



January 29, 2026

Mr. Michael Bodine II
City of Marion, Dir Public Svc
233 W. Center Street
Marion, Ohio 43302

**Re: City of Marion Landfill
Director's Final Findings and Orders
Director's Final Findings and Orders
Municipal Solid Waste Landfills
Marion County
MSWL019409**

**Subject: City of Marion Landfill, Marion County
Final Findings and Orders of the Director**

Dear **City of Marion Landfill**:

Transmitted herewith are the Final Findings and Orders of the director concerning the matter indicated for **City of Marion Landfill**.

If you have any questions, please contact the Ohio Environmental Protection Agency's Division of Legal Services at 614.644.3037

Sincerely,

Jeri Main

Jeri Main
Division of Materials and Waste Management, Ohio EPA

cc: Jeremy Carroll, Cassandra Schramm, DMWM
Chelsea Bray, Blake Dantio, Kristin Tillison, DMWM
Michael Reiser, MaryAnn Miller, Brittni Bahr, DMWM
Thomas Creasap, Marion Public Health
Scott Bishop, City of Marion
Michael Bodine II, Director of Public Service, City of Marion

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of:

Mr. Michael Bodine II	:	<u>Director's Final Findings</u>
Director of Public Service	:	<u>and Orders</u>
City of Marion	:	
233 W. Center Street	:	
Marion, Ohio 43302	:	

Owner

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the City of Marion ("Owner") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Section 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon the Owner. No change in ownership of the Marion City Landfill (Facility) as hereinafter defined shall in any way alter the Owner's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

General

1. The Facility is a closed municipal solid waste landfill located at 2100 Marion-Agosta Road, Marion, Ohio in Marion and Big Island Townships, Marion County, Ohio on parcel numbers 010280000800, 170080000800, and 170080000700. The City of Marion Ohio owns the property.
2. The Facility is a "sanitary landfill facility" as that term is defined pursuant to Ohio Administrative Code (OAC) Rule 3745-27-01(S)(4).
3. The City of Marion operated the 110.92-acre Facility from 1956 until its closure in 1992.
4. The Facility began operating in 1956. On August 11, 1992, Ohio EPA approved the Facility's closure plan. On August 2, 1995, the City of Marion submitted a closure certification report.
5. Following cessation of waste acceptance, the Owner completed closure activities at the Facility. In accordance with closure requirements and the facility's closure plan approved by

Ohio EPA on August 11, 1992, two landfill cap designs were installed. Best Available Technology (BAT) Cap was installed on Area 1 (north) and Area 2, and a "typical" cap was installed on Area 1 (south), Area 3, Area 4, Area 5, Area 6, and the Old Landfill area. The BAT cap consisted of 2 feet of vegetative cover, 1 foot of soil, and 2 feet of recompacted soil barrier (RSB). The "typical" cap was 4 inches of vegetative cover and 2 feet of RSB, in accordance with 1976 Solid Waste Regulations.

6. The scheduled end date of the thirty-year post-closure care period was August 2, 2025.
7. Pursuant to Ohio Administrative Code ("OAC") Rule 3745-27-14, the Owner performed post-closure care activities at the Facility, including groundwater monitoring, explosive gas monitoring, leachate removal, and site inspections.
8. The Owner satisfied the requirements for financial assurance for post-closure care by demonstrating that it passed the local government financial test pursuant to OAC Rule 3745-27-16(L).
9. OAC Rule 3745-27-14(D) states that "the post-closure care period may be extended by order of the Director or a court of competent jurisdiction if conditions at a sanitary landfill facility are impacting human health, safety, or the environment or if groundwater assessment or groundwater corrective measures are required to be conducted at the sanitary landfill facility in accordance with rules adopted under Chapter 3734. of the Revised Code".
10. On May 5, 2025, a meeting with the Owner, Civil & Environmental Consultants, Inc, and Ohio EPA occurred to discuss the end of post-closure care date and extension of post-closure care.

