

## Ric Davis

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**From:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Sent:** Tuesday, May 20, 2025 4:00 PM  
**To:** Christine Rogers  
**Cc:** Bob.Doyle@smithgroup.com; Ric Davis  
**Subject:** [EXTERNAL] Re: \*\*EXTERNAL\*\*Special Land Use Review

Caution: This email originated from outside of Springfield Township's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Christine,

Supervisor Davis (cc'd) explained that there is a natural features map displaying the natural features boundary on our property. Will you please share that map with me?

Thank you!  
Reuben

> On May 19, 2025, at 4:10 PM, Christine Rogers <crogers@springfield-twp.us> wrote:

>

> Good afternoon, Bob,

>

> I wanted to share with you Julia and Jason's from Giffels Websters

> Special Land Use Plan Review.

>

> Have a great day,

> Christine

>

>

>

>

>

> [cid:image001.png@01DBC8D7.C8B43A20]

>

> ATTENTION:

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> \_\_\_\_\_

Attached for your review is a comment on behalf of the Great Lakes Environmental Law Center regarding the gravel mine proposed by Edw. C. Levy Co. I hoped to attend the public session yesterday and to provide copies of it to you in person but the storm had other plans.

Our organization is very familiar with the operations of the Levy Company. We are currently litigating a permit they received from the Michigan Department of Environment, Great Lakes, and Energy to construct a slag grinding plant directly across from Zug Island in Southwest Detroit, the most polluted community in the state.

Based on the company's history of non-compliance and the foreseeable impacts this facility will have on air and water quality as well as property values, we do not believe the company can demonstrate it will not cause very serious consequences.

Thank you in advance for your consideration and please feel free to contact me if you have any questions.

Andrew "abu-Zaeem" Bashi

Staff Attorney

Great Lakes Environmental Law Center

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[313-782-3372 ext. 2](tel:313-782-3372)



[glelc.org](http://glelc.org)



4444 Second Avenue, Detroit, MI 48201

**Ric Davis**

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**From:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Sent:** Thursday, May 8, 2025 2:32 PM  
**To:** Julia Upfal; Stephanie Osborn; Nancy McClain; Christine Rogers; Ric Davis; Sean Miller  
**Subject:** [EXTERNAL] Re: \*\*EXTERNAL\*\*Springfield Site Plan Documents

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That's fantastic! We are looking forward to giving you a behind-the-scenes look at what we do!

Thanks,  
Reuben

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**From:** Julia Upfal <jupfal@giffelswebster.com>  
**Date:** Thursday, May 8, 2025 at 2:30 PM  
**To:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>, Stephanie Osborn <sosborn@giffelswebster.com>, Nancy McClain <nmcclain@giffelswebster.com>, crogers@springfield-twp.us <crogers@springfield-twp.us>, rdavis@springfield-twp.us <rdavis@springfield-twp.us>, smiller@springfield-twp.us <smiller@springfield-twp.us>  
**Subject:** RE: \*\*EXTERNAL\*\*Springfield Site Plan Documents

Thank you so much! This sounds like a great opportunity- I can confirm 2 of us will be there and possibly a third; I will verify that asap.

Julia

**Julia Upfal, AICP**  
Senior Planner



Giffels Webster  
1025 E. Maple, Suite 100  
Birmingham, MI, 48009  
p: 248.852.3100  
f: 313.962.5068

Crain's Best Places to Work in Southeast Michigan  
2024

[jupfal@giffelswebster.com](mailto:jupfal@giffelswebster.com)  
[www.giffelswebster.com](http://www.giffelswebster.com)  
[privacy policy](#)

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**From:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Sent:** Thursday, May 8, 2025 11:16 AM  
**To:** Julia Upfal <jupfal@giffelswebster.com>; Stephanie Osborn <sosborn@giffelswebster.com>; Nancy McClain <nmcclain@giffelswebster.com>; crogers@springfield-twp.us; rdavis@springfield-twp.us; smiller@springfield-twp.us  
**Subject:** Re: \*\*EXTERNAL\*\*Springfield Site Plan Documents

Good morning,

I want to thank each of you for your time, input, questions, and collaboration Tuesday afternoon. The discussion was positive and remarkably productive. As we discussed in Springfield, I am working with Commissioner Sclesky to arrange a visit to our Oxford facility.

You are cordially invited to attend the tour of our Oxford facility, along with Commissioner Sclesky, 11:00am Wednesday, May 21st at 275 Ray Road, Oxford. The visit will last approximately 2.5 hours, including a discussion and Q&A session over lunch. It would be great to host you, if you are available. If you plan to join us, please let me know so I can arrange a suitably sized vehicle. Getting (allegedly) stuck in the mud is not guaranteed!

Thank you,  
Reuben

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**From:** Bob Doyle <Bob.Doyle@smithgroup.com>  
**Date:** Wednesday, May 7, 2025 at 3:49 PM  
**To:** [jupfal@giffelswebster.com](mailto:jupfal@giffelswebster.com) <[jupfal@giffelswebster.com](mailto:jupfal@giffelswebster.com)>, [sosborn@giffelswebster.com](mailto:sosborn@giffelswebster.com) <[sosborn@giffelswebster.com](mailto:sosborn@giffelswebster.com)>, [nmcclain@giffelswebster.com](mailto:nmcclain@giffelswebster.com) <[nmcclain@giffelswebster.com](mailto:nmcclain@giffelswebster.com)>  
**Cc:** [crogers@springfield-twp.us](mailto:crogers@springfield-twp.us) <[crogers@springfield-twp.us](mailto:crogers@springfield-twp.us)>, [smiller@springfield-twp.us](mailto:smiller@springfield-twp.us) <[smiller@springfield-twp.us](mailto:smiller@springfield-twp.us)>, [rdavis@springfield-twp.us](mailto:rdavis@springfield-twp.us) <[rdavis@springfield-twp.us](mailto:rdavis@springfield-twp.us)>

Maxbauer, Reuben <[RMAXBAUER@edwclevy.net](mailto:RMAXBAUER@edwclevy.net)>, Deciechi, Kayla <[kdeciechi@levynet.com](mailto:kdeciechi@levynet.com)>, Stephen R. Estey <[sestey@zausmer.com](mailto:sestey@zausmer.com)>, Irit Walters <[iwalters@zausmer.com](mailto:iwalters@zausmer.com)>, Jake Hamilton <[Jake.Hamilton@smithgroup.com](mailto:Jake.Hamilton@smithgroup.com)>

**Subject: \*\*EXTERNAL\*\*Springfield Site Plan Documents**

Thanks for taking the time to meet with us yesterday, we appreciate the opportunity to discuss the proposed extractive operation.

Per the discussion, attached is a pdf copy of the plans we reviewed.

We have begun organizing our efforts to provide the supplemental information requested and will get those documents to you as soon as possible, by May 19th, if not sooner!

Let us know if you have any questions or concerns in the meantime.

Thanks!

