

## PUBLIC INPUT SESSION: PROPOSED SETTLEMENT TERMS VELLA PIT

The Township Board has been negotiating with Mid Michigan Materials (“MMM”) a potential settlement of the current litigation, to include the terms of future mining operations. As part of those negotiations, MMM has submitted updated information related to its proposed continuing operations at the mine located at 4984 Earhart Road. Those materials can be found at the following link: [☐ MMM Settlement Materials - 9.11.25.](#)

This submission from MMM is a major step toward resolution but does not represent a final settlement. The Township and MMM also are considering the following conditions related to future mining operations:

- 1) The mine would discontinue all active mining operations after six years. MMM would agree not to seek future Conditional Use Permit (CUP) renewals and would completely discontinue its mining operation by December 31, 2031. Reclamation of the mine property would be completed 1.5 years thereafter, by June 2033.
- 2) The mine would agree to never again engage in dewatering of the aquifer.
- 3) While the mine would continue to operate from 7 am to 6 pm Monday through Friday, and from 8 am to 12 pm on Saturdays, no trucks would enter after 5:00 pm and all truck loading would be completed and trucks would leave the site by 5:30 pm. In addition, MMM would agree to use reasonable efforts to cease all excavation activities by 5:30 pm, with an absolute deadline of 5:45 pm.
- 4) Noise and truck counts would be monitored by video and sound monitoring devices at the following locations: one at the mine entrance, and two south of the entrance (one north and one south of the Warren/Earhart intersection). If there are noise exceedances resulting from mine-related traffic, MMM would agree to work with the Township, the Road Commission and other traffic enforcement authorities to reduce mine traffic noise to required levels, and if those efforts are not successful after 30 days, the Township could take enforcement action.
- 5) Truck queuing (staging) on Earhart Road would remain prohibited. MMM would continue to use reasonable efforts to get such trucks off the road and into the mine entrance area, and to communicate with its customers and their drivers that staging is prohibited on Earhart Road. If MMM failed to appropriately address such staging activities, the Township could take enforcement action. MMM would agree to calculate average weekly truck counts using a 5.5 day week. The maximum average truck count will remain at 50 and maximum daily truck count will remain at 80.

- 6) The eventual reclamation lake would be completed in accordance with EGLE Part 301 permit requirements, and MMM would consider other reasonable assurances in the consent judgment to ensure the health of the lake and protections for the aquifer.
- 7) MMM has submitted a proposed conceptual reclamation plan available at the link above. MMM would submit an amended reclamation plan that follows all ordinance requirements on a future date yet to be negotiated that provides sufficient time for review prior to the commencement of reclamation.
- 8) MMM would provide additional sand at the intersection of Warren and Earhart to address icy conditions, with the consent of the Road Commission, or alternatively, would work with the Road Commission to address safety concerns at the intersection.
- 9) MMM would submit an annually updated road escrow fund to pay for ongoing maintenance in an amount determined by the Road Commission and that also would include replacement of gravel and/or limestone at least every two years, or more often if recommended by the Road Commission.
- 10) MMM would continue to mitigate any impacts to the neighboring wells.

To reiterate, the submission by MMM and the above negotiated items do not represent a final settlement. The Township and MMM continue to discuss additional conditions and requirements. It is proposed that the current lawsuit would be settled with an enforceable consent judgment that includes the terms above, among others yet to be negotiated.

The Township is seeking public input on MMM's submissions, as well as the above proposed terms of a potential resolution. A public input session is scheduled for October 1, 2025, where the Township will receive such comments, either in person, or in writing. During this settlement process, the current litigation will remain stayed, and the mine will continue its currently permitted operations under the Court's order.