Groundwater Monitoring

11. Pursuant to OAC Rule 3745-27-14(A)(7), the Owner performed groundwater monitoring in accordance with the approved Corrective Measures Plan and the Ground Water Sampling and Analysis Plan for Corrective Measures Monitoring, and revisions thereof, during the post-closure care period and submitted associated reports in accordance with OAC Rule 3745-27-10, effective April 1994 (Revision 13 approved June 25, 2025).
12. The groundwater sampling and analysis program began in September 1984, and sampling is conducted on a semiannual basis. The most recent sampling event was conducted in March 2025. The results of this analysis indicated that the landfill is impacting the groundwater quality.
13. Ohio EPA approved the Owner's Corrective Measures plan on March 31, 2023. The plan was last updated on June 25, 2025. In correspondence dated March 31, 2003, Ohio EPA approved the Owner's initial groundwater Corrective Measures Plan (submitted April 1994 and later revised in July 1999 and March 2002), with the most current plan update occurring on June 25, 2025.
14. The Ground Water Sampling & Analysis Plan for Corrective Measures Monitoring was revised January 2023.
15. Under OAC Rule 3745-27-10(F)(15), the selected corrective measures are considered complete

when: (a) the Ground Water Protection Standards (GWPS) are met at all points within the plume of groundwater contamination that lie beyond the limits of waste placement; and (b) the contamination has not exceeded the GWPS for a period of three years or until the end of the post-closure care period, whichever is longer.

16. The groundwater quality data collected during the 2025 semiannual sampling events indicates that the action levels were exceeded in the plume within the facility's boundaries. The exceedances occurred for chloride and sodium at W-28, and sodium at W-25 in the monitoring network in March 2025.
17. Pursuant to OAC Rule 3745-27-14(D), the Director finds that extension of the post-closure care period is appropriate because groundwater conditions at the Facility have the potential to impact human health, safety, or the environment and that groundwater corrective measures are required to be conducted in accordance with rules adopted under Chapter 3734. of the Revised Code.

Explosive Gas Monitoring

18. Pursuant to OAC Rule 3745-27-14(A)(7), the Owner performed semiannual explosive gas monitoring after the first five years of the post-closure care period and submitted associated reports in accordance with OAC Rule 3745-27-12.
19. As part of closure activities, a landfill gas management system, which consisted of 19 passive methane gas vents, was installed in 1995.
20. On February 18, 1997, Ohio EPA approved the June 1990 Explosive Gas Monitoring, Sampling and Reporting Procedures (EGMSRP) for the Facility. The most recently approved Explosive Gas Monitoring Plan (EGMP) is dated March 2022, Revised October 2022. Ohio EPA approved the EGMP in accordance with OAC Rule 3745-27-12 on November 22, 2022.
21. On October 20, 1997, the Owner submitted an explosive gas remediation plan for the Facility. A Director's Letter dated December 2, 1997, approved the remediation plan which included the installation of turbine ventilators, gas alarms, and converting the old scale house to an open-air structure. Contingency monitoring at Marion City Landfill was dismissed, and quarterly gas monitoring was initiated thereafter.
22. In accordance with Ohio EPA's comment letter dated April 21, 2016, modifications to the explosive gas monitoring system were implemented following the September 2016 explosive gas monitoring event. Gas monitoring probes were converted into passive gas vents and structures were converted into an open-air structure.
23. During the March 2017 monitoring event, GP-6 triggered contingency monitoring with an explosive gas concentration above the explosive gas threshold limit. There is currently an occupied structure identified as the Nature Center building that is located within 1,000 feet from the northern limits of waste placement. The City installed a permanent gas alarm inside the Nature Center building during the 4th quarter of 2016. The building has not been used for events since February 2020.

24. The EGMP includes a network of monitoring locations designed to protect three occupied structures within 200 feet and eight occupied structures located within 1,000 feet of the Facility. Each of these occupied structures are equipped with explosive gas alarms.
25. The monitoring network includes 3 permanent gas probes (GP-1, GP-5, GP-6) located along perimeter of landfill with the 11 continuous explosive gas alarms inside each occupied structure within 1,000 feet from the limits of waste placement.
26. Ohio EPA is reviewing the proposed nature center methane remediation system plan, dated June 30, 2025.
27. Pursuant to OAC Rule 3745-27-14(D), the Director finds that extension of the post-closure care period is appropriate for explosive gas monitoring because explosive gas conditions at the Facility have the potential to impact human health, safety, or the environment.

