gas management system for the site was installed in June of 1995, and the perimeter fence was erected in March of 1995. Record documentation of closure activities was sent to OEPA on August 1, 1995.

As part of a Corrective Measures Study in April 1994, the City of Marion decided to install a leachate transmission system. This transmission line would connect the sumps and manholes to a main conveyance, directly pumping leachate from the landfill to the adjacent City of Marion Publicly Owned Treatment Works (POTW) for final leachate disposal. Construction of the transmission system began in February of 1997 and was completed in November of 1997. Record documentation was sent to the OEPA following the completion of construction activities in November of 1997.

## **5. LETTERS OF ACKNOWLEDGEMENT & NOTICE – OAC 3745-27-13 (E)(4)(5)**

*Letters of acknowledgment from the owners of all parcels of land to which the authorization pertains. Copies of certified mail receipts and a statement certifying that letters of notice stating that authorization under this rule is being requested for the affected site have been sent.*

Letters of notice stating that authorization under Rule 13 is being requested for the MCSL site were submitted to the following entities:

- The City of Marion
- Marion County Board of Health;
- Marion Township Zoning;
- Marion County Commissioners;
- Delaware, Knox, Marion, Morrow Solid Waste Management District; and
- Marion City Fire Department.

Copies of these letters and their certified mail receipts are provided in Appendix C.



## 6. SITE WASTE DISPOSAL HISTORY – OAC 3745-27-13 (E)(6)

*A discussion of the site's present or known prior use of hazardous waste or solid waste treatment, storage or disposal, including a summary and discussion of all available documentation pertaining to the dates of operation, types and quantities of waste handled at the site, and ownership.*

The MCSL began accepting wastes in 1956. . These wastes consisted of residential solid waste as well as commercial and industrial waste. The site began disposing of waste in the Old Landfill area in 1956. The entire site covers approximately 110 acres, with wastes confined to 11 disposal areas ranging in size from one to twenty acres. These cells are identified as Area 1 (North), Area 1 (South), Area 2, Area 3, Area 4 (North), Area 4 (South), Area 5 (East), Area 5 (West), Area 6, Old Landfill (North), and Old Landfill (South). During the final years of operation, the landfill accepted waste at a rate of 55,000 tons/year. The landfill ceased accepting waste on January 17, 1992. Closure construction activities were completed in accordance with the approved revised Final Closure/Post Closure Plan (April 17, 1992) in June of 1995. Record documentation of the closure activities was issued to the OEPA on August 1, 1995, as previously detailed in Section 4.0.

## 7. SITE CLOSURE AND POST-CLOSURE ACTIVITIES – OAC 3745-27-13 (E)(7)

*A detailed discussion of the closure and/or post-closure activities, if any, performed at the facility and an evaluation of the present condition of the closed facility.*

The MCSL completed closure activities in accordance with the approved revised Final Closure/Post Closure Plan (April 17, 1992) for the site in June of 1995. A detailed description of the closure activities performed is included in the "Marion City Sanitary Landfill Record Documentation of Final Closure Construction Activities", which was submitted to the Ohio EPA on August 1, 1995. Closure activities consisted of the installation of a final cover system, leachate collection system, landfill gas management system, surface water drainage system, and perimeter fencing.

The approved revised Final Closure/Post Closure Plan (April 17, 1992) defined two specific landfill "cap" designs to be used for the final cover system. The first was a "Best Available Technology (BAT) cap", and the second was a "Typical cap". The BAT cap is comprised of a 2-foot thick re-compacted soil barrier layer, a 1-foot thick soil drainage layer, and a 2-foot thick vegetative soil layer. The areas with a BAT cap are Area 1 (North) and Area 2. The Typical cap is comprised of a 2-foot thick re-compacted soil barrier layer and a 4-inch thick vegetative soil barrier layer. The areas with a Typical cap are Area 1(South), Area 3, Area 4, Area 5, Area 6, and the Old Landfill Area. The original leachate collection system consisted of 10 manholes, 12 sumps, and a series of piping networks. The leachate was pumped from the manholes into collection vehicles on a regular basis (approximately 2.0 million gallons per year) and transported to the Marion Wastewater Treatment Plant for disposal. The City of Marion reevaluated the leachate management system in April of 1994 and decided to increase the quantity of leachate that could be removed from the landfill (approximately 84 million gallons per year, per design) by means of a leachate transmission system. This approach consisted of 17 submersible pumps which were installed in the existing leachate collection manholes and sumps, and a network of high-density polyethylene (HDPE) transmission lines were installed to receive the discharge from the submersible pumps and convey it to the Marion Wastewater Treatment Plant. As part of the closure activities, a landfill gas management system which consisted of 19 passive methane gas vents were installed in 1995. Four vents were installed in Area 1, three vents in Area 2, two vents in Area 3, two vents in Area 4, five vents in Area 5, and three vents in Area 6.

A surface water drainage system was the next component of the closure activities. Areas 1 through 6, as well as the Old Landfill Area, have channels that collect and transport surface water. The channels are designed to handle the 25-year, 24-hour storm event. Finally, a six-foot high chain link fence was installed in March of 1995. The fence was installed in front of the landfill paralleling State Route 95, along the eastern boundary next to the Marion Wastewater Treatment Plant, and next to the borrow pit along Herr Rd. The fence was installed to prevent unauthorized access to the landfill site. Fence posts were set in 3 feet deep concrete foundations. All installation procedures and requirements met ASTM and ACI codes. Please note that there are driveways/trails that currently connect a bike path to the landfill along the northern perimeter of the property. These entrances to the landfill are marked with "No Trespassing" signs;



however, the City of Marion proposes to block these entrances in the near future (i.e. fencing and/or chains) which will prohibit access to the landfill.

Because a leachate collection and transmission line system was originally not installed in the Old Landfill (North), a leachate collection trench (toe drain) was installed along the northern section of the Old Landfill in 2010. Due to increasing elevated chloride concentrations in downgradient monitoring well W-28, Ohio EPA recommended additional corrective measures on the northern side of the Old Landfill (North), thus reducing the risks associated with leachate seeping through the bottom of the unlined landfill while complying with OAC Rule 3745-27- 10(F)(1).

The update to the leachate management system in the Old Landfill included the installation of approximately 952 feet of 6-inch perforated leachate collection pipe, two low head submersible pumps (one installed into Sump 11 at the northwest corner of the Old Landfill (North) and the other installed into Sump 8), and approximately 730 feet of 3-inch HDPE transmission pipe which receives discharge from the submersible pump in Sump 8 and conveys it to the existing leachate transmission system, which ultimately discharges to the Marion Wastewater Treatment Plant located directly east of the landfill.

Based on communication with Marion Public Health pertaining to the most recent inspection (conducted February 14,2019), the landfill cap and associated systems are intact and in good condition with no violations present.



## 8. DESCRIPTION OF PROPOSED ACTIVITIES – OAC 3745-27-13 (E)(8)

*A detailed description of the manner by which the proposed filling, grading, excavating, building, drilling, or mining will be accomplished.*

The proposed activities consist of conducting four excavations within MPL's ROW on MCSL property (see Figure 2 and details in App. A). The excavations are required for installation of footings and tie-ins for the proposed elevated bridge crossing of the Heath-Harpster Products pipeline over the Little Scioto River (crossing location at latitude 40.588034 and longitude -83.188177). The excavations are anticipated to be completed with a tracked backhoe to minimize any potential disturbance to the existing cover system. The approximate locations for the excavations are provided in Figure 2 with geographic coordinates of excavation center-points provided in the table below:

Excavation Location	Approximate Depth	Longitude	Latitude
North Bank Tie-in	10.2 ft.	-83.18822	40.588246
North Bank Footing	3.0 ft.	-83.188163	40.588207
South Bank Footing	3.0 ft.	-83.188097	40.58788
South Bank Tie-in	16.4 ft.	-83.188138	40.58783

After excavation locations have been marked in the field Ohio 811 will be contacted at least 2 working days prior to performing the borings. In addition, MPL will coordinate with City of Marion to ensure the existing leachate and collection systems are marked to avoid potential impacts.

