



To: House Local Government and Municipal Finance Committee Members  
From: Megan Tinsley, Water Policy Director, Michigan Environmental Council  
Emily S. Smith, Land and Water Conservation Policy Coordinator, Michigan  
Environmental Council

Date: June 21st, 2022

Re: Testimony in Opposition to Senate Bills 429, 430 and 431

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Thank you Chair Calley, Majority Vice Chair Bezotte, Minority Vice Chair Ellison, and members of the committee for the opportunity to submit testimony in opposition to Senate Bills 429, 430, and 431, as passed from the Senate, which seeks to require the Department of Environment, Great Lakes, and Energy (EGLE) to regulate aggregate mining in Michigan.

Senate Bill 429 would create Part 639 within the Natural Resources and Environmental Protection Act (NREPA) to regulate sand and gravel mining. However, this part would not apply to existing mines nor mines with a total sand and gravel deposit of 1M tons or less. Aggregate resource extraction is known to release harmful sediments, including salts and other chemicals into waterways, groundwater, soil, and air, often from erosion. Aggregate mining destroys farmland and local natural areas through the clearing of soil, trees, shrubs and other foliage from the land. In addition to water and habitat impacts, aggregate mining creates noise, dust, and has negative impacts on local road conditions. The negative visual and acoustic aesthetics associated with this industrial activity has been proven to decrease property values and affect the overall local and environmental health.

Senate Bill 429 would also preempt an ordinance, regulation, resolution, policy, or practice of local units of government that prohibits or regulates the location, development, or operation, including processing and trucking activities, of a mine, or that would duplicate, modify, extend, revise, contradict, or conflict with the proposed Part. Additionally, the bill would allow a mining area to be located up to 50 feet from a public roadway, equipment used for screening and crushing located up to 200 feet from a public roadway or 300 feet from another property line, and up to 400 from a residential dwelling. Allowing these extremely short distances of mining activities within people's homes, properties, and travel accesses while also not allowing these communities to have a say in the mining process and the protection of their health is problematic. The language in Senate Bill 431 to allow a county or township to regulate aggregate mines only if that mine will mine less than 1 million tons over its lifetime *and* the mining operator voluntarily chooses to apply for the permit, approval, or authorization is insufficient. Not only would such a mine not be regulated by EGLE under Senate Bill 429, but a mining operator can simply choose to not seek local authority and create an aggregate mine with no permit.

Public and private drinking water sources utilizing wells become more vulnerable when aggregate mining strips away the sand, gravel, and clay deposits that naturally filter and seal groundwater aquifers from surface contamination. Once these layers are removed, the aquifer becomes vulnerable to contaminants such as fuel oil, and runoff containing fertilizers, pesticides, herbicides and other pollution. We unfortunately witnessed this occur in Metamora, Michigan. Detection of 1,4-Dioxane pollution in the town's drinking water was found as early as 2006. The EPA said "...natural processes were expected to break down contaminants in the soil and groundwater." Yet, a gravel mining site that opened in the 1980's to mine 30 million tons of gravel over 30 years had stripped the town's natural filters from its aquifer. With no natural barriers left in the aquifer, Metamora is now fighting PFAS pollution in their drinking water. The town is also fighting against a new mining site.<sup>2</sup>

Also, aggregate mining on or near floodplains, rivers, and other bodies of water can alter the direction of water flow and the groundwater pressure gradient, disrupting surface and subsurface water flow and depleting wells. While Senate Bill 429 prohibits the unauthorized release of pollutants to groundwater from any material mined, handled, or disposed of within the mining area, as stated, public water sources nearby the mine are still vulnerable to contamination and depletion.

Senate Bill 429 would require a mine to be screened from view from adjoining properties, yet a screened view would not filter out or prevent air or noise pollution from drifting to the adjoining properties. Pollution from particulate matter such as silica dust and diesel exhaust are both dangerous carcinogenic airborne pollutants that result from aggregate mining. Industrial truck traffic, diesel emissions, and fugitive dust both from the trucks transporting the materials and the sites themselves pose a risk to adjacent communities. Areas with existing air quality issues are particularly vulnerable as the impacts of air pollution act cumulatively. Understanding this issue, the city of Dearborn recently passed an ordinance limiting "fugitive dust" airborne debris from industrial sites and truck hauling.<sup>3</sup> The bill would regulate noise levels, but would base it on an 8-hour average. This means that noise levels can be double the standard for 4 hours, as it would average out to the approved 8-hour average under the bill, exposing nearby communities and property owners of unsafe noise levels. Additionally, a single blast from a mine can cause immediate hearing damage to residents of neighboring properties, and regulating such blasts for undefined "unreasonable dust or noise" is insufficient.

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<sup>1</sup> EPA expands groundwater investigation at Metamora Landfill Superfund site in Metamora, Michigan, *United States Environmental Protection Agency*, July 6, 2021, <https://www.epa.gov/newsreleases/epa-expands-groundwater-investigation-metamora-landfill-superfund-site-metamora>.

<sup>2</sup> EPA investigating spread of dioxane from Metamora Superfund site, *ABC 12 News*, July 14, 2021, [https://www.abc12.com/news/local/epa-investigating-spread-of-dioxane-from-metamora-superfund-site/article\\_065faa89-a585-574a-a3c5-ddd01f8608bb.html](https://www.abc12.com/news/local/epa-investigating-spread-of-dioxane-from-metamora-superfund-site/article_065faa89-a585-574a-a3c5-ddd01f8608bb.html).

<sup>3</sup> New Dearborn ordinance aims to reduce air pollution from fugitive dust, *The Detroit News*, August 26, 2020, <https://www.detroitnews.com/story/news/local/wayne-county/2020/08/26/new-dearborn-ordinance-aims-reduce-air-pollution-fugitive-dust/3443020001/>.

Furthermore, mine operations put downward pressure on property values in surrounding neighborhoods, often for years to decades. This impact can be reversed if a high-quality reclamation project is implemented upon completion of the project, but the legislation offers no enforcement mechanisms to ensure robust reclamation. Moreover, economists suggest that in consideration of the social costs of mining borne by the adjacent community, it may be more cost effective to just move the mine away.

Finally, Michigan is not experiencing a shortage of aggregate mines nor materials. Recent directories show there are approximately 557 construction grade sand and gravel producers operating about 1,348 sites in Michigan. While some of these sites have been idled as a result of covid, they are not closed or in the process of reclamation. Michigan is also one of the top exporters of gravel in the nation.<sup>4</sup> In reality, Michigan has sufficient aggregate that can be accessed when needed.

In conclusion, these bills stand to negatively impact the quality of life in Michigan. The bills do not adequately allow for local review if project developers submit the required paperwork, and there is significant dispute about how many decades of materials Michigan already has in reserve. Aggregate mines damage the land, disturb communities, and simply don't belong everywhere. We look forward to working with sponsors to create balanced bills that are in the public interest and would encourage the reduction, reuse, and recycling of aggregate materials.

Sincerely,

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<sup>4</sup> Pebbles, gravel, broken or crushed stone, of a kind commonly used for concrete aggregates, for road metalling, or for railway or other ballast, shingle and flint, *U.S. Import and Export Data*, <https://www.flexport.com/data/hs-code/251710-pebbles-gravel-etc-for-concrete-aggregates-etc>.