**BOB DOYLE**

Landscape Architect, ASLA  
Senior Principal

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**SmithGroup**

201 Depot St., Second Floor  
Ann Arbor, MI 48104

T 734.669.2695 C 734.548.0408  
[bob.doyle@smithgroup.com](mailto:bob.doyle@smithgroup.com)

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[EXTERNAL] This email originated from outside of your organization

**Ric Davis**

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**From:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Sent:** Thursday, May 8, 2025 11:16 AM  
**To:** jupfal@giffelswebster.com; sosborn@giffelswebster.com; nmccclain@giffelswebster.com; Christine Rogers; Ric Davis; Sean Miller  
**Subject:** [EXTERNAL] Re: \*\*EXTERNAL\*\*Springfield Site Plan Documents

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Thank you,  
Reuben

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**From:** Bob Doyle <Bob.Doyle@smithgroup.com>  
**Date:** Wednesday, May 7, 2025 at 3:49 PM  
**To:** jupfal@giffelswebster.com <jupfal@giffelswebster.com>, sosborn@giffelswebster.com <sosborn@giffelswebster.com>, nmccclain@giffelswebster.com <nmccclain@giffelswebster.com>  
**Cc:** crogers@springfield-twp.us <crogers@springfield-twp.us>, smiller@springfield-twp.us <smiller@springfield-twp.us>, rdavis@smpringfield-twp.us <rdavis@smpringfield-twp.us>, Maxbauer, Reuben <RMAXBAUER@edwclevy.net>, Deciechi, Kayla <kdeciechi@levynet.com>, Stephen R. Estey <sestey@zausmer.com>, Irit Walters <iwalters@zausmer.com>, Jake Hamilton <Jake.Hamilton@smithgroup.com>  
**Subject:** \*\*EXTERNAL\*\*Springfield Site Plan Documents

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Thanks!

**BOB DOYLE**

Landscape Architect, ASLA  
Senior Principal

---

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## Ric Davis

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**From:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Sent:** Wednesday, May 7, 2025 1:48 PM  
**To:** Christine Rogers  
**Cc:** Ric Davis  
**Subject:** [EXTERNAL] Re: \*\*EXTERNAL\*\*Names and Address

**Caution:** This email originated from outside of Springfield Township's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Christine,

This is tremendously helpful, thank you very much!

Reuben

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**From:** Christine Rogers <crogers@springfield-twp.us>  
**Date:** Wednesday, May 7, 2025 at 11:22 AM  
**To:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Cc:** Ric Davis <rdavis@springfield-twp.us>  
**Subject:** \*\*EXTERNAL\*\*Names and Address

Good morning, Reuban,

The clerk's office was able to provide names and addresses for the parcels that are within 300 feet of

07-30-100-006

07-19-300-011

07-30-201-003

07-19-401-007

Please let me know if I can assist in any way.

Thank you,  
Christine



**Christine Rogers, Executive Assistant**  
Springfield Township  
12000 Davisburg Road  
Davisburg, MI 48350  
248-846-6504

**SPRINGFIELD**  
CHARTER TOWNSHIP

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## Ric Davis

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**From:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Sent:** Tuesday, April 29, 2025 2:50 PM  
**To:** Ric Davis  
**Subject:** [EXTERNAL] Mining Application  
**Attachments:** Springfield Twp. SUP and Mining Application (4-29-25) (10439572.1).pdf

**Caution:** This email originated from outside of Springfield Township's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Supervisor Davis,

We did it! We got it to you today. The written portion is currently available, the first set of drawings will be added later this afternoon, but I didn't want to delay any further. You can find our submittal at the following link:  
<https://zausmer.sharefile.com/public/share/web-s59260aadf5de466397e84757975b1954>

There's a fair amount here, so I want to do my best to explain. We can go over everything in greater detail when I visit tomorrow at 3:00pm.

1. Thank you for sharing your deadline with us so we could push our team to meet it. As we discussed, we will need to supplement our mining application if/as this moves forward. We did our very best getting this together to meet your timeline but couldn't pull it all together while meeting your deadline.
2. As you will recall, you asked for assistance with both road gravel as well as a high capacity well (500+ gpm). During those conversations I shared that we were eager to support as best we could, but needed to be able to mine/produce materials to pay for these costs. That tradeoff is reflected in this application.
3. I told you we would use the least objectionable equipment possible, which is why our application reflects both portable and modular equipment for material processing.
4. We have discussed challenges the sand and gravel mining industry has faced with mine permits in other communities. I want to highlight those challenges once again to you to ensure you know (I know you do!) the chaos that could ensue. As we've discussed, if too much pushback is encountered, we will happily pull our application and then reapply after we've pulled everything together more properly in a year or two years' time. We will continue to look to you for guidance.
5. Most communities request a \$2,000-\$3,000/disturbed acre bond for reclamation.
6. Finally, parcel numbers, per your request, are as follows:  
07-19-401-007  
07-30-201-003  
07-19-300-011  
07-30-100-006

I will call you later this afternoon and really look forward to diving into this in greater detail with you tomorrow at 3:00pm.

Best,  
Reuben



ZAUSMER, P.C.  
32255 Northwestern Highway, Suite 225  
Farmington Hills, MI 48334-1530  
(248) 851-4111 · Fax (248) 851-0100

**STEPHEN R. ESTEY**  
Shareholder  
sestey@zausmer.com

April 29, 2025

**Via Hand-Delivery and E-mail**

Springfield Charter Township  
ATTN: Chair of the Planning Commission  
c/o Richard Davis, Township Supervisor  
12000 Davisburg Road  
Davisburg, MI 48350

**Re: Burroughs Materials Corporation of Michigan's ("Applicant" or "BMC")  
Application for a Special Land Use Permit and Mining Permit ("Application") for a  
proposed sand and gravel mining operation ("Project")**

Dear Planning Chairperson:

We represent BMC regarding the aforementioned Application to permit a sand and gravel mining operation in Springfield Charter Township (the "Township"), Oakland County. As part of the Project, BMC owns approximately 482 acres of land located in Springfield Charter Township (collectively, the "Property"). BMC currently owns a separate operating mining operation in the Township, which is nearing the end of its useful life. Further, BMC's primary customer, Ace Asphalt, is located in the Township. As the need for BMC's extracted materials continues, as illustrated by the Township's own need for road gravel products, this is a unique situation where BMC is looking to replace the resources of the current mining operation through the Project. The resources will be mined from the Property to replace exhausted reserves, and the processing will take place on site using modular processing equipment.

Pursuant to the Ordinance, the Project is located in an R-1A Suburban Estates ("R-1A") District as defined in Article III, Division 5 of the Township Zoning Ordinance ("Ordinance") and is permitted as a Special Land Use under the classification of Article II, Division 6 and as a Mineral Mining Operation under the classification of Article IV. Sand and gravel mining in the state of Michigan is also governed by the Michigan Zoning Enabling Act ("MZEA"). See MCL, Act 110 of 2006. The Project will fill a demand for construction-grade sand and gravel for the local and regional construction industry, as well as increase the local tax base, diversify the local economy and provide job opportunities for the local community. Further, the extraction of these natural resources would not cause "very serious consequences," and therefore, not be in violation of the MZEA.