Excavations will be completed using a backhoe (without teeth on the bucket) to excavate near and around the pipeline. Excavations for footings will be shallow in depth (~3 ft.) to allow for placement of two driven H-piles. H-piles will be driven in to a depth of ~60 feet. Once piles have been installed, poured concrete stabilization footings will be placed around H-piles. Once secured the bridge span will be assembled, craned into place and secured to the H-piles.

Once the bridge span has been completed, excavations for the tie-ins will occur. To ensure sufficient work space for the tie-in activities excavations will be required to a depth of ~10.2 feet on the north bank and ~16.4 feet on the south bank (see App. A). MPL will hand dig in the proximity of the pipeline to avoid damage. This will allow exposure of the existing line and allow for connection (i.e. tie-in) to the new bridged span. Upon completion of tie-ins, connections will be inspected, and the pipeline will be hydrostatically tested.

Shallow 5-feet by 5-feet excavations may be dug where the current line meets the north and south banks to expose the line for cutting and removal by crane once the new line tie-ins are complete and satisfactorily tested.

Following any necessary repairs to the pipeline, the existing final cover system will be repaired by backfilling the areas of excavation with in-situ geologic material removed during excavation activities. In the unlikely event that excavation within the ROW encounters waste, the material will be segregated and placed in roll-off boxes for offsite disposal and clean fill will be imported from an offsite source to backfill the excavation. Any unlikely disruption of the existing cap system at MCSL will also be repaired in accordance with the approved revised Final Closure/Post Closure Plan (April 17, 1992) and Guidance Document -123.

## 9. INTEGRITY OF WASTE – OAC 3745-27-13 (E)(9)

*A detailed description of the manner in which the integrity of the waste placement or the ancillary structures will be preserved where the filling, grading, excavating, building, drilling, or mining activities will occur in areas within three hundred feet of the limits of waste placement.*

In the event that disturbance below ground surface is required at the MCSL, the existing final cover system will be repaired in areas where excavation through the cap system was necessary to perform maintenance on MPL's pipeline. No excavation of waste or within the limits of waste is expected, as the pipeline and bridge installation footprint is within MPL's ROW and is outside the limits of waste placement. No other impacts to ancillary structures within 300 feet of the limits of waste apply.



## 10. COMPLIANCE & CONTROL – OAC 3745-27-13 (E)(10)

*A detailed plan describing the manner by which the proposed filling, grading, excavating, building, drilling, or mining will be accomplished in compliance with all applicable state and federal laws and regulations pertaining to environmental protection, including but not limited to control of air emissions, control of leachate, surface water run-on and run-off, explosive and toxic gas migration, and protection of ground water.*

The excavation activities in the locality of MPL's ROW will be performed in such a manner to minimize impacts to human health and the environment. Although it is not anticipated that waste will be encountered, MPL will be prepared to handle any potential waste or contaminated soil in accordance with the applicable State and Local Laws and Regulations. In the unlikely event that solid waste is encountered during excavation, the waste is expected to be non-hazardous since the MCSL has no records suggesting that hazardous material was ever accepted at the site. However, if waste materials other than solid waste (i.e., hazardous or waste materials deemed unsuitable for redeposition back into the waste footprint) are encountered as a result of the proposed activities, the OEPA will be immediately notified and the waste in question will be collected, containerized, handled and disposed of in accordance with the applicable regulations.

The Contractor hired to perform the excavation and bridge installation work shall be required to follow and abide by their own Health and Safety Plan in order to ensure safety and control of explosive and toxic gases. An explosimeter or equivalent will also be required of the contractor during the borings as part of their Health and Safety Plan.

A detailed discussion of potential impacts and migration measures are described below:

### 10.1 Control of Air Emissions

Air emissions and odors are not expected to be a problem due to the limited size of the area disturbed by the excavations, the fact that the excavations will be occurring within native soils associated with MPL's ROW, and the nature of the waste disposed adjacent to the ROW. In addition, there are no residents close to the proposed work area. The proposed activities are not expected to generate dust emissions above the 10 lbs./day threshold, as defined in OAC 3745-15-05.

### 10.2 Control of Leachate

The proposed activities are not expected to impact the leachate management system in place at the MCSL. MPL will coordinate with the City of Marion to identify and locate existing collection systems prior to start of any on-site work. No leachate outbreaks or discharges are anticipated due to the limited nature of disturbed areas (Section 10.5). In the event of precipitation, surface water will be diverted from any open excavations to prevent generation of leachate to the extent possible. Should leachate or shallow groundwater seep into any excavation performed by MPL, it will be collected and securely stored in containers until it is properly characterized and disposed of in accordance with ORC Chapter 6111 and OAC 3745-27-13 (F)(9) and 13(H).

### **10.3 Control of Surface Water Run-on and Run-off**

Surface water from the excavation areas will be directed to the permitted surface water management system as appropriate. Temporary erosion and sediment control devices will be utilized at the site during excavation as required to reduce the sediment load of surface water runoff in-route to receiving drainage swales and channels. Temporary control devices may include diversion berms to control run-on and run-off, silt fence, and check dams. Best management practices will be implemented to protect surface water, such as minimizing the area of open excavation. Plastic sheeting will also be readily available during drilling activities should an unanticipated precipitation event occur. All excavated soils will be temporarily stockpiled in upland areas adjacent to the excavations with the described BMPs applied as necessary.

### **10.4 Control of Explosive and Toxic Gas Migration**

The passive gas extraction system will remain in operation during the installation of the leachate management system improvements, which will control landfill gas migration at the site. Contractors will monitor open excavations for methane emissions until excavations have been backfilled and the project is complete.

### **10.5 Protection of Groundwater**

Due to the shallow nature of the excavations, ground water is not anticipated to be encountered. Standard work practices will be implemented to protect groundwater, such as through the minimization of an open excavations and diversion of surface water run-on and run-off to minimize leachate production. All work will be suspended during inclement weather conditions. Any water, whether surface or ground water, that comes in contact with waste material will be considered leachate and handled as such. The existing Groundwater Monitoring Program and Corrective Measures Plan sampling outline for MCSL will continue to be implemented and will not be affected by this project.



## 11. DEED NOTIFICATION – OAC 3745-27-13 (E)(11)

*If waste will still remain on the property, a detailed description of a notation or update to any prior recorded notation to be placed on the deed to the property to notify in perpetuity any potential purchaser of the property that the land has been used as a hazardous waste facility or solid waste facility. The notation shall describe the impacted acreage, including the known location, depth, volume, and nature of waste disturbed at the site.*

A copy of the city of Marion affidavit documenting legal proceeding affecting clear title as recorded in 2010 is presented in Appendix E and provides a detailed description of the property. The affidavit notifies in perpetuity any potential purchaser of the property that the land has been used, at least in part, as a waste disposal facility. This document was provided to Marathon as part of their previously authorized Section 13 authorization request submitted in September 2016 (approved October 2016) for excavation work associated with hydrostatic testing and block valve access on the existing pipeline. The notarized affidavit will be submitted along with the certification report in accordance with OAC 3745-27-13(H)(10).



## 12. ADDITIONAL INFORMATION – OAC 3745-27-13 (E)(12)

*Other such information as Ohio EPA deems necessary to determine that these activities will be in compliance with all applicable laws and regulations administered by the director.*

OAC 3745-27-13(H) contains additional information deemed necessary by the OEPA to determine compliance with the applicable laws and regulations. This section details compliance with the aforementioned rule. OAC 3745-27-13(H)(1): As stated in the rule, excavation activities will not occur without the authorization of the director.

OAC 3745-27-13(H)(2): This rule does not apply to the MCSL.

OAC 3745-27-13(H)(3): This rule does not apply to the MCSL.

