

# Kent Environmental Council

Newsletter

November/December 2004

## Cuyahoga River Restoration Project Nears Completion

After six years in the planning, design and construction phases, the project is finally approaching fruition. Although the \$3.8 million construction phase still has a few lingering items, the J.D. Williamson Construction Company of Tallmadge, Ohio vacated the construction staging yard in October. One of the outstanding items includes the back-ordered safety handrail to be installed near the dam area. This area is currently fenced off until the safety railing is in place hopefully by the end of December 2004. In addition, the educational signs featuring historical aspects of the area are currently in design and should be completed early next year. The City's efforts to be sympathetic to both environmental and historical aspects have combined to produce a final product that can be the pride of all Kent residents.

The historical aspects of the project include the preservation of the Kent Dam and east dam abutment, partial reconstruction of the west canal lock wall, a man-made waterfall to simulate the previous waterfall, and Heritage Park. The park will feature easy access to the water's edge, Kent's Liberty Garden, preservation of an old sluice gate salvaged from the lock area, three new observation platforms, project lighting and several educational signs that will highlight the history of the immediate area.

The project's environmental components include the completion of the river bypass channel and riverbank restoration upstream of the project area. An Ohio EPA evaluation of the bypass channel has measured flow velocities that are adequate to meet the agency's goals for fish passage. At lower flows, the river is concentrated into the existing canal lock channel characterized by a smooth sandstone bedrock bottom. The river velocity at these lower flows is adequate to allow passage of the sensitive greenside darter, which requires a velocity of less than 5 feet per second. As the river flow and velocity increase, the water rises out of the canal lock channel and spreads over the rough textured area of the bypass channel located to the east. So even in high flows, this rough textured river bottom provides velocities low enough to permit this fish to migrate.

The really exciting news is that, for the first time, the water flowing through the former Kent Dam pool is now in compliance with the goals the 1972 Clean Water Act. Gradual water quality improvements over the past 32 years have finally made this a reality! Dissolved oxygen levels have returned to normal and proper aquatic habitat has been restored. Biological and habitat evaluations by the Ohio EPA in Septem-

ber indicate that indigenous fish species have returned to the former dam pool area much sooner than originally expected.

The riverbanks have also been restored from the Kent Dam up to the Brady's Leap area. Many different varieties of herbaceous plants, shrubs and trees have been planted on the re-graded slopes. Although it doesn't look like much now, a few more years of growth should produce a riparian zone much more suited to the natural river environment.

Formal dedication ceremonies are currently planned for late May of 2005. An exact date and time will be announced later.

Bob Brown

## Commuter Rail

October 28, 2004 the AMATS Policy Committee considered the draft long-term public transportation plan. Lacking from the proposed plan was a commuter rail feasibility study from Kent to Akron to Canton. During the public comment period KEC member Harold Walker and others spoke for inclusion of the commuter rail feasibility study. AMATS staff noted that numerous comments had been received advocating for commuter rail. A motion was offered to include the Metro RTA commuter rail feasibility study in the public transportation report. The policy committee approved this motion.

What does this mean? As many of you are aware, commuter rail in Northeast Ohio has long struggled to gain acceptance. The two primary blocking points have been marginal forecast ridership and cost. Metro RTA has proposed a new paradigm for the commuter rail option. The proposal offers reduced cost and focus on local transportation ridership.

The Metro proposal warrants a fresh look at commuter rail. Inclusion of the feasibility study in the 2030 AMATS Transportation Plan allows the feasibility study to go forward with federal planning funds.

From my perspective, transportation alternatives are fundamental to long-term viability. This is especially true today with rising fuel prices, clean air compliance and need for options other than single-occupant vehicles. One very rewarding element of the Metro proposal is the cooperation between PARTA and Metro,

*(continued on next page)*

## **Commuter Rail** *(continued)*

both entities showing commitment to the future and the need for viable public transportation. This is all very timely for our area.

Reality check - It is very good that this feasibility study can now go forward, however; there is a large leap between the study

and of making commuter rail a reality. KEC advocacy has and will play a major role in the final result, get involved and stay involved.

