

All members of the Ann Arbor Township Board thank the many residents who took time to provide comments at our October 1 input session regarding the MMM mine. We appreciate hearing directly from you about your perspective and concerns regarding the mine operations and settlement proposal with MMM.

As mentioned in our statement announcing the session, the partial settlement proposal is not the final settlement. Rather it addresses only those significant issues on which we have agreement with MMM, and not all the important issues. We purposefully chose to come to you at this stage of negotiations, given the public request for more information and participation. The Township continues to discuss and negotiate additional concerns such as fines, escrows and detailed reclamation plans.

Many have questioned: why negotiate at all? Given all that's happened, can't they be shut down?

The negotiations with MMM attempt to avoid a potentially lengthy and costly court battle with uncertain and potentially negative outcomes for our residents and the Township. It's important to keep in mind that the Vella Pit is an existing, operating mine and state law has special protections for mining operations. Our approach is to craft a mutual agreement on critical issues you've identified, starting with a permanent prohibition of dewatering. In addition, under the proposed settlement, all mining would cease on December 31, 2031, as a restriction that would be tied to the land and bind future owners of the site. Getting MMM to agree to a definite end date is very significant because many concerns that have been raised will be best addressed by cessation of active mining. Another benefit of the settlement approach is to set the rules of the road for the mine in a court order, which has added benefits of court enforcement and oversight. The status of other important issues are addressed in the following summary of our current understanding of verified facts and planned next steps.

Water Levels: The Township sought and achieved a Court injunction on dewatering at the mine in Oct. 2023. To our knowledge, MMM paid for the replacement or pump lowering of 10 wells. These wells have recovered to various degrees, which is influenced by the distance of each well from the mine, and are continuing their recovery under the preliminary injunction against dewatering. We are not aware of any wells in the area currently experiencing loss of water level. Also to our knowledge, MMM compensated all residents with impacted wells who sought compensation, and some residents with wells with lowered levels during dewatering declined to seek reimbursement from MMM.

Recently, claims have been made that post-dewatering mine operations caused rising water levels at a few wells that did not completely lose water during the dewatering phase, and also at water tables on two properties. We asked our hydrogeologist consultant, Dr. Steven Wright, retired Arthur F. Thurnau Professor of Civil and Environmental Engineering at University of Michigan, to analyze these issues and provide us guidance. We expect feedback in the coming weeks.

Water Quality: In response to water quality concerns recently raised by residents near MMM, the Township hired LimnoTech, an environmental and water resources engineering consulting firm. Its investigation will look into reports of well water turbidity (cloudy water) as well as odors and clogged water filters. These conditions appear to be consistent with minerals known to exist in local groundwater. The study is looking into a possible connection between these concerns and the initial dewatering and subsequent rising water well levels. Specific conditions for each well will need to be analyzed. If you have not yet provided information about well water quality concerns to the township, please do so by contacting Clerk Kristine Bolhuis at Clerk@aatwp.org.

Noise Levels: We heard repeatedly from residents that there is too much noise. Under the proposed settlement, MMM has agreed to an advanced truck traffic and boundary noise monitoring system selected by Stantec, our Township engineering firm and a global leader in sustainable engineering, architecture and environmental consulting. A dedicated Township consultant will be responsible for ongoing monitoring and identifying violations. Noise violations, both at the mine and from mine-related traffic on Earhart Road will be subject to fines.

Truck Counts: Another frequent complaint is that MMM is not following current restrictions for daily truck counts. Under the proposed settlement, a truck count monitoring system will be installed at MMM's expense that will provide a real-time record of the daily number and entry time of trucks. This includes identifying any truck entry after the proposed earlier ending entry time of 5pm. Violations will be subject to fines.

Traffic violations: Some residents reported unsafe and/or disrespectful behavior by truck drivers exiting the mine. Lt. Lindsey Thompson, our assigned representative at Washtenaw County Sheriff's Department, requests that drivers report traffic violations as they happen through the non-emergency line: (734) 994-2911. Please note the date, time of day and the truck's license plate. If possible, take pictures of the truck and its license plate. Email your report, contact information, and documentation to thompsonl@washtenaw.org so that Lt. Thompson can follow up.

Earhart Road Maintenance: Numerous residents have reported unsafe driving conditions due to the ruts left by truck traffic on Earhart Road. The Township has responded by negotiating an agreement with the Washtenaw County Road Commission for monthly grading and dust control on Earhart Road during May through October weather dependent and an agreement with MMM to pay for it. This maintenance has been ongoing since July and in general the results are encouraging. The condition of the intersection of Warren and Earhart remains a concern that the Township is studying. In addition to maintaining the quality of the road, the ongoing maintenance serves to decrease road noise and dust from Earhart Road traffic.

Additional Environmental Concerns: The expert assistance the Township has sought from LimnoTech and Dr. Steven Wright includes studies of Massey Lake and impacts of the mine's onsite reclamation plan and lake expansion on the hydrology of the local area now and into the future. Results of these studies will inform important aspects of the future terms of the settlement.

Thank you for keeping us informed of your personal experience and concerns. We promise to share information from our expert studies when their reports are complete.