OAC 3745-27-13(H)(4): If solid or hazardous waste or soils are removed, representative sampling of waste and potentially contaminated soil will be performed. Copies of sample analysis results and the selection of the appropriate treatment or disposal method will be submitted, along with a copy of a letter of acceptance from a treatment or disposal facility, to OEPA prior to any removal of waste or contaminated soil from the property. All waste and contaminated soils removed will be collected and disposed of in accordance with all applicable state and federal laws and regulations pertaining to environmental protection, including Chapter 3734 of the Ohio Revised Code.

OAC 3745-27-13(H)(5): As described in Section 10.0 (Site Control), excavation activities will be performed in compliance with applicable laws and regulations pertaining to environmental protection.

OAC 3745-27-13(H)(6): No excavation of waste will occur unless the 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 Chapter 3734 of the Ohio Revised Code and the regulations promulgated there under. Any wastes that are suspected or known to be hazardous and are removed from the horizontal and vertical limits of waste placement during excavation activities, will be stored in accordance with Chapter 3734 of the Ohio Revised Code until such time as these wastes are properly characterized and treated or disposed. Any liquid wastes released during excavation activities will be stored in accordance with Chapter 3734 of the Ohio Revised Code until such time as these wastes are properly characterized and treated or disposed.

OAC 3745-27-13(H)(7): When excavation occurs outside the limits of waste, the material used to backfill, will not be solid or hazardous waste.

OAC 3745-27-13(H)(8): As described in Section 10 (Site Control), all excavation activities will be performed in a manner that prevents any migration of leachate, explosive or toxic gas from the facility.

OAC 3745-27-13(H)(9): Upon completion of the excavation activities, the condition of the facility cap will be restored in accordance with the Marion Landfill Final Closure/Post Closure Plan in accordance with Chapter 3734 of the Ohio Revised Code.

OAC 3745-27-13(H)(10): MPL will provide OEPA with a certification report in accordance with OAC 3745-27-13(H)(10) within sixty days of the completion of excavation activities.

### 13. SIGNATORY REQUIREMENT – OAC 3745-27-13 (I)

*Applications for authorization to engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or a solid waste facility was operated shall be signed. The signatures shall constitute personal affirmation that all statements or assertions of fact made in the application are true and complete and comply fully with applicable state requirements, and shall subject the signatory to liability under applicable state laws forbidding false or misleading statements, and shall be notarized. The signature shall be made as follows:*

- (1) In the case of a corporation, by a principal executive officer of at least the level of vice president, or his duly authorized representative if such representative is responsible for the overall operation of the site.*
- (2) In the case of a partnership, by a general partner.*
- (3) In the case of a sole proprietorship, by the owner.*
- (4) In the case of a municipal, state, federal, or other governmental site, by the principal executive officer, the ranking elected official, or other duly authorized employee.*

The signatory requirements as codified in OAC 3745-27-13(I) is presented in the following certification:



**NOTARIZED AFFIRMATION STATEMENT**

Company Name: Marathon Pipe Line, LLC

Document Title: OAC RULE 3745-27-13 AUTHORIZATION REQUEST

Document Date: 10/25/19

I affirm that this document hereto was completed by me or under my direct supervision. I personally affirm that, to the best of my knowledge, the information reported and evaluated in this document is true and complete and complies with the requirements of OAC 3745-27-13

Signed: X<sub>e</sub> Duane DeBoo

By: Duane DeBoo

Title: Environmental, Safety, and Regulatory Manager

Of: Marathon Pipe Line, LLC

539 South Main St.

Findlay, Ohio 45840

On this, the 25<sup>th</sup> day of October, 2019, before me, a notary public, the above signed personally appeared, know to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

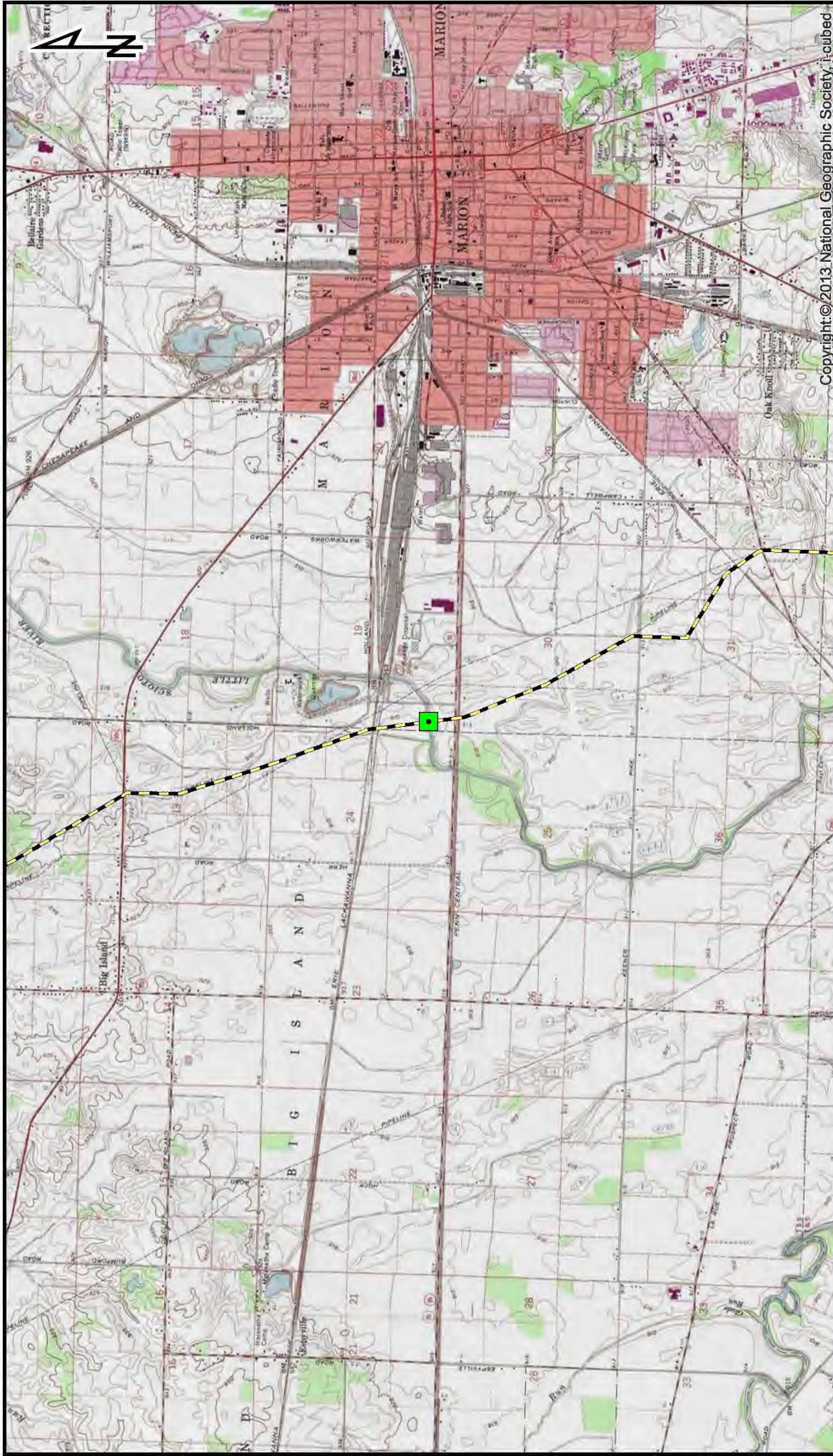


**JANE R. MOSSER**  
Notary Public, State of Ohio  
My Commission Expires  
July 5, 2020

Jane R Mosser  
Notary Public

# FIGURES



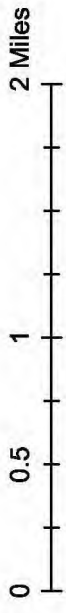


Marathon Pipe Line, LLC  
Heath - Harpster 10" Products HDD  
Marion County, Ohio