Of note, the Portage County Commissioners, City of Kent, along with all other Portage County AMATS policy committee members supported the commuter rail feasibility study. We are in appreciation to our political leaders proactive stance on transportation issues.

Thomas J. Clapper Senior Assistant to the VP for Administration KSU

## **Big and Green: Toward Sustainable Architecture in the 21st Century**

This exhibit at the

Western Reserve Historical Museum in University Circle in Cleveland will be displayed until January 16.

Since development is inevitable, this is a good way to look at how architects responsible for designing big buildings are creating environmentally sound, huge buildings which are energy efficient as well as user friendly and "economically viable". There are some amazing concepts on display, many of them already realized. This is an international effort that looks at how designers in the past took into account environmental factors before such amenities as air-conditioning and central heating were available. One exhibit is of an intriguing structure going up in London, which has acquired the nickname of "The Erotic Gherkin". Maybe that will entice you to go to the exhibit. The museum is at 10825 East Blvd. You also might want to check out the web site: [www.wrhs.org](http://www.wrhs.org)

Guenveur Burnell

## **Fall Forum Informative:**

### **Air Quality Still a Problem**

Air quality in Portage County is not as good as many residents believe. This is the major conclusion of the forum on "Air Quality: Our Health and Our Children's" sponsored by KEC last September 20. In particular, levels of ozone and fine particulate matter continue to be too high. These impact children and relate to asthma being the most common reason for emergency room visits by youngsters. The forum was greatly assisted by a panel consisting of Lynn Malcolm from the Akron Regional Air Quality Management District, DuWayne "Chip" Porter from the Portage County Health Department and John Bradshaw from the Kent Health Department. While agreeing that in general air quality is much better than twenty-five years ago, the panel was concerned about such matters as the levels of mercury emitted from coal-burning power plants, carried through the air to water sources and hence into the food chain. Mercury is dangerous to pregnant women, young children, and people with weak immune systems. Ohio had the distinction in 2002 of being first among the states in amount of acid gases released into the air by its 28 power plants (Akron Beacon Journal 08/27/04). Technically, Portage County is in an eight-county non-attainment area in terms of ground-level ozone. Under federal standards adopted last June, this area and Ohio EPA must develop a State Implementation Plan by 2007. The region must attain the new standards by 2010. For people upset by E-check, the state cannot just drop the program unless it finds an alternative that will match or exceed the emission control levels attained through E-check. Indoor air pollution was also discussed, including mold, carbon monoxide, and radon. Again, air quality is still a problem. We need to remain vigilant regarding both policies and practices at both the state and federal levels. And to let state and federal legislators know our concerns. Access our website at [kentenvironment.org](http://kentenvironment.org) for information and alerts.

Eugene Wenninger

## **SEED Collaborates With KEC**

Students Eliminating Environmental Destruction (SEED) is delighted to announce that we have recently agreed to a formal working relationship with KEC. This will take the form of SEED representatives attending KEC meetings and participating in the planning process for KEC events.

SEED is a student-run and student-funded organization dedicated to bringing about more environmentally sound practices on the Kent State campus, in the Kent community, and at state and national levels. We have an active membership of between 20 and 25 students, and work closely with other groups at Kent dedicated to social justice. Presently, SEED is working to get recycling bins in every dorm room on campus, and is looking forward to the publication of the Seeds of Change newsletter. Next spring, we hope to work with KEC and Standing Rock Cultural Arts on events to celebrate Earth Day, as well as continuing campaigns on KSU campus.

Doug Antibus, Brad Davis, and Tim Mayer, SEED representatives

### **The Douglas Shaw Memorial Fund**

In memory of Doug Shaw who died unexpectedly on September 29, 2004.

Doug's family has designated The Kent Environmental Council as a recipient of memorial donations. Doug was a long-time supporter of KEC and advocate of its goals and purposes. Funds will be used to sustain an appropriate recognition.

Checks should be made payable to "Kent Environmental Council" and sent to KEC; P O Box #395; Kent OH 44240, with "Douglas Shaw Memorial Fund" in the memo field.

