

# MEMO

**To:** Natural Resources, Environment and Great Lakes Committee Members  
Chair - Senator Tom Casperson

**From:** Kevin Grzelak

**Date:** June 27, 2011

**Re:** HB 4746-Prepared Statement

**Message:**

I testified before this Committee on June 23, 2011 in opposition to House Bill 4746 and companion Senate Bill 470. I am a Plaintiff in a lawsuit filed against Valley View Quarry (owned by Moyle Construction) and I own property adjacent to their operation. An Injunction was issued in that case against Valley View Quarry.

I strongly encourage members of this Committee to vote "no" on the bill in its current form. The substitute language offered by Gerald Fisher provides a reasonable solution with regard to the ability to exclude the extraction of a valuable natural resource in a local unit of government. Whether the aforementioned substitute language is adopted or the bill's current language requiring the rule of Silva of "No very severe consequences" is adopted, neither of these approaches address the ability of the township to regulate the extraction of natural resources when the extraction of natural resources is allowed. Specifically, the proposed legislation does not grant the Townships power to regulate with regard to noise, hours of operations, dust and other air-borne particulates, water, blasting, etc. to ensure that the mining operation fits within the geographic area such that they operate as "good neighbors." Additionally, the language of the proposed bill does not provide an enforcement tool to allow for enforcement of township regulations.

I respectfully request the Committee members to amend the language of the bill to allow for the ability of the governmental agency, e.g., the township, to regulate the extraction of natural resources for those situations where the operation is not excluded. Specifically, I would like to see regulations that would enable the township to regulate the noise level, the hours of operation, the amount of dust and other air-borne particulates, the ability to take into consideration ground water issues (to the extent the DEQ does not address these issues), to control blasting and notification of same and other factors that are reasonable when it comes to ensuring that the operation operates as a good neighbor. In addition, I ask that the Senate consider amending the bill to provide an enforcement tool to enable the township and those affected to regulate the operation. Perhaps, a violation of the township regulations could be deemed a criminal violation or perhaps damages could be specified, such that townships and affected neighbors can enforce the regulations without undue cost burden.

I am not against the extraction of valuable natural resources from private property, however, it is reasonable to expect that such operations follow reasonable regulations and act as a good neighbor so that the people of Michigan can live in harmony with the mining operation.

Thank you.