Bridge Crossing Vicinity

Geosyntec  
consultants

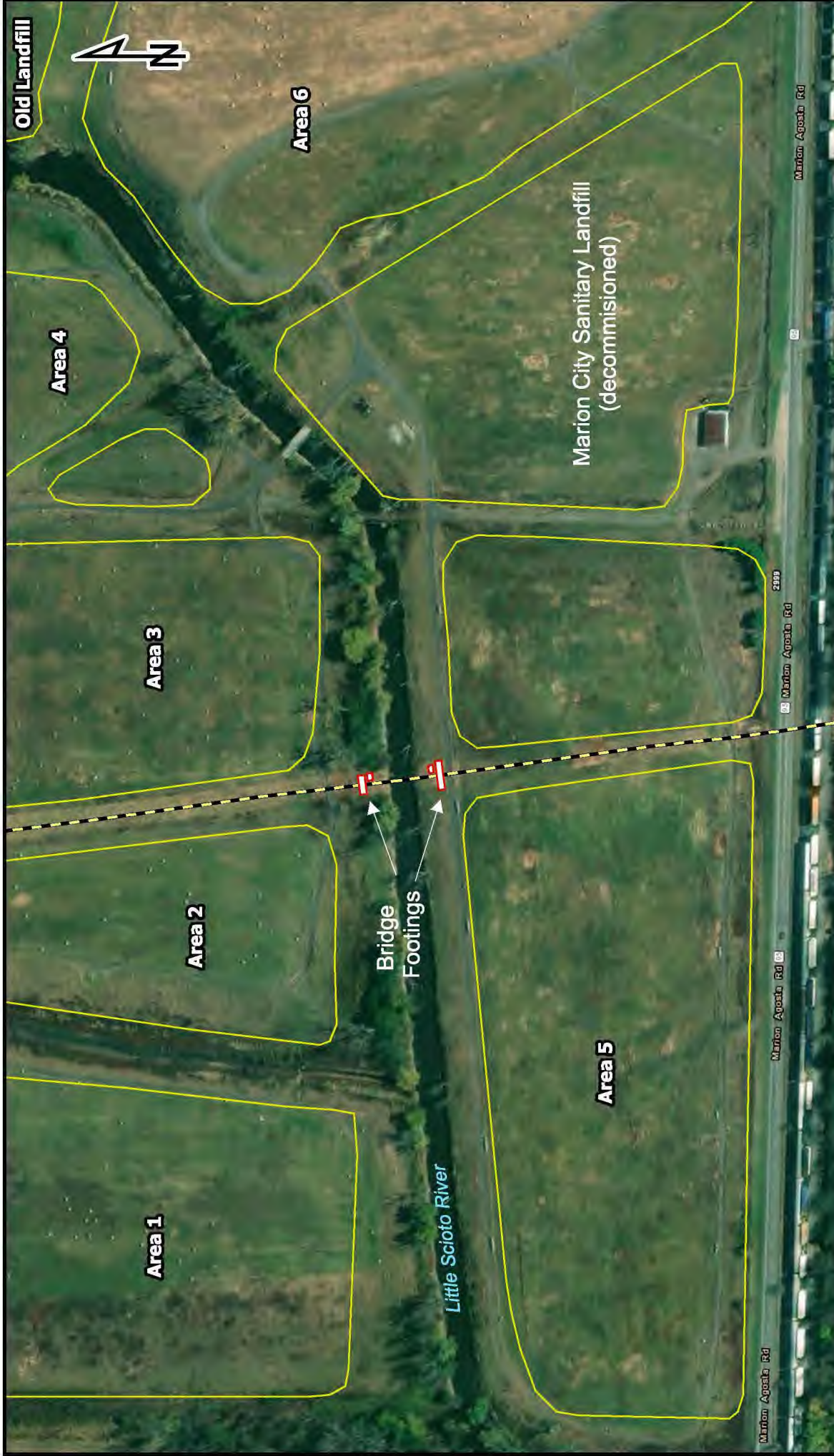
FIGURE  
1



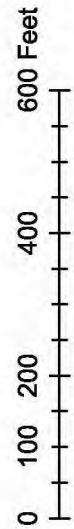
■ HDD Crossing  
--- Pipeline

Crossing Coordinates:  
Lat: 40.588042  
Long: -83.188181






- Pipe Bridge Footings
- Existing Pipeline
- Approximate Cell Boundary



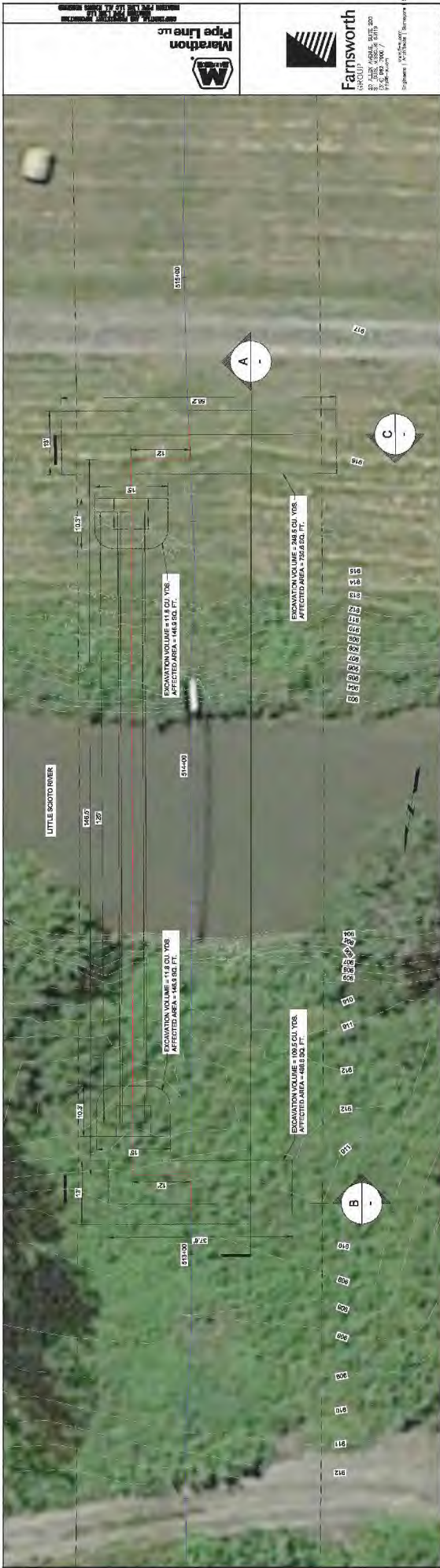
**Crossing Coordinates:**  
 Lat: 40.588042  
 Long: -83.188181

Marathon Pipe Line, LLC Heath - Harpster 10" Products HDD Marion County, Ohio
Little Scioto Pipe Bridge Site
Geosyntec  consultants
FIGURE 2

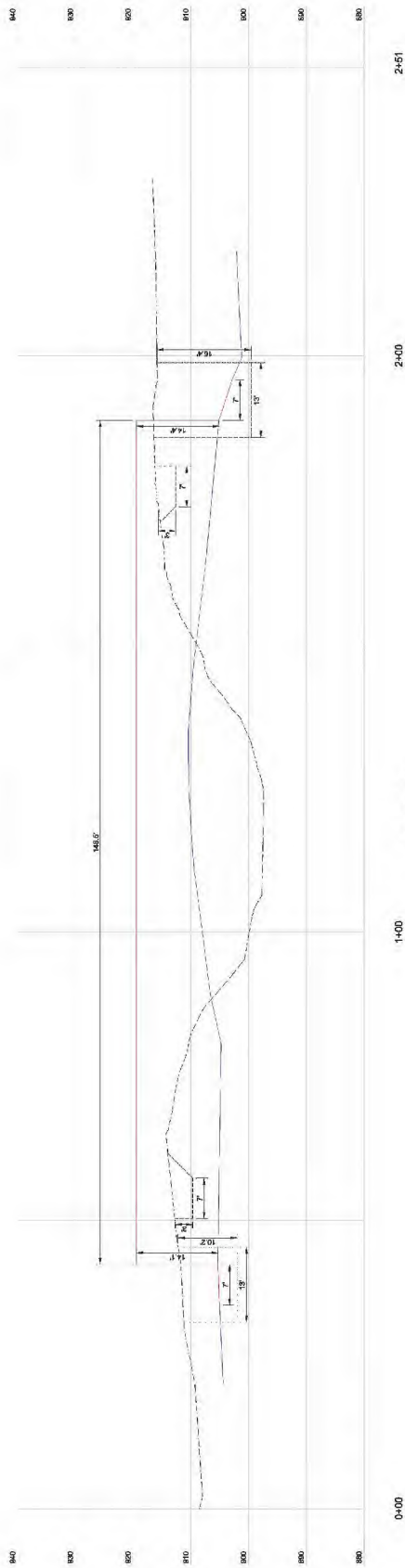
# **APPENDIX A**

## **Detailed Drawing**





**PLAN**  
SCALE 1"=40'



**PROFILE**  
SCALE 1"=10'

- NOTES:
1. TOTAL EXCAVATION VOLUME = 232.7 CU YDS
  2. TOTAL AFFECTED AREAS = 1,518.5 SQ. FT. (0.35 ACRES)