The Applicant hereby submits the attached Application and supporting documents and information for consideration by the Township. Enclosed with this correspondence are the following:

ATTORNEYS & COUNSELORS  
www.zausmer.com



**Re: Burroughs Materials Corporation of Michigan's Application for a Special Land Use Permit and Mining Permit for a proposed sand and gravel mining operation**

April 29, 2025

Page 2

1. Three (3) copies of the completed Application for Mineral Mining Site Application **(Exhibit A)**<sup>1</sup> including;
  - a. Preliminary Site Plan **(Exhibit B)**;
  - b. Geological Report **(Exhibit C)**;
  - c. Aerial Photograph **(Exhibit D)**; and
  - e. Fee payment of \$700 (for Special Land Use Application and Mining Permit).

**The Project**

The proposed sand and gravel mining operation would be built on 4 adjacent sites totaling 482.6 acres. The site is located in portions of sections 19 and 30 of Springfield Charter Township, approximately 1.2 miles south of the intersection of Davisburg Road and Ormond Road (see Map below). The Project will be located in the R-1A("R-1A") zoning district. Mineral mining is regulated under Section 40-597 of the Ordinance, which provides that the mining of sand, gravel, stone, and/or other mineral resources in the township shall be authorized by the grant of special land use and Preliminary Site Plan approval by the township board, after recommendation of the planning commission, in accordance with this section, or pursuant to Article III, Division 14, Section 40-554 of the Ordinance as to mining operations in effect as of December 31, 2015. The Project is being submitted as a request for special land use to be approved by the township board following recommendation by the Planning Commission since the mining operation has not been in operation as of December 31, 2015. Mineral mining shall also be subject to the requirements of Article IV, Mining Control. Mineral mining shall be considered a special land use in the R-1A, C-1, C-2, PL, M-1 and M-2 Districts and shall be prohibited in all other districts.

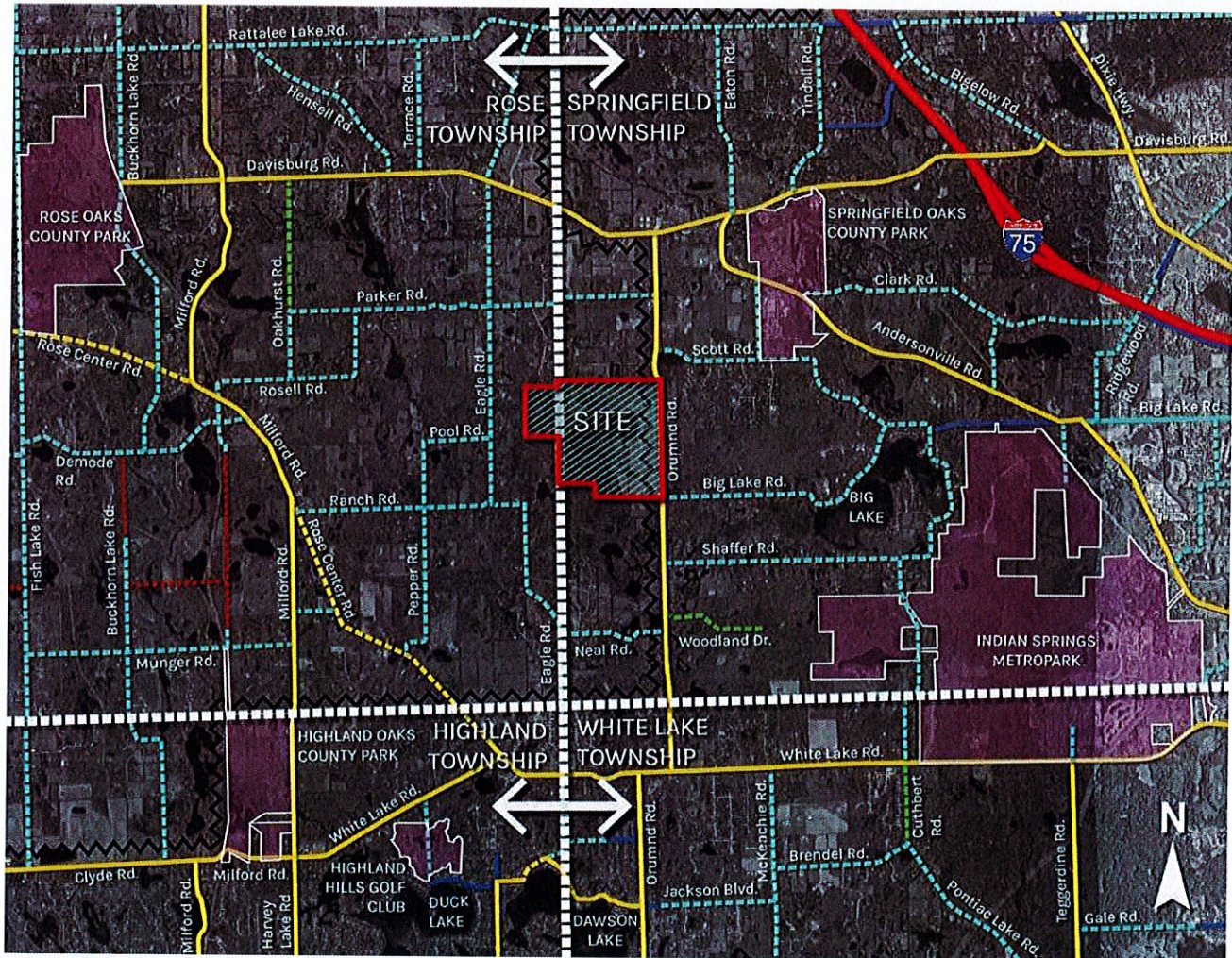
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<sup>1</sup> Additional copies may be provided upon request. In addition, an electronic version of this Application is being provided by email simultaneous with this filing.

## Re: Burroughs Materials Corporation of Michigan's Application for a Special Land Use Permit and Mining Permit for a proposed sand and gravel mining operation

April 29, 2025

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The estimated extraction activity will take place in 5 distinct phases, which will be completed in approximately 20 years, subject to market conditions. BMC estimates that between 60,000 and 665,000 cubic yards of sand and gravel will be removed annually from the site. A portable processing plant, as well as modular processing equipment, will be used on the Project Site for the purpose of producing road gravel and construction grade materials as needed, on an annual basis. The preparation of the land for mining will be done on an as-needed basis, leaving existing land cover in place until removal is required for mining activities. Similarly, reclamation will be completed on an ongoing basis such that the area disturbed by mining at any one time will be limited to what is required for efficient, safe, and responsible operations. After the completion of mining activity, site reclamation will result in a range of landform types and habitats, and a land shape conducive to recreational and/or residential development.

Based on our review of the Ordinance and the information provided below, and in light of the strong demand for BMC's aggregate materials which will continue once BMC's current mine is exhausted.