Leachate Management

28. The leachate collection system is present in Areas 1, 2, 3, 4, 5, and 6 and was installed in phases starting in August of 1993 and was completed in March of 1994. Leachate is collected from a series of piping networks that each serve a particular landfill area. A total of ten HDPE manholes and twelve sumps were installed to collect and store leachate at the downstream ends of the system.
29. In 1997, a leachate transmission system was installed to connect all the HDPE manholes of the leachate collection system to Marion's Wastewater Treatment Plant for discharge, which is located directly east of the facility.
30. As required to address additional corrective measures, collection pipes, pumps and a sump were added to the Old Landfill (North) in 2010.
31. The Owner continues to monitor and maintain the leachate transmission lines connected to the City of Marion Wastewater Treatment Plant. Information on leachate management is provided in the facility's quarterly reports.
32. Pursuant to OAC Rule 3745-27-14(D), the Director finds that extension of the post-closure care period is appropriate for leachate management because leachate generation at the Facility and the quality of leachate has the potential to impact human health, safety, or the environment.

Cap Integrity

33. Pursuant to OAC Rule 3745-27-14(A), the Owner performs quarterly inspections of the Facility and submits written summaries to Ohio EPA detailing the results of the inspections and schedules of any actions to be taken to maintain compliance with applicable rules.
34. Pursuant to OAC Rule 3745-27-14(D), the Director finds that extension of the post-closure care period is appropriate because the cap integrity is a component to managing explosive gas, groundwater and leachate management at the Facility having the potential to impact human health, safety, or the environment.

V. ORDERS

1. Pursuant to OAC Rule 3745-27-14(D), the post-closure care period for the Facility shall be extended, and the activities conducted during the extended post-closure care period shall be modified as follows:
 - a. The Owner shall perform post-closure care activities required by OAC Rule 3745-27-14(A), as modified by this Order, until such time that the Director approves all certification reports required by this Order and OAC Rule 3745-27-14(B) and provides written approval for discontinuance of the post-closure care period.
 - b. The Owner shall conduct groundwater monitoring in accordance with OAC Rule 3745-27-10 (effective 1994), the Facility's Corrective Measures Plan (revised June 25, 2025), and Ground Water Sampling and Analysis Plan for Corrective Measures Monitoring (revised January 2023). Please note that future revisions to the corrective measures plan may be necessary and will need to be submitted to Ohio EPA, Northwest District Office, for review prior to implementation. Nothing herein shall be construed to prevent the Owner from following the most recent effective version of the ground water monitoring rules.
 - c. To seek discontinuance of groundwater monitoring, the Owner shall submit a certification report in accordance with OAC Rule 3745-27-14(B) demonstrating that the Facility does not pose a risk to human health, safety, and the environment and that the remediation standards in the corrective measure plan have been met for three consecutive years in accordance with OAC Rule 3745-27-10 and approved Corrective Measures Plan. This certification shall not be submitted earlier than the discontinuance of leachate management in accordance with Order 1.g.
 - d. The Owner shall conduct explosive gas monitoring in accordance with OAC Rule 3745-27-12 and the Facility's EGMP.
 - e. To seek discontinuance of explosive gas monitoring, the Owner shall submit a certification report in accordance with OAC Rule 3745-27-14(B) demonstrating that the Facility does not pose a risk to human health, safety, and the environment, and that the methane concentrations within the monitoring probes outside the waste mass are not above one percent, and methane concentrations within the waste mass are below five percent by volume for six consecutive semiannual monitoring events, unless an alternative standard is accepted by Ohio EPA, NWDO.
 - f. The Owner shall operate and maintain the leachate management system in accordance with OAC Rule 3745-27-14(A)(4), and the approved corrective measure plan.
 - g. To seek discontinuance of leachate management, the Owner shall submit to Ohio EPA for concurrence a certification report in accordance with OAC Rule 3745-27-14(B) demonstrating based upon leachate quality and quantity that the Facility does not pose a risk to human health, safety, and the environment.