REV	DESCRIPTION	DATE
01	FOR PRELIMINARY	07-01-2018

**Farnsworth**  
GROUP

**PRELIMINARY**  
NOT FOR CONSTRUCTION  
DATE: 10-10-2018

ITEM	DESCRIPTION	DATE
01	FOR PRELIMINARY	07-01-2018

**LEGEND**

---	EXISTING PIPELINE
---	PROPOSED PIPELINE
---	ASSUMED EASEMENT

HEATH - FINDLAY 10" PRODUCTS  
LITTLE SCIOTO RIVER CROSSING  
MARION COUNTY, OHIO

**Farnsworth**  
GROUP  
1000 N. 10TH ST.  
COLUMBUS, OHIO 43261  
614.462.1234  
FARN@FARN.COM

**Marathon**  
Pipe Line Inc.

1000 N. 10TH ST.  
COLUMBUS, OHIO 43261  
614.462.1234  
FARN@FARN.COM





**APPENDIX B**  
**Legal Description and Proof of Property and  
Facility Ownership (Deed)**

EXECUTRIX'S DEED

KNOW ALL MEN BY THESE PRESENTS, That WHEREAS, on the 25th day of November, 1960 the Last Will and Testament of Mildred D. Guthery, deceased, was admitted to probate and record in the Probate Court of Marion County, Ohio and on the 25th day of November, 1960 Louise H. Guthery was duly appointed and qualified as Executrix of said decedent's Last Will and Testament by said Probate Court, and is now the lawful Executrix of said Last Will and Testament, and that

WHEREAS, said Last Will and Testament, among other provisions, contains the following, to-wit:

"ITEM IV. I make, nominate and appoint my daughter Louise H. Guthery to be the Executrix of this, my Last Will and Testament, hereby authorizing and empowering my said Executrix to compound, compromise, settle and adjust all claims and demands in favor of or against my estate; and to sell, at private or public sale, at such prices, and upon such terms of credit or otherwise, as she may deem best, the whole or any part of my real or personal property, and to execute, acknowledge and deliver deeds and other proper instruments of conveyance thereof to the purchaser or purchasers. No purchaser from my Executrix need see to the application of the purchase money to or for the purposes of the trust, but the receipt of my Executrix shall be a complete discharge and acquittance therefor."

and

WHEREAS, the said testatrix died seized in fee simple of the real estate hereinafter described, and in order to carry out the provisions of said Last Will and Testament of said Mildred D. Guthery, deceased, it is necessary to sell said real estate;

NOW, THEREFORE, I, Louise H. Guthery, Executrix as aforesaid, in pursuance of the said provisions of the said Last Will and Testament of said Mildred D. Guthery, deceased, and by virtue of the statute in such cases made and provided, and of the powers vested in me, and for and in consideration of the premises, and the sum of Twenty-six Thousand Dollars (\$26,000.00) paid, or secured to be paid to me by the City of Marion, Ohio, a municipal corporation, the receipt whereof is hereby acknowledged, do hereby GRANT, BARGAIN, SELL AND CONVEY to the said City of Marion, Ohio, its successors and assigns forever, the following real estate:

Situated in the County of Marion, in the Townships of Marion and Big Island and in the State of Ohio, and bounded and described as follows:

122.82 acres of land in Marion and Big Island Townships, Marion County, Ohio, bounded and described as follows:

(Situated in Marion Township)

- Being in the southwest quarter of Section 19, Township 5 South, Range 15 East; beginning in the southwest corner of said Section 19; thence east along the south line of Gurley Pike 97 rods to a stone at the southwest corner of a piece of land formerly belonging to F. Campbell; thence north 7 deg. west 92.41 rods to a small double Ash on the east side of Little Scioto River; thence following said river upstream to the south line of the right-of-way of Chicago & Atlantic (now Erie) Railroad line; thence following the railroad line north 85 deg. west 91.60 rods to a stone in line between Marion & Big Island Townships; thence south on said line to the place of beginning, containing 81 acres.

(Situated in Big Island Township)

Situated in the Township of Big Island, in the east part of the southeast quarter of Section 24, Township 5 South, Range 14 East, bounded and described as follows:



Beginning at the southeast corner of Section 24, thence north on the line between Marion and Big Island Townships 144 rods to the line of the right-of-way of the Chicago and Atlantic (now Erie) Railway; thence north 63 deg. west 100 rods to a stone; thence south 149 rods to a stone in the line of Garfield Pike; thence east along said line of said pike 300 rods to the place of beginning, containing 56.30 acres, more or less.

Excepting from the above two tracts so much thereof as was conveyed to The Erie Land & Improvement Company by deeds recorded in Volume 141, Page 60, and Volume 141, Page 179, of the Deed Records of Marion County, Ohio, and being further subject to all legal highways and easements of record.

Decedent acquired title to the above described property by Certificate of Transfer recorded in Volume 329, Page 77 Marion County Record of Deeds.

TO HAVE AND TO HOLD said premises, with all the privileges and appurtenances thereunto belonging, to the said City of Marion, Ohio, its successors and assigns, forever, as fully and completely as I, the said Louise H. Guthery, as such Executrix, by virtue of said Last Will and Testament and of the statute made and provided for such cases, might or should sell and convey the same.

IN WITNESS WHEREOF, I have hereunto set my hand this 13<sup>th</sup> day of October, 1961.

Signed and acknowledged in the presence of:

Charles D. Harmon  
Chas. D. Harmon

Maurice C. Clements  
Executrix of the Last Will and Testament of Mildred O. Guthery, deceased.

STATE OF OHIO }  
MARION COUNTY } SS.

On this 13<sup>th</sup> day of October, 1961, before me, the subscriber, a Notary Public in and for said County, personally appeared the above named Louise H. Guthery, Executrix of the Last Will and Testament of Mildred D. Guthery, deceased, the Grantor in the foregoing Deed, and acknowledged that she did sign the foregoing instrument and that the signing of the same was her voluntary act and deed as such Executrix for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Chas. D. Harmon  
Notary Public

This instrument prepared by:  
Chas. D. Harmon, Attorney at Law, Marion, Ohio

TRANSFERRED October 18 1961  
Maurice C. Clements  
MARION COUNTY AUDITOR, MARION, OHIO

QUIT D. MORTGAGE  
By C. Clements, Auditor, 4, 1963



44179



STATE OF OHIO }  
COUNTY OF MARION }  
RECORDED ON THE  
16<sup>th</sup> day of Oct. 1961  
350 P. 23 1961  
380 P. 297  
Auditor R. Watt  
# 200  
Recorder

The State of Ohio }  
Marion County, ss } Before me a Justice of the Peace in and for said County,  
personally appeared the above named Jane Kerr, A.  
Lorchman, Elizabeth Lorchman and Angelina Kerr who  
acknowledged that they did sign and seal the foregoing instrument and that the  
same is their free and voluntary deed. In Testimony whereof, I have hereunto set  
my hand and official seal, at - this fifth day of February A.D. 1881.