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# Update on Dysart Woods

*The following article appeared in the Fall, 2004 issue (Vol. X, #3) pp. 4-5 of Martha's Journal, a publication of the Buckeye Forest Council. The author is Susan Heitker, Executive Coordinator of the Buckeye Forest Council, and her article is reprinted here with her permission.*

## Dysart: Coal Company Experts Not Credible

October 7 Marked the 25th day of the Dysart Woods hearing in front of the Ohio Reclamation Commission (ORC). And anyone who has attended the hearings can tell you that the Buckeye Forest Council's attorneys are doing an excellent job, making many of the exchanges downright exciting. A great number of BFC members attended hearings during the first weeks when Buckeye Forest Council and Dysart Defenders presented their cases. At that time, we had a great case, but our case has grown even stronger and more compelling following the testimony of Ohio Valley Coal Company's (OVCC) eight witnesses. OVCC's witnesses have been shown to be unconvincing and their science unreliable. The company's experts testified in the areas of mine engineering, hydrogeology and forest ecology and were unable to assuage the concerns raised by the Buckeye Forest Council and Dysart Defenders. The testimony has made clear the following facts in the following categories: Mine engineering 1. The experts do not know if the roof and floor of the room-and-pillar mine, planned to run directly under Dysart Woods, are strong enough to prevent the roof from collapsing beneath the forest. Room-and-pillar mining is the conventional way to mine coal underground where pillars of coal are left to hold up the roof of the mine while miners work. 2. The longwall mine will disrupt flow of water through Dysart Woods. Longwall mining is a highly mechanized way to mine coal underground where all the coal is mined, leaving no pillars to hold up the roof, causing the roof to collapse immediately. 3. The longwall mine is too close to Dysart Woods and will cause subsidence in the old-growth forest.

Hydrogeology 1. Research in nearby areas has found adverse impacts from longwall mining to springs and wells as far away from a mining operation as 2000 feet. 2. The 500-foot buffer zone drawn around Dysart to protect its groundwater is an arbitrarily drawn measure that is not based on science. 3. Research suggests some springs will dry up in Dysart Woods. 4. There is no sufficient hydrologic baseline data. 5. The plan to monitor the impact of mining on the flow of water through Dysart Woods is insufficient. Forest Ecology 1. The research plots used in studies submitted as a part of OVCC's permit application are not representative of Dysart Woods. 2. OVCC's forest ecologists neglected to run calculations that take into account the differences between the plots they studied and Dysart Woods. 3. The Dysart Woods ecosystem will be harmed by OVCC's mining operation. While the Buckeye Forest Council raised these issues, the coal company's experts either corroborated them or could not disprove them. Dr Hanji Chen, mine engineer for OVCC, admitted on the stand that subsidence would occur in Dysart Woods if setup pillars for the longwall mine collapsed. In addition, OVCC's hydrogeologist, David Anderson, could not explain inconsistencies in the reports he prepared for the coal company without first investigating them for a week and a half. After 25 days, it became clearer and clearer that the chief of the Ohio Division of Mineral Resources Management's decision to issue the permit allowing OVCC

to mine under and near Dysart Woods was unfounded and illegal. The final day of the hearings is November 19. Hearing details can be found on the Buckeye Forest Council website, <[www.buckeyeforestcouncil.org](http://www.buckeyeforestcouncil.org)>. \* Editor's note: As Martha's Journal went to press, ORC Vice Chair Wanda Stratton admitted into evidence OVCC's completed permit application for mining under Dysart Woods. However, the application not contains a new version of a hydrogeological report, with a changed conclusion. The report's author, hydrogeologist Paul Craig authenticated the first version of the report, but not the new version. \* The latest news on the hearings (7 pm, November 19) is that they went very well. The next step is that briefs will be submitted by all parties to the Ohio Reclamation Commission by January 11th. These will be reviewed by the Commission, and on January 31, Reply Briefs (to the review) will be submitted. The ORC will then review all evidence, and will make their decision, sometime in late March or early April.

The KEC board voted to contribute \$200.00 to the Buckeye Forest Council to help with legal costs \*

Theodore J. Voneida

## A Green Holiday

The month of December is often fraught with stresses related to choosing the right gifts for our loved ones, planning meals and preparing for holiday events. In our aim to impress others and impart joy, we often settle for gifts that may be novel, but not useful.