**Re: Burroughs Materials Corporation of Michigan's Application for a Special Land Use Permit and Mining Permit for a proposed sand and gravel mining operation**

April 29, 2025

Page 4

the Applicant respectfully requests the review and recommendation of the Application by the Planning Commission and review and approval of the Application by the Board of Trustees. To that end, we request that the Application be reviewed and placed on the Planning Commission's agenda at the first available date. If possible, to expedite this request, we request that a special meeting be scheduled.

**I. Article IV, Section 40-597, Mineral Mining**

Pursuant to Article IV, Section 40.597, mineral mining is considered a special land use in the R-1A, C-1, C-2, Pl, M-1 and M-2 Districts.

The purpose of the mineral mining ordinance is stated in Section 40-597(a) of the Ordinance:

It is the intent and purpose of this section to promote the underlying spirit and intent of this article, but at the same time allow for the extraction of minerals in locations where they have been naturally deposited. These regulations are also intended to ensure that mineral mining activity shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and to ensure that mineral mining activities are consistent with the public health, safety, and welfare of the township.

Section 40-597(b) states:

The mining of sand, gravel, stone, and/or other mineral resources in the township shall be allowed under the following circumstances: a) as authorized by the grant of special land use and site plan approval by the township board, after recommendation of the planning commission, in accordance with this section, or b) pursuant to section 40-554 as to mining operations in effect as of December 31, 2015. Mineral mining shall be subject to the requirements of chapter 12, article IV, mining control. Mineral mining shall be considered a special land use in the R-1A, C-1, C-2, Pl, M-1 and M-2 Districts and shall be prohibited in all other districts.

As the Project will be located in the R-1A zoning district, it would be considered a special land use which requires approval by the Board of Trustees after recommendation by the Planning Commission. Along with this, Section 40-597(f) states that for operations requiring special land use approval it is the intent that the application procedure in this section and the application procedure for a mining permit of section 12-81 be reviewed *concurrently*.

The application requirements for mineral mining pursuant to Section 40-597(d) require submission of the following:

- (1) A completed application for special land use approval as set forth in section 40-145.



**Re: Burroughs Materials Corporation of Michigan's Application for a Special Land Use Permit and Mining Permit for a proposed sand and gravel mining operation**

April 29, 2025

Page 5

- (2) A completed application and all required information for Preliminary Site Plan approval as set forth in section 40-136.
- (3) A completed application and all required information as set forth in section 12-81.
- (4) Market information. The applicant shall submit a report prepared by a geologist and/or other experts with appropriate credentials to demonstrate compliance with MCL 125.3205, as amended, that the natural resources to be extracted shall be considered valuable, and the applicant can receive revenue and reasonably expect to profit from the proposed mineral mining operation. The applicant shall also provide documentation to demonstrate that there is a need for the natural resources to be mined by either the applicant or in the market served by the applicant.

***Response: This requirement is met. The Application and Preliminary Site Plan demonstrating compliance with MCL 125.3205 are attached as Exhibits A and B.***

The standards by which the application will be evaluated are stated in Section 40-597(e):

- (e) *Standards.* The applicant shall have the burden of demonstrating that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the applicant, or in the market served by the applicant, and that no very serious consequences would result from the extraction, by mining, of the natural resources.
  - (1) The decision on a special land use request under this section shall be based upon the following:
    - a. A determination by the township board that the applicant has met the burden of demonstrating that there are valuable natural resources on the relevant property and that there is a need for the natural resources by the applicant or in the market served by the applicant;
    - b. A determination by the township board that the applicant has demonstrated compliance with the standards for special land use approval contained in this chapter.
    - c. A determination by the township board that very serious consequences would not occur as a result of the mining operations. The following factors shall be considered in making that determination:
      1. The relationship of extraction and associated activities with existing land uses.
      2. The impact on existing land uses in the vicinity of the property.
      3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property.
      4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
      5. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
      6. The overall public interest in the extraction of the specific natural resources on the property.



**Re: Burroughs Materials Corporation of Michigan's Application for a Special Land Use Permit and Mining Permit for a proposed sand and gravel mining operation**

April 29, 2025

Page 6

- d. The proposed mining operation shall have immediate and direct access to a road having the necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use.

***Response: This requirement is met. The Application, Preliminary Site Plan and Geological Report demonstrating the existence of valuable sand and gravel, the need for the natural resource and that no very serious consequences would occur as a result of the mining operation are attached as Exhibits A B and C. Further, the mining operation will have immediate and direct access to Ormond Road, which has necessary and appropriate load bearing and traffic volume capacity in relation to the intensity of the mining operation use, as is shown in Exhibits A and B.***

The Ordinance also requires in Section 40-597(g) that in addition to any other conditions that may be imposed by the Township Board, a condition of special land use approval is:

- (1) During the term of the special land use permit, the total area (or areas) being mined and which has (or have) not been reclaimed shall at no time exceed the lesser of 150 acres or 40 percent of the entire parcel approved as a special use; and
- (2) The applicant shall be required to secure any renewals of the mining permit required by section 12.81.

***Response: The Applicant will comply with these requirements and secure mining permit renewals as required.***

## **II. Article IV. Mining Control**

The first of two permitting tracks that must be approved for a mining project in the Township falls under Article IV of the Ordinance, Mining Control. Section 12-79, Permits, requires a permit for owning and operating a mineral mining site in the Township. Under Section 12-79(d), Administrative review:

Where a permit is required due to the volume of cubic yards to be distributed yet a minimum impact is apparent, an administrative review performed by the township supervisor or his designee will be allowed to prevent unnecessary and costly information from being submitted. A minimum administrative review fee, as established by resolution of the township board, will be charged for this review. The township supervisor or his designee may allow the processing of an application with less than all the information otherwise required by this article.

Here, the Project will have minimum impact, yet permitting is required due to the volume of cubic yards to be mined. While the Applicant has worked to provide all relevant information necessary for a determination by the Township, the Township Supervisor may allow the processing of the Application

with less than all of the information required by the Ordinance. To the extent more information is required or requested, the Applicant will be happy to supplement the record.