This Deed was received Dec. 22<sup>d</sup> 1883, at 3 P. M. and recorded Jan'y  
24<sup>th</sup> 1884,  
John P. Watts J. P.  
C. H. Rupp Recorder M. Co.

Peter Shower & wife  
vs }  
Died }  
Francis Campbell

Know all men by these Presents, that Peter Shower  
and Susan Shower wife of said Peter Shower, of the  
County of Marion, in the State of Ohio, in consideration of  
Five Thousand Dollars, paid by Francis Campbell  
of the County of Marion, and State of Ohio, have sold and do hereby convey unto  
the said Francis Campbell his heirs and assigns forever, the following prem-  
ises, situated in the County of Marion, in the State of Ohio, and described as  
follows: Being the south East part of the south West quarter of Section nineteen  
(19) Township 5 South Range 15 East bounded and described as follows  
to wit: beginning where the north line of the right of way of the C. & O. and  
D. Railway crosses the half section line running north and south through  
said section nineteen (19). Thence with said half section line north one  
degree West thirty chains and ninety two links (N. 1° W. 30.92) to the  
south line of the right of way of the C. & O. Railway, thence with the south  
line of said right of way north eighty four and one quarter degrees West  
twenty two chains and twenty links (N. 84 1/4° W. 22.20) to a post on  
the West bank of the Little Scioto River; thence along said West bank  
following the meanders of said river down stream South twenty six  
and one half degrees East three chains (S. 26 1/2° E. 3.00) thence South  
seven degrees East two chains and fifty links (S. 7° E. 2.60) thence  
South twenty and one half degrees West four chains (S. 20 1/2° W. 4.00)  
thence South thirty five and a half degrees West two chains (S. 35 1/2°  
W. 2.00), to an elm tree corner, thence crossing the Little Scioto  
River South thirty five degrees East eighty links (S. 35° E. 0.80) to  
an Elm tree corner, thence South nine degrees East twenty two chains  
and twelve links (S. 9° E. 22.12) to the north line of the right of  
way of the C. & O. & D. Railway, thence with said north line north eighty  
eight degrees East nineteen chains and fifty links (N. 88° E. 19.60)  
to the beginning containing fifty eight and one quarter acres more  
or less, but subject to all legal highways. To Have and to hold  
said premises, unto the said Francis Campbell, his heirs and assigns  
forever; and the said Peter Shower for himself and heirs, doth hereby  
covenant with said Francis Campbell his heirs and assigns, that he  
is lawfully seized of the premises of record, that the premises are free  
and clear from all incumbrances, and that he will warrant and  
defend the same, unto the said Francis Campbell his heirs and  
assigns, against the lawful claims of all persons. In  
Testimony whereof, the said Peter Shower

57 Ph. 137

who hereby relinquishes her right of dower in the above said premises, have hereunto set their hands and seals, this 22nd day of December in the year of our Lord one thousand eight hundred and eighty three.

Witnessed in the presence of,

Will E. Scofield

James A. McCormick

Peter Shoven  
Susan Shoven

(Sd)  
(Sd)

The State of Ohio } Before me Will E. Scofield a Justice of the Peace  
Marion County, DO } in and for said County, personally appeared the above named Peter Shoven and Susan Shoven wife of the said Peter Shoven and acknowledged the signing and sealing of the foregoing conveyance, to be their voluntary act and deed, and the said Susan Shoven being at the same time examined by me, separately and apart from her husband, and the contents of said instrument made known to her by me, she then declared that she did voluntarily sign, seal and acknowledge the same, and that she is still satisfied therewith. Given under my hand officially, this 22nd day of December, A.D. 1883.

Will E. Scofield (Sd)

Justice of the Peace.

This deed was recorded Dec. 24th 1883, and recorded Jan'y 25th 1884.  
J. H. Phipps Recorder M.C.

Henry Amers, wife  
Do  
John Martley

Knows all men by these Presents, that we Henry Amers and Margaret Amers his wife of the County of Marion and State of Ohio, in consideration of

the sum of Eight Thousand Dollars to us paid by John Martley the receipt whereof is hereby acknowledged do hereby Grant, Bargain, Sell and convey to the said John Martley his heirs and assigns forever, the following Real Estate, situated in the County of Marion, in the State of Ohio, and in the Townships of Bowling Green and bounded and described as follows: Being a part of Survey number 9996 and beginning on the west bank of the Scioto River, at the north west corner of said Survey number 9996 thence with the west line of said Survey, north  $74^{\circ}$  east  $15^{\circ}$  for 100 chains to a post in said west line. Thence south  $77^{\circ}$  east  $14^{\circ}$  for 100 chains to a post on a stream. Thence south  $18^{\circ}$  west  $13^{\circ}$  for 100 chains to a point in the center of the road. Thence south with the center of said road  $40^{\circ}$  east 10 chains to a post in the center of said road. Thence north  $72^{\circ}$  east  $5^{\circ}$  for 114 chains to a corner in the west bank of the Scioto River. Thence up stream with the meanders of said river to the place of beginning containing 71 acres more or less. Also the following described tract of land being a part of said Survey number 9996 bounded and described as follows: Beginning at a stream in the west bank of the Scioto River and at the north east corner of a tract of 107 acres of land deeded to David Moore by James Taylor executor, thence with the east line of said tract north  $40^{\circ}$  west  $52^{\circ}$  for 71 chains to a post in the center of the road and corner to said Moore. Thence north  $81^{\circ}$  east  $28^{\circ}$  for 100 chains passing a stream at a line at 21 chains to a post in the center of Rush Creek. Thence down stream with the meandering of the center of said Rush Creek to its out let into the Scioto River. Thence



# **APPENDIX C**

## **Letters of Acknowledgment**

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p><b>A. Signature</b></p> <p>X <u>Bobbi m Alsop</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Marion County Commissioners 222 West Center Street Marion, Ohio 43302</p>		<p><b>B. Received by (Printed Name)</b></p> <p><u>Bobbi m Alsop</u></p>	<p><b>C. Date of Delivery</b></p> <p><u>10-15-19</u></p>
<p>2. Article Number (Transfer from service label)</p> <p><u>7019 1120 0000 7831 3474</u></p>		<p><b>D. Is delivery address different from item 1?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p>		<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	

Additional certified mail confirmation will be provided as they become available.

## **APPENDIX D**

### **Letters of Notice**



10 October 2019

Marion City Fire Department  
186 South Prospect Street  
Marion, Ohio 43302

Certified Mail

Subject: Marion City Sanitary Landfill – Rule 13 Authorization  
Excavation for Marathon Pipe Line Little Scioto Pipe Bridge Crossing  
Marion County, Ohio

Dear Sir/Madam,

Marathon Pipe Line, LLC. (MPL) seeks to perform excavations at the Little Scioto River crossing of their pipeline within the existing maintained right-of-way which runs through the City of Marion's inactive landfill. In accordance with Ohio Administrative Code (OAC) Rule 3734-27-13(E)(5) – *Authorization to engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or a solid waste facility operated*, MPL is hereby requesting written acknowledgement from the City of Marion, Ohio that authorization under said Rule is currently being sought from the Ohio EPA. Please note that the work within the right-of-way is predicated on need and the pursuit of this Authorization is to allow for the installation of a replacement pipe bridge.

If you have any questions regarding this project, please contact Courtney Abshire by phone or email at [cabshire@geosyntec.com](mailto:cabshire@geosyntec.com) or 512-565-9270

Sincerely,

GEOSYNTEC CONSULTANTS, INC.

Courtney Abshire  
Ecologist

cc: James F. Bischoff, City of Marion  
Amy Fagan, MPL

10 October 2019

Marion County Board of Health  
181 South Main Street  
Marion Ohio, 43302

Certified Mail

Subject: Marion City Sanitary Landfill – Rule 13 Authorization  
Excavation for Marathon Pipe Line Little Scioto Pipe Bridge Crossing  
Marion County, Ohio

Dear Sir/Madam,

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If you have any questions regarding this project, please contact Courtney Abshire by phone or email at [cabshire@geosyntec.com](mailto:cabshire@geosyntec.com) or 512-565-9270.

