

\$10 million settlement to help restore salt-polluted Mentor Marsh

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The Ohio EPA has reached a tentative settlement requiring the estate of the late Jerome Osborne to pay \$10.6 million to help clean-up and restore a 9-acre salt-polluted site adjacent to the Mentor Marsh. (*Chuck Crow, The Plain Dealer*)

19

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MENTOR, Ohio – The estate of the late developer Jerome Osborne will remit \$10.6 million to pay for the cleanup and restoration of a nine-acre site adjacent to the Mentor Marsh, under the terms of a tentative settlement of a five-year-old lawsuit brought by the Ohio EPA.

The lawsuit accuses Osborne's companies of devastating the preserve by polluting it with salt runoff for the past 50 years. The clean-up project is expected to take about five years.

"We think it's a great way to start the New Year," said EPA Director Craig Butler on Wednesday. "It required some very creative thinking for an out-of-the-box solution to a very complicated problem."

The Ohio EPA filed the lawsuit in 2013, roughly 50 years after Osborne Concrete and Stone sent salt pollution pouring into Blackbrook Creek, poisoning the pristine marsh and destroying trees, vegetation, fish and animals in the 691-acre Mentor Marsh preserve.

By the early 1970s, the marsh was choked by 15-foot-tall reed grass called Phragmites, an invasive, salt-tolerant plant that formed an impenetrable wall of vegetation across the 4-mile-long marsh basin, and which periodically caught fire, threatening nearby neighborhoods.

Under terms of the proposed settlement agreement, Osborne Concrete and Stone, a family trust, and Lakeshore Boulevard Properties, which is owned by the trust and has title to the property, will pay to remove hundreds of thousands of cubic yards of polluted soil from the acreage adjacent to the marsh. The defendants also will be

required to eliminate ongoing pollution to the marsh, the Grand River, Blackbrook Creek and Lake Erie.



Salt runoff has polluted a creek feeding the Mentor Marsh State Nature Preserve for a half a decade. Contaminated soil from acres adjacent to the marsh are expected to get a clean-up under proposed settlement terms of a law suit brought by the Ohio EPA five years ago.

During the restoration, the land will be held in the custody of the Lake County Land Reutilization Corp., a non-profit land bank, with the expectation that it will eventually be sold for \$1 to the Cleveland Museum of Natural History.

The Natural History Museum first acquired the marsh in 1965, and established it as the state's first nature preserve in 1971. The museum now has more than 10,000 acres of Northeast Ohio natural areas preservation land under its protection.

"It's not going to be a Walmart or a housing development," Butler said, addressing some of the concerns of neighbors. "We fully intend to have it cleaned up and returned to the museum for restoration work."

The settlement won't become official until it's signed by Lake County Common Pleas Court Judge John O'Donnell, who presided over the lawsuit. No date has been scheduled for the signing, Butler said, but the parties involved expect the settlement to go forward.

Meanwhile, EPA officials will review comments and concerns from residents whose homes will be impacted by the clean-up work and will present them to the judge before he signs the agreement.

The response has been generally positive from the residents, Butler said. In response to concerns, alternate roads for removing the soil from the marsh project may be developed to reduce the impact on homes in the area. In addition, complex engineering plans will focus on providing adequate backfill soil to sections of the marsh located in close proximity to homes bordering the marsh to avoid damage to residential properties, he said.



Complex engineering plans will help to protect properties located near the Mentor Marsh restoration project. Deer Ridge in the Deer Wood Estates development is visible in the distance. *Chuck Crow, The Plain Dealer*

Among the last details still to be determined, Butler said, is where the polluted soil will be disposed of, and where replacement soil will be obtained.

Potential disposal sites include a Lake County solid waste landfill and a First Energy impoundment near the Eastlake Power Plant, Butler said.

Negotiations are underway with the Kurtz Brothers landscaping company to locate a processing facility at the Eastlake plant similar to Kurtz's operations on the Cuyahoga River in Independence which it operates in an agreement with the Port of Cleveland. Under the proposed plans, Kurtz would clean and recycle sediment dredged from Fairport Harbor for use as backfill in the Mentor Marsh clean-up project, Butler said.

State Rep. John Rogers, a Democrat from Mentor-on-the-Lake, and head of the Lake County Land Bank, played a vital role in reaching the settlement, Butler said.



The Mentor Marsh State Nature Preserve is located adjacent to a nine-acre site polluted by salt that is scheduled for a \$10.6 million clean-up and restoration project, according to terms of a tentative court settlement. *Chuck Crow, The Plain Dealer*

Rogers said the benefits of the settlement extend beyond restoring Mentor Marsh to its original, natural state. "The settlement also will limit the potential liability to the Osborne estate and, after the clean-up work is completed, will give someone like the Natural History Museum the opportunity to oversee the environmental restoration," he said.

Mentor Marsh renaissance is underway

The Museum of Natural History already is engaged in a large-scale marsh restoration that is being overseen by Jim Bissell, its curator of botany and coordinator of natural areas. The project is financed primarily by \$650,000 from the Great Lakes Restoration Initiative and is designed to continue to purge the Phragmites from the marsh, replacing them with thousands of native swamp forest trees and vegetation.

The early results of the marsh's renaissance already are apparent. During the summer months, the Wake Robin boardwalk is skirted by native wildflowers such as swamp milkweed, blue vervain, goldenrod and willows. Visitors are often serenaded by the rattling calls of marsh wrens and the croaking of green frogs.

Nesting marsh birds not seen in decades, such as bitterns, rails, gallinules and snipe also are returning to the marsh. As many as 32 species of fish, including Northern pike and yellow perch, are now spawning in the marsh. And river otter and beaver are being seen there, museum officials said.

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