**A. Section 12-80 provides the application procedure for a mining permit:**

- (a) The following application procedure shall be complied with prior to the commencement or continuation of any mining which exists or is proposed as of or after December 11, 2008. The application form shall be obtained from the township clerk.
  - (1) All applicants shall use the form provided by the township clerk, accompanied by the documents listed on that form. All permits are annual in nature and all permits expire on May 15 of each permit year. To be considered for renewal, 15 copies of the proper application with required attachments must be submitted to the township on or before November 30 of the year preceding.
  - (2) Upon receipt of any application, the township engineer shall review the application and attachments, physically inspect the premises to determine compliance with the standards of this article and any previously issued permit and reclamation plans, and report to the township board, which report shall also include feasibility of the reclamation plans, compliance with any previously issued permit and reclamation plan and engineering considerations, an estimate of the cost of reclamation upon abandonment for bond amount purposes, and general safety, drainage and other engineering considerations of the permit application. The report by the township engineer shall be rendered no later than the regular February meeting of the township board.
  - (3) The township board shall make final determination on issuance, renewal or nonrenewal of the mining permit on or before May 15 of the respective year. Failure of the township board to act by the time frames mandated above shall not result in an automatic renewal for a one-year renewal period, but such failure merely results in an extension of the existing annual license for an additional period up to the time of final determination by the township board.
- (b) *Application contents.* The contents of an application for a mining permit shall be as follows:
  - (1) Name of the owner, or owners, of land from which removal is to be made.
  - (2) Name and address of applicant making a request for such permit.
  - (3) Name and address of the person who will be conducting the actual removal operation.
  - (4) Location, size, and legal description of the area from which the removal is to be made.
  - (5) Location of the processing plant and type of plant to be used.
  - (6) Detailed statement as to the exact type of materials or resources to be removed, and the estimated number of cubic yards.
  - (7) Proposed method of removal, general haul route, and whether blasting or other use of explosives will be required.



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- (8) General description of types of equipment to be used.
- (9) Duration of proposed operation, and location, timing, and any other relevant details with respect to the phasing and progression of work on the site.
- (10) Proposed method of filling excavation where mining results in extensive under-surface extension.

**Response: This requirement is met. Please see Mineral Mining Site Application attached as Exhibit A.**

- (11) A vertical aerial photograph (submitted on an annual basis), enlarged to a scale to fit on a 24-inch by 36-inch blueprint, from original photograph flown at a negative scale no smaller than one inch equals 660 feet. The date of the aerial photograph shall be certified, and shall have been flown at such time as the foliage shall be off of onsite trees. If there are changes in the topography from the date of the photograph, an accompanying text shall be provided explaining each change. The photograph shall be provided from an aerial flight having occurred within six months prior to the application filing date. The vertical photograph shall cover:
  - a. All land anticipated to be mined in the application, together with adjoining land owned by the applicant;
  - b. All contiguous land which is or has been used by the owner or leasehold applicant for mineral extraction and/or processing and/or storage, and all contiguous land in which the applicant or any affiliate has a current interest;
  - c. All lands within 200 feet of a proposed mining area;
  - d. All private and public roads from which access to the property may be immediately gained;
  - e. Boundary of the entire planned mining area by courses and distance;
  - f. Site topography and natural features including location of watercourses within the planned mining area;
  - g. Means of vehicular access to the proposed operation.

**Response: See Aerial Photograph attached as Exhibit D. To the extent an aerial photograph with a larger scale is required, the Applicant will supplement the record. The information requested in Section 12-80(11)(a-g) is included in the Preliminary Site Plan attached as Exhibit B.**

- (12) A mining and reclamation plan incorporating the updated contour base map drawn to a scale of no greater than one inch equals 200 feet and containing elevation contours at a maximum five-foot interval. The mining and reclamation plan shall show final elevation contours for the entire site and shall identify areas to be mined and reclaimed under the mining year in which a permit is being applied for. The mining and reclamation plan shall contain the following general information:
  - a. General area of completely reclaimed land;



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- b. General area of reclamation underway;
- c. General area currently used for topsoil and overburden storage;
- d. General area proposed for reclamation during the mining permit year;
- e. General area proposed for topsoil and overburden storage during the mining permit year;
- f. The acreage for each area shown on the mining and reclamation plan;
- g. A description of the methods and materials proposed for reclamation including placement of topsoil and planting materials;
- h. A schedule for reclamation activities.

**Response: This requirement is met. See Preliminary Site Plan, attached as Exhibit B.**

- (13) A surety performance bond to cover full reclamation for current and past operations at the site (including any mining activities prior to the effective date of the ordinance from which this article is derived) in an amount approved by the township based upon recommendation of the township engineer, which shall include the costs of inspections and administration of the permit, which bond shall be continued until all property where mining was conducted is fully reclaimed, at which time the bond shall be released. The form and content of the bond shall be approved by the township attorney. As acreage is reclaimed, the permit holder's bonding requirements will be reduced on a per acre basis. Mining activity shall only be permitted in areas of the subject properties for which the bond was posted, and there shall be no mining in any area which was not taken into consideration in the determination of the bond amount. The bond amount shall remain in effect for three years from the date of issuance of the initial permit. The township may review and adjust the bond amount annually.

**Response: The Applicant will comply with this requirement.**

- (14) Any other information deemed necessary by the township board in order to make its recommendation or decision.
- (15) The signature of the owner of the site, consenting to the application and agreeing to be bound by all the provisions of the permit and this article.

**Response: This requirement is met. See signed Mineral Mining Site Application attached as Exhibit A. To the extent any additional information is required, the Applicant will supplement the record.**

- (c) *Fees.* The application and any renewal permits shall be accompanied by a processing fee, to be paid by the applicant in an amount established by the township board.

**Response: The Applicant will comply with this requirement.**

- (d) *Renewal of annual permit.* The mining permit shall be annual in nature and shall expire on May 15 of each year. To renew the mining permit for the parcel or parcels being mined the township board shall receive a report from the township engineer as to compliance with the permit by the



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applicant. Upon finding the applicant has complied with the plan, another mining permit may be issued, subject to compliance with the provisions of this article.

**(e) *Standards for approval and requirements.***

- (1)** The township board shall grant or renew a permit under this article only if it finds that the applicant has demonstrated all of the following:
  - a. The proposed or existing mining operation complies with the standards of this article.
  - b. The proposed or existing mining operation complies with the environmental performance standards of the Springfield Township Zoning Chapter, and any other applicable law, ordinance or regulation.
  - c. For renewals, that the mining operation is in compliance with the terms of the existing permit.

**Response: *The Applicant will comply with these requirements.***

**B. Sec. 12-81 provides the standards, required improvements and reclamation for a mining operation:**

- (a) *Fencing and screening.*** A permit holder shall maintain and install/repair as necessary a four-foot-high farm type fence along the outside perimeter of all areas where mining activities have or are to occur. Fencing shall not be required along the common property lines for sites owned by the permit holder. The fencing must be continuous and in good repair so as to secure the subject property from trespassers.
  - (1)** During the mining and reclamation period, the permit holder shall maintain such fence. Any necessary repairs to the fencing shall be promptly made by the mining operators so as to maintain the integrity and continuity of the fence along the outside perimeter of the mining site properties.
  - (2)** All fenced areas shall be conspicuously posted with "No Trespassing" signs, which shall be of sturdy and rigid material. A permit holder shall promptly replace any missing signs.

**Response: *This requirement is met. See Preliminary Site Plan, attached as Exhibit B.***

- (b) *Hours of operation.*** A permit holder may carry on mining activities during the hours of 6:00 a.m. to 7:00 p.m., except during daylight savings time when the closing time can be extended to 8:00 p.m., Monday through Saturday, and as the hours may be amended from time to time. The term "mining activities," as used in this section, means the operation of mining machinery and the processing plant. Mining and/or trucking activities shall not occur on Sunday without advance authorization from the township supervisor or his/her designee. The limitation of operations on legal holidays shall be the same as the limitation applicable to Sundays.