In this throwaway society, we pollute our environment with leftovers and trash that ends up in landfills, we pollute our air with toxic emissions and noise. We often find ourselves harried and irritable in an effort to have a "perfect" holiday. This drive for perfection can lead to disappointment and the January blues.

Is it any wonder we make resolutions to make our lives better after the holiday season? Before the holiday rush could be a time to reflect and set our priorities. We might decide to be kind to ourselves, our loved ones, and the environment by reducing the number of hours we rush around in our cars and by increasing the time we reflect on what would truly make our friends, our family, and ourselves feel good about our relationships. Gifts are nice; they represent attention, love and affection. Are there other ways we can impart the sense of feeling loved and cared for and feel good about leaving a legacy for our children and grandchildren? You decide.

Ann Hastings

# STRIP MINING IN OHIO

Surface, or strip mining is a process whereby giant shovels, draglines, bulldozers, and dynamite are used to remove the surface of the earth (called 'overburden') in order to retrieve the high sulfur coal lying underneath. The coal seams may lie anywhere from several to hundreds of feet below the surface, and the shovels used to expose them are huge. Hanna Coal's Gem of Egypt (Giant Earth Mover of Egypt Valley, Belmont County), was built on site and is essentially a moving factory, eating its way through overburden to expose the coal seams. Ohio Power's giant dragline has a bucket which can hold three Greyhound Busses side-by-side, and can be thrown for 100 yards, the length of a football field, collecting tons of earth as it is dragged back toward the cab.

Once removed, the overburden is either dumped into low-lying areas below the mining site or placed in giant piles. When dumped into nearby valleys, it clogs streams, often eliminating critical sources of water for livestock on downstream farms. The coal seams curve around hillsides, and in order to follow them, huge cliffs, called highwalls, are created, some of which are hundreds of feet high. Because of the high sulfur content of the soil and coal, when exposed to water, sulfuric acid is formed. This leaches out into the streams and lakes below, making them highly acidic, and resulting in the death of fish and other living things. It also makes the water undrinkable for livestock.

Blasting frequently destroys foundations of homes in the area, and in many cases results in either contamination or loss of wells. It also dislodges huge boulders, which sometimes strike homes, causing injury or death to the inhabitants. Lawsuits brought against the companies are most often lost. In one case that occurred near Hazard, Kentucky when we were interviewing people there, a young girl was killed when a boulder struck her home. The family sued, but lost the case when the court ruled that her death was "an act of God".

Prior to the passage of the Ohio Surface Mining Reclamation Law in the early 1970s, there was virtually no regulation of strip mining in Ohio. Companies blasted at will, any time of the day or night, with no warning, they dumped overburden into valleys, they failed to segregate topsoil from the overburden, and they were not required to backfill the highwalls. They were required to post a bond of only \$200, which they simply forfeited, if necessary, and wrote it off as a normal business expense.

Prior to the passage of the Strip Mine Reclamation Act in the early 1970s, there was virtually no effort made to reclaim strip-mined land. Many high walls, acid-filled ponds, and giant piles of overburden can still be found in county after county in central and southern Ohio.

The good news is that as a result of a great deal of work by a relatively small group of dedicated people over a period of several years, Ohio finally passed a law which resulted in some changes for the better. Previous efforts to pass strong strip mining legislation were met with massive resistance from coal company lobbyists, and they continued, with little



or no resistance, to create moonscapes in the hills and valleys of southern Ohio.