Sincerely,

GEOSYNTEC CONSULTANTS, INC.

Courtney Abshire  
Ecologist

cc: James F. Bischoff, City of Marion  
Amy Fagan, MPL

10 October 2019

Marion County Commissioners  
222 West Center Street  
Marion, Ohio 43302

Certified Mail

Subject: Marion City Sanitary Landfill – Rule 13 Authorization  
Excavation for Marathon Pipe Line Little Scioto Pipe Bridge Crossing  
Marion County, Ohio

Dear Sir/Madam,

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Sincerely,

GEOSYNTEC CONSULTANTS, INC.

Courtney Abshire  
Ecologist

cc: James F. Bischoff, City of Marion  
Amy Fagan, MPL



10 October 2019

Marion Township Zoning  
1228 East Fairground Street, #B  
Marion, Ohio 43302

Certified Mail

Subject: Marion City Sanitary Landfill – Rule 13 Authorization  
Excavation for Marathon Pipe Line Little Scioto Pipe Bridge Crossing  
Marion County, Ohio

Dear Sir/Madam,

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Sincerely,

GEOSYNTEC CONSULTANTS, INC.

Courtney Abshire  
Ecologist

cc: James F. Bischoff, City of Marion  
Amy Fagan, MPL

10 October 2019  
Certified Mail

Delaware/Knox/Marion/Morrow (DKMM) Solid Waste District  
117 East High Street, Suite 257  
Mt. Vernon, Ohio 43050

Subject: Marion City Sanitary Landfill – Rule 13 Authorization  
Excavation for Marathon Pipe Line Little Scioto Pipe Bridge Crossing  
Marion County, Ohio

Dear Sir/Madam,

Marathon Pipe Line, LLC. (MPL) seeks to perform excavations at the Little Scioto River crossing of their pipeline within the existing maintained right-of-way which runs through the City of Marion's inactive landfill. In accordance with Ohio Administrative Code (OAC) Rule 3734-27-13(E)(5) – *Authorization to engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or a solid waste facility operated*, MPL is hereby requesting written acknowledgement from the City of Marion, Ohio that authorization under said Rule is currently being sought from the Ohio EPA. Please note that the work within the right-of-way is predicated on need and the pursuit of this Authorization is to allow for the installation of a replacement pipe bridge.

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Sincerely,

GEOSYNTEC CONSULTANTS, INC.

Courtney Abshire  
Ecologist

cc: James F. Bischoff, City of Marion  
Amy Fagan, MPL

10 October 2019

James F. Bischoff, P.E.  
Director of Public Works, City of Marion Ohio  
City Engineering Department  
233 West Center Street  
Marion, Ohio 43302

Certified Mail

Subject: Marion City Sanitary Landfill – Rule 13 Authorization  
Excavation for Marathon Pipe Line Little Scioto Pipe Bridge Crossing  
Marion County, Ohio

Dear Mr. Bischoff,

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If you have any questions regarding this project, please contact Courtney Abshire by phone or email at [cabshire@geosyntec.com](mailto:cabshire@geosyntec.com) or 512-565-9270.

Sincerely,

GEOSYNTEC CONSULTANTS, INC.

Courtney Abshire  
Ecologist

cc: James F. Bischoff, City of Marion  
Amy Fagan, MPL



7019 1120 0000 7831 3481

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

MARION, OH 43302

Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee as appropriate)	\$2.80
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0602  
8Postmark  
HerePostage  
\$0.55

Total Postage and Fees

\$6.85

10/10/2019

Sent To

MARION COUNTY BOARD OF HEALTH

Street and Apt. No., or PO Box No.

181 SOUTH MAIN ST.

City, State, ZIP+4® MARION OH 43302

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7019 1120 0000 7831 3474

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

MARION, OH 43302

Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee as appropriate)	\$2.80
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0602  
8Postmark  
HerePostage  
\$0.55

Total Postage and Fees

\$6.85

10/10/2019

Sent To

MARION COUNTY COMMISSIONERS

Street and Apt. No., or PO Box No.

222 WEST CENTER ST.

City, State, ZIP+4® MARION OH 43302

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7019 1120 0000 7831 3450

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

MOUNT VERNON, OH 43050

Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee as appropriate)	\$2.80
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0602  
8Postmark  
HerePostage  
\$0.55

Total Postage and Fees

\$6.85

10/10/2019

Sent To

DKMM SOLID WASTE DISTRICT

Street and Apt. No., or PO Box No.

117 EAST HIGH ST. Ste. 254

City, State, ZIP+4® Mt. VERNON, OH 43050

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7019 1120 0000 7831 3504

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

MARION, OH 43302

Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee as appropriate)	\$2.80
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0602  
8Postmark  
HerePostage  
\$0.55

Total Postage and Fees

\$6.85

10/10/2019

Sent To

JAMES F. BISCHOFF

Street and Apt. No., or PO Box No.

233 WEST CENTER ST.

City, State, ZIP+4® MARION OH 43302

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7019 1120 0000 7831 3498

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

MARION, OH 43302

Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee as appropriate)	\$2.80
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0602  
8Postmark  
HerePostage  
\$0.55

Total Postage and Fees

\$6.85

10/10/2019

Sent To

MARION TOWNSHIP ZONING

Street and Apt. No., or PO Box No.

1228 EAST FAIRGROUND ST. #B

City, State, ZIP+4® MARION OH 43302

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7019 1120 0000 7831 3467

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

MARION, OH 43302

Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee as appropriate)	\$2.80
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0602  
8Postmark  
HerePostage  
\$0.55

Total Postage and Fees

\$6.85

10/10/2019

Sent To

MARION CITY FIRE DEPARTMENT

Street and Apt. No., or PO Box No.

186 SOUTH PROSPECT ST.

City, State, ZIP+4® MARION OH 43302

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

# **APPENDIX E**

## **Affidavit**

# MARION County Recording Page



MARION COUNTY RECORDER  
Mary Jo Osmun  
222 West Center Street  
Marion, Oh 43302  
(740) 223-4100

File Number : **2010-00001232**

Book : **1124** Page : **362**



Doc ID - 002185570004

On (Recorded Date) : **3/9/2010**  
At (Recorded Time) : **11:36:46 AM**

Recording Pages : **4**

Recording Fee : **\$36.00**

(Fee Excludes Cover Page)

**THIS IS YOUR RECORDING  
INFORMATION.  
PLEASE KEEP ATTACHED.**

**Please keep this Cover Page with the Original Document**  
**Use this Book and Page number for all future references**

Index Type : **OFFICIAL RECORDS**  
Instrument Type : **Affidavit**

First INDEXED NAME

MARION CITY OF

First OTHER NAME

-----

Received From :  
CHAFFIN, STEVE

Return To :  
CHAFFIN, STEVE

The attached document including this Cover Page was recorded in the County Recorder's office of  
MARION County, Ohio



## AFFIDAVIT EVIDENCING LEGAL PROCEEDING AFFECTING CLEAR TITLE

SUBJECT PROPERTY: MARION CITY SANITARY LANDFILL  
Marion, Ohio 43302

OWNER OF RECORD: CITY OF MARION

## AFFIDAVIT OF JAY SHOUP

State of Ohio :  
Marion County : SS

Now comes Jay Shoup, Service Director, City of Marion who states under oath that the following is true to the best of his knowledge and belief;

- 1) I am Jay Shoup, duly appointed Service Director for the City of Marion, Ohio,
- 2) The property known as the Marion City Sanitary Landfill described as parcels numbers 010280000800 (parcel 1) and 170080000800 (parcel 2) and as shown in Exhibit A attached is owned by the City of Marion.
- 3) As a result of the above, subsequent purchasers are hereby notified that these parcels have been used in part as a solid waste disposal area for many years. This landfill was permanently closed in August 1992 and approved by the Ohio Environmental Protection Agency. Details of the closure plan and documentation of post closing monitoring are available by contacting the City of Marion, Office of Service Director.
- 4) The location and limits of waste placement of the Marion City Landfill are presented on the attached figure. The impacted acreage of the existing municipal solid waste (MSW) is approximately 109 acres within the property boundary. Depth of MSW ranges from 2 feet to 44 feet across the 109 acres based on estimated bottom of waste grades. There is approximately 2.6 million cubic yards of MSW within the limits of waste placement.
- 5) This affidavit shall serve as permanent notice to all subsequent purchasers.

