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michigan municipal league



MICHIGAN ENVIRONMENTAL COUNCIL



MICHIGAN LEAGUE OF CONSERVATION VOTERS



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Coalition urges Senate committee to vote ‘no’ on Senate Bill 431

Harmful bill would allow virtually unrestricted sand and gravel mining operations across the state

Legislation removing local oversight over the location and operations of sand and gravel mining would be dangerous to Michigan communities, schools and the environment, according to a coalition of statewide organizations that have joined together to urge opposition to Senate Bill 431.

The Senate Transportation and Infrastructure Committee will hold its second hearing at 9 a.m. on Wednesday, Jan. 29 to hear testimony on the bill, which would allow sand and gravel pits to operate essentially whenever and wherever they would like. The unnecessary and overreaching bill, sponsored by Sen. Adam Hollier (D-Detroit), would eliminate zoning authority and oversight capability from local governments—regardless of where the operation is located or its impact to nearby residents, schools, businesses, hospitals or others.

“Senate Bill 431 is a wholly unwarranted piece of legislation that eliminates local officials’ ability to have any say in the impact of sand and gravel mines in their communities,” said Neil Sheridan, executive director of the Michigan Townships Association. “While MTA supports access to materials necessary to fix Michigan’s roads, the existing process allows for local governments to balance those needs, along with those of their residents and the impact of mining operations in their borders. This bill, however, removes local authority and *all* safeguards to ensure that balance.”

The legislation would essentially allow the aggregate industry to operate unfettered, with virtually zero oversight at any level of government, unfairly favoring the industry over our residents, students and the environment. It places profit before people, requiring only that an applicant for mining

operations prove the operation would be profitable and the extraction will not pose a risk to public health, safety or welfare that cannot be avoided.

“This bill would have a devastating impact on our cities and villages,” said Jennifer Rigterink, legislative associate for the Michigan Municipal League. “SB 431 is all about profit for the industry and has no regard for people, communities or the environment.”

“The bill has two fundamental problems,” explained Deena Bosworth, director of governmental affairs with the Michigan Association of Counties. “It engages in pre-emption of local control, so that’s a ‘no’ right there. Also, it’s built on a dubious market study purporting to show a looming gravel shortage. We don’t know where all the different types of aggregate are in the state and where they would be needed. You don’t usurp local authority if you don’t even know there is a crisis.”

“This bill is an attack on local government’s ability to plan and zone for sand and gravel operations, and is in direct opposition to the principles of quality community planning,” added Andrea Brown, executive director of the Michigan Association of Planning. “Local government must be permitted to make data-based decisions about ALL uses—including sand and gravel operations—so that the health, safety and welfare of Michigan residents can be preserved.”

Kathleen Lomako, executive director of the Southeast Michigan Council of Governments, reiterated the need for local control of land use decisions. “Sand and gravel mining operations are important to our economy but can have significant negative impacts on our communities if not properly sited and operated,” she said. “Planning and zoning decisions made at the local level are the way we ensure that unique issues are addressed to the benefit of all concerned.”

Leading statewide environmental groups also caution about the impacts of the bill.

“This bill essentially takes away all oversight of aggregate mining in the state,” said Michigan Environmental Council Policy Director Sean Hammond. “We see the current local permitting process as sufficient to help protect residents from the potential impacts of aggregate mining. This proposed ‘one size fits all’ standard is simply a checklist of documents to submit. It is not responsive to concerns around groundwater contamination, noise pollution, or whether the remediation plan is sufficient to restore the site after the mining company is done with it.”

Nick Occhipinti, government affairs director for the Michigan League of Conservation Voters, said “This legislation eliminates fair and sensible oversight from local governments over major mining operations that could have significant and lasting impacts in their communities. With the myriad of current threats to our air, Great Lakes and drinking water, we need to do more to protect Michiganders and their quality of life. Senate Bill 431 would do just the opposite.”

The bill would allow operations to begin as early as 5 a.m.—including near residences and schools—at decibel levels that can cause hearing damage.

“In addition to the sound concerns, removing all local control would make it difficult for our school districts to protect their bus routes, and thus, the safety of Michigan schoolchildren,” said Jennifer Smith, director of government relations for the Michigan Association of School Boards. “We do not want this additional truck traffic to run on the same main routes as our buses and are concerned that any consideration of student transportation safety would be second to decisions that benefit the business.”

Coalition members include the Michigan Townships Association, Michigan Municipal League, Michigan Association of Counties, Michigan Association of Planning, Southeast Michigan Council of Governments, Michigan Environmental Council, Michigan League of Conservation Voters and Michigan Association of School Boards.

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