During the late '60s and early '70s, a number of factors came together which created a favorable climate for change. One was the political activism surrounding the Vietnam War. This spilled over into other areas, including concerns about the environment. It was my good fortune to meet a small group of undergraduate students at Case Western Reserve University, where I was teaching at the time, who were anxious to work on environmental issues. After several meetings, during which I acquainted them with the effects of strip mining, we toured some of the stripped areas in Belmont, Harrison, and Stark counties. Seeing is believing, and they agreed to go to work on the problem. Our "army" consisted of five highly motivated students, a few sympathetic faculty colleagues, my wife Swanny, and me. We were armed with pH meters for measuring acidity of streams and lakes, movie and still cameras, tape recorders, and a perhaps somewhat naive belief that we could bring this Goliath to its knees. We contacted the media and got some excellent coverage in the Cleveland Plain Dealer and the Akron Beacon Journal. We even succeeded in getting NBC Television News interested. The "Huntley-Brinkley" crew came to Belmont County for filming, and we managed to get a three-minute segment televised on the national evening news. Several legislators joined our fight, including Sam Speck in the Ohio Legislature, John Seiberling in the US House of Representatives and then Ohio Governor John Gilligan. Congressman Seiberling even made a special trip to personally view the strip-mined areas, and we walked together through parts of Egypt Valley in Belmont County, a site of very active mining by the Hanna Coal Company (see sidebar). We also put together a very hard-hitting slide show (with music), using a dissolve unit constructed by the students. The show was presented to Ohio legislators, and even made it to US Senate and Department of Interior hearings. A presentation at the Cleveland Museum of Natural History drew several hundred concerned citizens. In addition, I presented lecture discussions to dozens of groups throughout northeastern and southern Ohio. As a result of this major effort to publicize the issue, we began to generate considerable public support, which translated into pressure on Ohio legislators for tougher strip mine legislation. It was an uphill battle, for the strip

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## Strip Mining in Ohio *(continued from previous page)*

mine interests had virtually unlimited funding, with scores of well-paid lobbyists entertaining legislators on a daily basis. They also had major support from the highly influential Ohio Manufacturers Association.

In spite of pressure to the contrary, a tough, new strip mine bill finally emerged from the Ohio Legislature, and public hearings were opened for testimony. It was an exciting time. I made many trips to Columbus to testify in favor of the bill, while corporate attorneys from Hanna Coal (a subsidiary of Cleveland Cliffs), Ohio Power, and many smaller companies worked feverishly to weaken it. Governor Gilligan was with us, even accusing companies who threatened to move to other states of “corporate blackmail”, if the law was passed. After a long, often contentious series of hearings, the Ohio Strip Mine Reclamation Bill finally passed. It is a strong law, requiring segregation of topsoil for replanting, backfilling of highwalls to original contour, and strict regulations on blasting. It also required companies to post large bonds prior to any mining, in order to cover damage to homes and wells, and/or failure to adequately comply with the law. Needless to say, those of us who worked so long and so hard for this law were absolutely elated (and, frankly, somewhat surprised) when it passed. The short-term follow up was that Governor Gilligan appointed me to the Strip Mine Board of Review, which reviewed all strip mine license applications. Shortly thereafter, in a closed door Senate hearing, I was removed from the Board because (as a friend in the Senate later told me) “Voneida knows too much about strip mining.” A federal law was then passed, and President Carter invited me to the White House for the signing ceremony. The federal law was weaker than the Ohio law, but far better than earlier legislation. When Reagan became president, the law was essentially gutted. Our Ohio law has prevailed, however, and the long-term results are most heartening. While strip mining does continue, decent reclamation practices are being enforced. Homes are not being shaken from their foundations, wells are not being lost, streams are not being acidified or blocked, and replacement of the top soil now supports pasture lands of alfalfa and clover, which has resulted in a large and flourishing beef cattle industry.

Could our efforts be repeated today? Probably not, given the present political situation at both state and federal levels. We were fortunate in having a sympathetic governor, a legislature that wasn't totally dominated by corporate interests, the strong support of Congressman John Seiberling at the federal level, a President who truly cared for the environment, and a press that was willing to carry our story to the public. The moral is perhaps best expressed in the words of Social Anthropologist Margaret Mead: “Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing *that ever has.*”

We all owe a great debt of gratitude to Congressman John Seiberling for his yeoman work in securing the Cuyahoga Valley as a National Park. Few know, however, of his strong support of our efforts to pass meaningful strip mine legislation in Ohio. During the time that we were fighting for a strong Ohio law, Congressman Seiberling accepted our invitation to visit Belmont County for a tour of some of the stripped areas. During his visit, we walked up Route 100 in

Egypt Valley, one of Hanna Coal's most active areas. As we walked among the high walls, we noticed that the road had been blocked ahead by a huge pile of overburden. A large D9 bulldozer was working there, and when the driver saw us, he headed down the road toward us. It is likely that he recognized me, for I had been spending a lot of time there with my students, filming and taking water samples. He didn't recognize the congressman, however, but apparently the foreman did, for he began screaming at the driver and waving frantically for him to stop. No luck; on he came. We stood our ground, and shortly before someone would have to give in, the foreman caught the driver's attention and he stopped the machine. John and I grinned sheepishly, waved, and walked away. I saw Congressman Seiberling recently at a meeting of the United World Federalists, and asked if he recalled the incident. He did, most vividly. He reflected for a moment, smiled, and replied, “Well, Ted, if it hadn't been for me, you might have become part of Hanna Coal's overburden.”