Jay M. Shoup  
Jay Shoup

Sworn to before a notary public on this 25 day of Feb. 2010.



Linda K. Strzelacki  
Notary Public  
For the State of Ohio  
My Commission Expires:  
September 5, 2011

Linda K. Strzelacki  
Notary

PREPARED BY: STEVEN E. CHAFFIN ATT.  
237 W. CENTER ST. MARION

EXHIBIT A

PARCEL 170080000800

BEING LOCATED IN THE STATE OF OHIO, MARION COUNTY, MARION TOWNSHIP AND FURTHER DESCRIBED AS:

BEING IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 15 EAST BEGINNING IN THE SOUTHWEST CORNER OF SAID SECTION 19; THENCE EAST ALONG THE SOUTH LINE OF GURLEY PIKE 97 RODS TO A STONE AT THE SOUTHWEST CORNER OF A PIECE OF LAND FORMERLY BELONGING TO F. CAMPBELL; THENCE NORTH 7 DEG. WEST 92.41 RODS TO A SMALL DOUBLE ASH ON THE EAST SIDE OF THE LITTLE SCIOTO RIVER; THENCE FOLLOWING SAID RIVER UPSTREAM TO THE SOUTH LINE OF THE RIGHT OF WAY OF CHICAGO AND ATLANTIC (NOW ERIE) RAILROAD LINE; THENCE FOLLOWING THE RAILROAD LINE NORTH 85 DEG. WEST 91.60 RODS TO A STONE IN THE LINE BETWEEN THE MARION AND BIG ISLAND TOWNSHIP LINE; THENCE SOUTH ON SAID LINE TO THE PLACE OF BEGINNING.

PARCEL 010280000800

BEING LOCATED IN THE STATE OF OHIO, MARION COUNTY, BIG ISLAND TOWNSHIP AND FURTHER DESCRIBED AS:

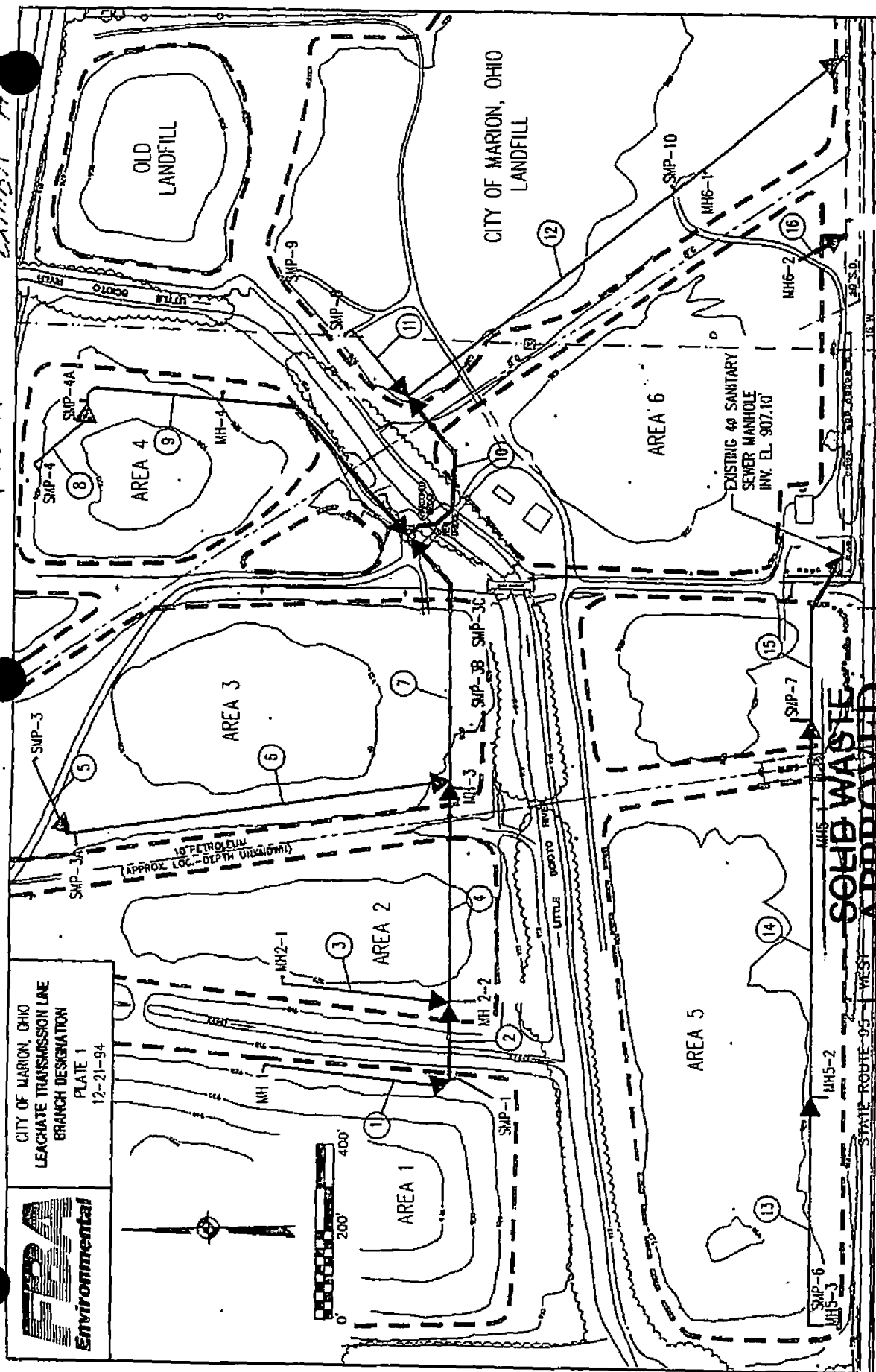
BEING IN THE EAST PART OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 5 SOUTH RANGE 14 EAST BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 24; THENCE NORTH ON THE LINE BETWEEN MARION AND BIG ISLAND TOWNSHIP 144 RODS TO THE LINE OF THE RIGHT OF WAY OF THE CHICAGO AND ATLANTIC (NOW ERIE) RAILWAY; THENCE NORTH 83 DEG. WEST 63.68 RODS TO A STONE; THENCE SOUTH 149 RODS TO A STONE IN THE LINE OF GURLEY PIKE; THENCE EAST ALONG SAID LINE OF SAID PIKE 63.50 RODS TO THE PLACE OF BEGINNING.

EXCEPTING FOR THE ABOVE TWO TRACTS SO MUCH THEREOF AS WAS CONVEYED TO THE ERIE LAND AND IMPROVEMENT COMPANY BY DEEDS RECORDED IN VOLUME 141 PAGE 60 AND VOLUME 141 PAGE 179 OF THE DEED RECORDS OF MARION COUNTY OHIO AND BEING SUBJECT TO ALL LEGAL HIGHWAYS AND EASEMENTS OF RECORD

PRIOR DEED REFERENCE VOLUME 380 PAGE 277 OF THE OFFICIAL RECORDS OF THE MARION COUNTY RECORDERS OFFICE

Figure



# APPROVED SOLID WASTE EPILOS

OHIO ENVIRONMENTAL PROTECTION AGENCY

**OCT 14 2016**

AS EVIDENCED BY COPY OF  
LETTER OF APPROVAL  
HERE TO ATTACHED