**Response: *The Applicant will comply with all requirements regarding hours of operation.***



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- (c) *Road access.* The proposed mining operation shall have immediate and direct access to a paved road having necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use.

**Response:** *This requirement is met. The haul route for the mining operation will have immediate and direct access to Ormond Road, a paved road which meets the load bearing and traffic volume requirements.*

- (d) *Road maintenance.* Access roads, excluding roads under the jurisdiction of the Road Commission for Oakland County, to and within the subject properties shall be maintained by the permit holder so as to maintain the roads in adequate condition for access purposes and to minimize the dust arising from the use of such roads. Such maintenance shall be accomplished through the application of chloride, water, and/or similar dust retardant material. In the event notification is received from any other county and/or state agency having jurisdiction over the affected public roadway regarding maintenance requirements, the notified mining operators shall promptly take whatever appropriate action is necessary to address the agency's requirements.

**Response:** *The Applicant will comply with this requirement.*

- (e) *Operation of use.* All equipment and facilities used in the production, processing, or transportation of sand, gravel, or stone on the subject properties by the permit holder shall be constructed, maintained, and operated in such a manner as to eliminate, insofar as practicable, noises, vibrations, or dust which interfere with the reasonable use and enjoyment of surrounding property. Where feasible, the processing plants and accessory equipment shall be located below the average grade of the surrounding parcels so as to effectuate screening from sight, noise, dust, and vibration.

**Response:** *The Applicant will comply with this requirement.*

- (f) *Noise standards.* The permit holder shall not operate any equipment on the subject properties at any time or under any condition so as to cause a level of sound which exceeds that allowable by Code section 40-883. Noise levels may be increased by ten decibels for a period of not to exceed 15 minutes in any one-hour period. The township supervisor/designee may grant a temporary waiver of this requirement for a period not in excess of 30 days.

**Response:** *The Applicant will comply with this requirement.*

- (g) *Lighting.* All lighting used on the site to illuminate the mining area, access roads, stockpile area, and similar use area shall comply with Code section 40-888.

**Response:** *The Applicant will comply with this requirement.*

- (h) *Drainage.* Proper drainage shall be provided at all times on the subject properties by the permit holder to prevent the collection and stagnation of water, and surface water shall at all times be directed in such a manner so as not to create an adverse impact to the adjoining properties; provided, however, that the maintenance of the natural flow of surface water shall not be deemed an adverse impact. There shall be no creation of an adverse impact to the water table in the area.



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***Response: The Applicant will comply with this requirement. There are 25 groundwater monitoring wells on the property. The first 5 wells have been monitored monthly since November 2008. The remaining 20 have been monitored monthly since January 2017. The data demonstrates that the water table rises and lowers seasonally but has remained stable over time. The average water elevation over time in the proposed mining area is 1016.8 feet. On average, it ranges from 1015.4 feet to 1017.8 feet over time and across the proposed mining area. The Applicant does not anticipate any impact or change to the water table due to mining, but will continue to monitor the water elevations monthly and address any concerns promptly.***

- (i) *Termination and reclamation.* The mining sites shall be reclaimed in a manner such that no final slopes shall have grades in excess of one foot vertical to three feet horizontal except with regard to submerged slopes which shall be graded from the water's edge at a grade not in excess of one foot vertical to seven feet horizontal for a distance of not less than ten feet, nor more than 50 feet. In such cases as the reclamation plan provides for a permanent water area, excavations shall be made to a water depth of at least ten feet below the low water mark, for at least 80 percent of the entire water area. All mining activities are to occur at least 100 feet from the nearest property line (exclusive of a common property line with other permit holders or active mining operators), provided all processing and stockpiling shall be conducted at least 200 feet from the nearest property line (exclusive of common property line with other permit holders or active mining operators). Where the property is currently disturbed within the exterior 25-foot setback, as indicated on the submitted mining and reclamation plan, the disturbed property shall be fully reclaimed in accordance with the reclamation plan details. Reclamation activities shall consist of the grading necessary to effectuate a smooth transition in site grades and stabilization of all disturbed areas with topsoil, seed, and mulch and may extend up to the 25-foot setback line. The submitted mining and reclamation plan shall include turf establishment specification acceptable to the township engineer.

***Response: This requirement is met. See Preliminary Site Plan, attached as Exhibit B.***

- (j) *Excavation filling.* In the event filling of the mined area is necessary in the course of reclamation, the fill material shall be inert materials only and shall not consist of and/or contain any organic waste, hazardous waste, radioactive waste, agricultural waste, industrial waste, or sludges and sewage residues, whether or not compounded, mixed, combined, bound, or contained within any other material through any chemical or physical process or a combination thereof, or in any other fashion; and moreover, such fill material shall not contain any other material which will, or is likely to, impair or harm the air, water, and natural resources, and public trust therein, and/or the public health and safety.

***Response. The Applicant will comply with this requirement.***

- (k) *Cessation of mining.* Upon cessation of all mining operations, except stockpiles, the operator within a reasonable period of time not exceeding 12 months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment unless such building or structures can be lawfully used in the district in which the structures, buildings, stockpiles and equipment are located.



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Storage and stockpiling of mined products after cessation of mining activities may be permitted by the township board by annual permit for that purpose only. In no event shall any additional materials be allowed to be added to these stockpiles and such a permit shall not interfere with or excuse reclamation as provided by this article.

**Response. *The Applicant will comply with this requirement.***

- (l) *Monitoring.* Three times during each mining year, upon seven days' notice provided to the owner, permit holder, or designated agent, the township engineer may inspect the mining sites with the permit holder and his representative present if possible. The detail of the inspection shall be determined in a reasonable exercise of discretion by the township engineer. All efforts shall be made toward a mutual cooperation during such inspections, toward the ends of allowing such inspection to be expeditiously and accurately undertaken, and minimizing interference with the operation. The township engineer shall be responsible for inspections hereunder, and shall, at all times, have the right to peaceably enter upon the subject property for the purpose of conducting inspections to ensure compliance. In the event the township engineer shall determine that a violation of any of the provisions of this article exists, notice of such fact shall be sent to the permit holder with a copy of such notice to the township board. Such monitoring by the township engineer shall in no way limit access to the mining sites by authorized township personnel, subject to applicable laws and ordinances, in the exercise of their official township duties.

**Response. *The Applicant will comply with this requirement.***

### **III. Special Land Use Requirements**

Preliminary Site Plan review is required as part of a Special Land Use Permit Application. See Article II, Division 5, Section 40-136(2): "Preliminary Site Plan review and approval is required for all proposed uses and structures within the township." Section 40-145(c) provides that a pre-application meeting must take place when filing for a special land use permit:

- (1) Pre-application meeting and review. A pre-application meeting shall be required for each proposed special land use request. The pre-application meeting shall follow the procedures set forth in section 40-136(h)(2)a.