Theodore J. Voneida, Ph.D.

## A NEW RECYCLING OPPORTUNITY FOR USED COMPUTER PRINTER INK CARTRIDGES

Used computer printer ink cartridges will now be collected as a fundraising activity of Portage County Family & Community Services Agency for its relatively new Medication Access Program [MAP]. MAP provides assistance to individuals in finding ways to reduce the cost of their prescription drugs. Volunteer staff counselors help clients fill out necessary paperwork and research the best options for each individual. Within the first year of the program's existence, 486 individuals received free or reduced cost medications for a total savings of over \$750,000 through this program. Collecting and recycling printer cartridges will help generate funds to expand program hours and site locations for MAP. Presently MAP is scheduling client interviews at four sites: Senior citizen centers in Ravenna and Streetsboro; Bryn Mawr Nursing Home; and King Kennedy Center. On Wednesday, November 17th, a Kent site will begin at Christ Church Episcopal Church. To arrange for an appointment for medication assistance or to volunteer to be trained as a staff counselor, please call Claudette Rogers, Program Director, at (330) 297-3457. To request a Cartridge Recycling Collection Box for church or workplace, please call Lacy Stickle, Coordinator of the cartridge recycling program at Family & Community Services, (330) 677-4124, Ext. 42 or contact Nancy Adams, (330) 673-6548.

FRIDAY CAUCUS BREAKFASTS KEC members, friends, rivals, doubters, believers, petitioners, hangers-on, and indeed, city officials, meet every Friday at 8AM at the University Inn Coffee Shop. Buy your own breakfast, talk is free, varied, frank, sometimes rowdy, sometimes abstruse, always lively and engaging.

## Thro 'N' Go for 2005

You may well ask, "What is Thro 'N' Go. I will tell you. This is a program of recycling in the residence halls of KSU that is intended to divert from landfill durable goods, such as usable furniture and clothing as well as food, which would otherwise be discarded at the end of each semester.

Last spring a pilot program in Tri-Towers sent several thousand pounds of clothing, food and furniture to Family and Community Services (FCS) of Portage County for distribution by the County Clothing Center and the food pantries. Student volunteers from the residence halls and the student environmental group, SEED, along with university staff managed the collections and the Portage County Recycling District provided receptacles for the collection by FCS.

The team has been reassembled for next spring and the program, with some modifications, will be expanded to include a total of 10 residence halls with approximately double the number of students participating. We have made a start in conditioning students to think in terms of recycling rather than disposal of unwanted items; so there is both an educational as well as a practical aspect of the program. The extent of cooperation by the university administration, students, staff, and community organizations has been most gratifying.

Walt Adams

## 2005 Program Planning

Harold Walker has convened the committee for 2005 KEC program planning.

## No Cement Plant Review

KEC wants to ensure clean operation of the cement production plant operating on Cherry Street in Kent. We planned to have a public hearing on air quality matters before issuance of the required permit. We had alerted the Akron Air Quality Management District of our intentions. Through mis-communication in that office, a direct, final permit was issued before our request for the hearing was received. We will monitor operations at the plant. If air or water quality issues arise we can file a complaint with Akron Air Quality or Ohio EPA for agency action. Plant management is cooperative and we have no complaints to date.

Eugene Wenninger



Membership: Sustaining, \$45; Family, \$35; Individual, \$25; Golden Buckeye, \$15; Student, \$10. We would like members to be "in good standing" by the Annual Meeting in February. Checks should be made payable to "KEC" with memo field indicating, "dues" and sent to KEC; P O Box 395, Kent OH 44240.

## Kent Environmental Council

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