- h. The Owner shall conduct quarterly inspections to assess the condition and operation of the surface water management system, gas management system, access road and access controls, cap system and vegetative cover, and leachate management system and submit written summary to Ohio EPA and Marion Public Health in accordance with OAC Rule 3745-27-14(A)(6).
 - i. To seek discontinuance of quarterly inspections, the Owner shall submit a certification report in accordance with OAC Rule 3745-27-14(B) demonstrating that the Facility does not pose a risk to human health, safety, and the environment based on an assessment of the inspection results. This certification shall not be submitted earlier than the submittal of the groundwater monitoring and explosive gas monitoring demonstrations required by this Order.
 - j. The Owner shall submit a report to Ohio EPA in accordance with OAC Rule 3745-27-14(A)(9) as appropriate. The report shall be submitted annually until the Director provides written approval for discontinuance of the post-closure care period.
- 2. No later than 90 days after the effective date of these Orders, the Owner shall provide an itemized written estimate, in current dollars, of the cost of post-closure care activities identified in Order No. One (1) , for a period of not less than 5 (five) years. Within 90 days of the date of Ohio EPA's approval of the itemized written estimate, the Owner shall establish financial assurance in accordance with OAC Rule 3745-27-16 in an amount greater than or equal to the approved cost estimate.
- 3. Upon completion of post-closure care, the Owner shall submit to Ohio EPA for written concurrence a certification that the sanitary landfill facility has completed post-closure care activities in accordance with this Order and OAC Rule 3745-27-14(B). This paragraph shall not be construed to prevent the owner from requesting discontinuance of specific post-closure care activities required by these Orders in accordance with OAC Rule 3745-27-14 (C) and these Orders.

VI. TERMINATION

Owner's obligations under these Orders shall terminate when the Owner certifies in writing and demonstrates to the satisfaction of Ohio EPA that the Owner has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Materials and Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify the Owner of the obligations that have not been performed, in which case the Owner shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by the Owner to Ohio EPA and shall be signed by a responsible official of the Owner. For purposes of these Orders, a responsible official is the chief administrative officer of the Owner.

Alternatively, the Owner's obligations under these Orders may be terminated if the owner submits to the Director a written certification that the Facility has completed post-closure care activities in accordance with OAC Rule 3745-27-14(B) and the final closure/post-closure plan, and Ohio EPA concurs.

Alternatively, Owner's obligations under these Orders may be terminated in whole or in part, if the Director determines that discontinuance or revision of certain post-closure care requirements are unlikely to adversely impact human health, safety, and the environment, in accordance with Section IX, modification and revision, or as provided by OAC Rules 3745-27-14, 3745-27-12, and 3745-27-10 or of the most recent effective version of the these rules, as applicable.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Owner's Facility.

A release by the director from any post-closure care obligations in accordance with OAC Rule 3745-27-14 or these Orders do not relieve the owner from any applicable obligations under 3704 or 6111 of the Ohio Revised Code. A release by the director from any post-closure care obligation in accordance with OAC Rule 3745-27-14 or these Orders does not relieve the owner of any applicable obligations under 3734 of the Revised Code, except as otherwise provided herein.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to the Owner.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

Nothing herein shall be construed to prohibit the owner or operator from requesting to discontinue or revise any of the activities contained in OAC 3745-27-14(A) pursuant to OAC 3745-27-14(C), or OAC Rule 3745-27-12 or 3745-27-10, as applicable, which may if appropriate be approved by the director or Ohio EPA as applicable without requiring a modification to these Orders.

X. NOTICE

All documents required to be submitted by the Owner pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northwest District Office
Division of Materials and Waste Management
347 North Dunbridge Road

Bowling Green, Ohio 43402

Attn: Supervisor, Division of Materials and Waste Management

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and the Owner each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

Owners consent to the issuance of these Orders and agrees to comply with these Orders.

The Owner hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Owners hereby waive any and all rights Owners may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and the Owner agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Owners retain the right to intervene and participate in such appeal. In such an event, the Owner shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders. The parties acknowledge and agree that these Orders may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. Without limitation, "electronic signature" shall include faxed versions of an original signature or electronically scanned and transmitted versions (e.g., via pdf) of an original signature.

IT IS SO ORDERED AND AGREED:
Ohio Environmental Protection Agency



John Logue
Director

IT IS SO AGREED:

City of Marion

E-SIGNED by Michael Bodine II
on 2026-01-27 14:28:47 GMT

Michael Bodine II, Director of Public Service

2026-01-27 14:28:47

Date