**Response: *The Applicant has had multiple discussions with the Township with the most recent occurring in April 2025. The Applicant discussed the need for the Project, its development plan and policies, haul routes and equipment to be used, reclamation plans, an overview of their extractive operations, and other factors to ensure compliance with the Township Ordinance and submission requirements.***

### **IV. Site Plan Review and Requirements**

Full Site Plan review and approval, requires a Site Plan to be reviewed and approved by the Planning Commission. Full Site Plan review is a four-step process consisting of pre-application review

(see above), preliminary plan review, final Site Plan review and final engineering review. See, Section 40-136(e)(3). The criteria for Site Plan review are provided in Section 40-136(f) and include the following:

**A. Site Plan Requirements**

- (f) Administrative and full Site Plans shall be reviewed and approved upon a finding that the following conditions are met:
  - (1) The proposed use will not be injurious to the surrounding neighborhood.
  - (2) There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas and provisions have been made for acceleration, deceleration and passing lanes or approaches so as to preserve the safety and convenience of pedestrian and vehicular traffic.
  - (3) The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.
  - (4) It provides for proper development of roads, easements and public utilities and protects the general health, safety, welfare and character of the township.
  - (5) It meets the requirements and standards for grading and surface drainage and for the design and construction of storm sewers, stormwater holding facilities, parking lots, driveways, water mains, sanitary sewers and for acceleration, deceleration and passing lanes or approaches as determined by the township engineers and set forth in the township design and construction standards.
  - (6) Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency service access by some practical means to all sides where possible. All driveways and parking lot lanes necessary to provide emergency access shall be a minimum of over 18 feet in width. Site features such as, but not limited to, trees and other plant materials, fences, retaining walls, berms, outdoor furniture, outdoor structures, and natural and artificial water bodies shall be arranged to permit adequate emergency vehicle access.
  - (7) Natural resources will be preserved to the maximum extent possible in the site design by development in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, groundwater and woodlands.
  - (8) The proposed development respects the natural topography to the maximum extent possible by minimizing the amount of cutting, filling and grading required.
  - (9) The proposed development will not cause soil erosion or sedimentation.
  - (10) Stormwater management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any



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wetland, water body or watercourse, or cause alterations which could increase flooding or water pollution on or off site.

- (11) Wastewater treatment systems, including on-site septic systems will be located to minimize any potential degradation of surface water or groundwater quality.
- (12) Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies.
- (13) The proposed use is in compliance with all township ordinances and any other applicable laws, except as otherwise expressly allowed in this section.
- (14) Buildings, parking, drives, landscaping and other improvements on the site are appropriate and consistent with good design standards for the lot size, shape, general location, and consistent with and/or an enhancement of area buildings and properties.
- (15) Landscaping, including ground covers, trees, shrubs and other vegetation, is provided in areas disturbed by construction, to maintain the natural character of the area and improve the aesthetic quality and environmental functioning of the site and area.
- (16) Deviations from the minimum setbacks found in this article may be allowed for preexisting legal nonconforming structures, provided that the proposed deviation does not increase the existing nonconformity and that the planning commission has made the following affirmative determinations:
  - a. The preexisting structure was, at the time of Preliminary Site Plan approval, a legal nonconforming structure as described in section 40-931.
  - b. The proposed building setback in the proposed Preliminary Site Plan will not have any material adverse impact on the proposed development or any adjoining parcels or infrastructure.

***Response: All requirements are met. See Preliminary Site Plan, attached as Exhibit B. To the extent certain requirements are not addressed, it is due to their inapplicability.***

**B. Site Plan Information**

Section 40-136(g) provides the information required on a Site Plan:

- (g) All Site Plans shall be submitted in digital and paper format. For paper submittal, sheet size shall be 24-inches by 36-inches with plan view drawn to a scale found on the U.S. Standard Engineers Scale. Where the size of a project requires more than one 24-inch by 36-inch sheet at a one inch equals 100 feet scale or a larger scale (lower number) is needed for clarity or detail, more than one 24-inch by 36-inch sheet shall be used with match lines clearly shown. Plan sheets shall be clearly drawn so that all information is legible and not obscured by other plan information.



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- (2) *Full Site Plan review.* The following information shall be required for each step of the full Site Plan review process.
- a. *Pre-application review.* Plans submitted for pre-application review are to be conceptual in nature with enough information to properly illustrate the development concept and to accomplish a productive meeting.
  - b. *Preliminary Site Plan review.* Every preliminary plan submitted to the planning commission shall include the following information:
    1. The general description, location, size and shape of the property involved.
    2. The general shape, size and location of proposed buildings, parking areas and service drives, loading zones, location of existing and proposed streets serving the property, and natural features including, but not limited to, general topography, soils, wetlands, wooded areas, native plant community types, tree rows and water bodies.
    3. The general location and type of all existing and proposed stormwater and sewage treatment systems serving the property.
    4. A written explanation or analysis of how the development and its concept will comply with the criteria of Site Plan review found in subsection (f) of this section.
    5. Any other information deemed necessary to properly illustrate the development concept.

**Response: The Applicant is submitting simultaneously for both preliminary and final Site Plan review. See Preliminary Site Plan, attached as Exhibit B and this letter.**

- c. *Final Site Plan review.* Plans submitted for final Site Plan review shall contain all of the following data and any other information that will assist the township in determining compliance with the criteria of Site Plan review. The minimum information as listed below shall be provided for review:
  1. General information.
    - (i) Proprietors', applicants' and owners' names, addresses and telephone numbers.
    - (ii) Date (month, day, year), including revisions.
    - (iii) Title block.
    - (iv) Scale.
    - (v) North point.
    - (vi) Location map showing proximity to major thoroughfares and section corners with north point indicated.
    - (vii) Architect, engineer, surveyor, landscape architect, or planner's seal.
    - (viii) Existing lot lines, building lines, structures, parking areas, etc., on the parcel, and within 100 feet of the site.
    - (ix) Proposed lot lines, property lines and all structures, parking areas, etc. within the site, and within 100 feet of the site.



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- (x) Centerline and existing and proposed right-of-way lines of any street.
- (xi) Zoning classification of petitioner's parcel and all abutting parcels.
- (xii) Gross acreage figure.

**Response: This requirement is met. See Preliminary Site Plan, attached as Exhibit B.**

**2. Physical features.**

- (i) Acceleration, deceleration and passing lanes and approaches.
- (ii) Proposed locations of access drives, street intersections, driveway locations, sidewalks, bike paths, curbing and areas for public use.
- (iii) Location of existing and proposed service facilities above and below ground, including:
  - A. Well sites.
  - B. Septic systems and other wastewater treatment systems. The location of the septic tank and the drainfield (soil absorption system) should be clearly distinguished. Wastewater treatment systems process should be explained.
  - C. Chemical and fuel storage tanks and containers.
  - D. Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels.
  - E. General location and concept of on-site utilities (both above and below ground) including water, wastewater system, and stormwater systems.
  - F. Preliminary calculations for stormwater facilities. Enough detail must be provided to determine the location and type of stormwater treatment proposed and the area needed for these facilities.
  - G. Location of all easements.
- (iv) All buildings with dimensioned floor plans, setbacks and yard dimensions and elevation views, of all sides of the building, including all roof-mounted mechanical units and screening, exterior materials and colors, including demonstration that the provisions of section 40-821 architectural and site design standards are met.
- (v) Dimensional parking spaces and the calculations, drives and method of surfacing.
- (vi) Exterior lighting locations and illumination patterns.
- (vii) Location and description of all existing and proposed landscaping, berms, fencing and walls.
- (viii) Trash receptacle pad location and method of screening.
- (ix) Transformer pad location and method of screening.
- (x) Dedicated road or service drive locations.
- (xi) Entrance details including sign locations and size.



