

Ohio AG: Gypsum mine company's neglect put taxpayers in 'multimillion-dollar hole'

By Laura Hancock
Cleveland.com

COLUMBUS, Ohio - Ohio Attorney General Dave Yost is suing the United States Gypsum Co. for nearly \$17 million, accusing it of failing to maintain underground mines and causing dangerous sink holes near State Route 2 in Ottawa County.

The suit, [filed Monday in the Ottawa County Common Pleas Court](#), seeks \$16.8 million in costs incurred by the Ohio Department of Transportation to stabilize the roadway and prevent its collapse.

"U.S. Gypsum's failure to uphold their responsibility has put Ohio's taxpayers in a multimillion-dollar hole," Yost said in a statement announcing the litigation. "We're holding them accountable for the money it took to fill it and keep State Route 2 from crumbling."

In 1965, USG sold land to ODOT to build State Route 2 above the company's underground gypsum mines. The purchase agreement required USG to maintain the mines' integrity to ensure the highway's stability, the suit states.

But in 1977, USG filed a quit claim deed, a legal document withdrawing its commitment to maintain the mines. Yost claims the company failed to notify ODOT of this and didn't seek the state's approval.

In the ensuing decades, State Route 2 became a main thoroughfare for travelers in the Marblehead, Kelley's Island and Cedar Point areas, which are popular among tourists. For some of that time, USG communicated with ODOT about potential earth movement along the road from sinkholes. But by the early 2000s, the company filed paperwork to legally cease to monitor the highway, again without notifying ODOT, Yost states.

ODOT, concerned about the potential collapse of the highway and safety to motorists, in 2013 injected grout into the flooded underground gypsum tunnels, costing about \$20 million.

The \$16.7 million that Yost's seeks is directly related to these mine-stabilization costs, the suit states.

Meantime, Yost contends USG continues to operate its construction-materials businesses and factory in Ottawa County.

Cleveland.com/ The Plain Dealer reached out to USG, headquartered in Chicago, seeking a response to Yost's lawsuit.