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- (xii) Designation of fire lanes.
- (xiii) Any other pertinent physical features.

***Response: These requirements are met. See Preliminary Site Plan, attached as Exhibit B. To the extent any requirements are not addressed, it is due to their inapplicability.***

**3. Natural features.**

- (i) Soil characteristics of the parcel.
- (ii) Existing topography with a maximum contour interval of two feet on parcels of more than one acre. Topography on the site and beyond the site for a distance of 100 feet in all directions shall be indicated.
- (iii) General grading plan correlated with existing topography so as to clearly indicate all areas of grading.
- (iv) Location of existing drainage courses and associated bodies of water, on and off site, and their elevations.
- (v) Location of existing wetlands.
- (vi) Location and identification of natural resource features, including woodlands and other native plant communities, and areas with slopes greater than ten percent (one foot of vertical elevation for every ten feet of horizontal distance). Parcels that are located within the priority resource protection areas may be required to collect additional information about the site's natural features, as described in section 40-892.
- (vii) Location of invasive species. If found, an Invasive Species Management Program per Article V Invasive Species Control shall be provided.

***Response: These requirements are met. See Geological Report, attached as Exhibit C. To the extent any requirements are not addressed, it is due to their inapplicability.***

**V. Project Schedule**

It is the intent of the Applicant at this time is to commence site work within 2 months after obtaining all required governmental approvals. A more detailed project schedule will be provided prior to issuance of final permits.

**VI. Applicable Law and the MZEA**

MCL 125.3205(3) provides:

An ordinance shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of natural resources. Natural resources shall be considered valuable for the purposes of this



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section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

(emphasis added)

Here, there is no question that the existing operations of BMC have reached the final stages of their useful life and there is a demonstrated need both from its largest customer in close proximity and the Township. Applicant will receive revenue and operate at a profit by extracting sand and gravel and providing construction grade aggregates for sale to markets in the local, regional and state construction industry. The sand and gravel that would be extracted from the proposed mining operation are the highest volume natural aggregate used in southern Michigan. This sand and gravel aggregate is used as the component for different sand and gravel products such as commercial asphalt used to build roads and shoulders, concrete, basement floors and walls, paver bricks, septic fields, and pipe bedding. This aggregate is also used for masonry and fill sand.

**A. Need**

A combination of growing demand coupled with the closing of several regional mining operations in the last twenty years, has led to a need in the market served by the Applicant for sand and gravel. At this time, the Applicant already has purchase agreements with customers who have been supplied by the extracted aggregate from BMC's current mine in the Township including its largest customer which is located in the Township. These contracts cannot be fulfilled without a filling in of the required resources to be provided by BMC's new mine that is the subject of this Application. The Project will allow for a continuity of aggregate to be supplied to current customers. As such, there is no doubt that the Applicant, by extracting the sand and gravel natural resources, will "receive revenue and reasonably expect to operate at a profit," as required by statute and the Ordinance. MCL 125.3205(3),

Further, the continuing government funded road reconstruction and repair projects, as well as regional commercial, industrial and residential construction projects will provide a continuing market for the extracted sand and gravel extracted from the proposed mining operation. In fact, Springfield Charter Township has an ongoing need for aggregate products to support the Township's road and infrastructure improvements. In light of this need and as a benefit to the Township, the Applicant will provide up to 4,300 cubic yards of MDOT 23A road gravel aggregate product annually to the Township for a period of five years, as part of a separate agreement to be developed with the Township.

**B. No Very Serious Consequences**

Aside from demonstrating a need, MCL 125.3205(4) and the Ordinance, also requires the Applicant to demonstrate to the Township that no very serious consequences will occur as a result of the mining Project. The factors used in considering whether very serious consequences would result from the mining of natural resources are laid out in MCL 125.3205(5)(a)-(f):

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(5) In determining under this section whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:

- (a) The relationship of extraction and associated activities with existing land uses.
- (b) The impact on existing land uses in the vicinity of the property.
- (c) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
- (d) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
- (e) The impact on other identifiable health, safety, and welfare interests in the local unit of government.
- (f) The overall public interest in the extraction of the specific natural resources on the property.

The Applicant has analyzed the Project in light of these factors. The analysis concludes that the extraction of sand and gravel by the proposed mining operation would not cause very serious consequences to the community in the vicinity of the Project. For example, there is an existing mining operation approved in Springfield Township which is nearing the end of its useful life and this Project will replace the resources from that approved site. The analysis by the Applicant concludes that the proposed mining operation will not result any significant operational impacts to the adjacent road network. The proposed site access configuration for the Ormond Road route will acceptably facilitate site ingress and egress. Intersection approaches along all of the potential proposed haul routes will continue to operate acceptably with negligible changes in delay as a result of the expected additional volume of trucks. Also, the estimated sound levels associated with the operation of mining equipment to be used, will not exceed the zoning noise limitations for the R-1A district.

Further, there is no evidence that the health, safety and welfare interests of the local community would be negatively impacted by the Project. Some examples:

- less than 2 million tons of sand and gravel will be crushed per year in compliance with regulations of the Environmental Protection Agency ("EPA") and the Michigan Department of Environment, Great Lakes and Energy ("EGLE");
- Crushing equipment will be located at least 500 feet from any residential or commercial establishment, or any place of public assembly, exceeding Township requirement;
- A comprehensive fugitive dust control program designed to minimize dust emissions from the excavation site will be implemented by the Applicant in compliance with EPA and EGLE regulations;
- Screening berms will be constructed in the mining setback area to mitigate visual and noise impacts of the mining operation during each phase;
- The proposed mining site will be secured by fencing and warning signs which will ensure the Project site does not pose a safety hazard to the surrounding community;



**Re: Burroughs Materials Corporation of Michigan's Application for a Special Land Use Permit and Mining Permit for a proposed sand and gravel mining operation**

April 29, 2025

Page 21

- After completion of the final phase of the Project, reclamation measures by the Applicant will establish a landscape cover to prevent soil erosion and fugitive dust, drainage ways and wetlands will be delineated and protected, the Project land will be returned to productive agricultural, recreation or residential use, and all mining related equipment and structures will be removed from the site, all in compliance with the Township's Ordinance requirements;
- The Project will create local job opportunities, increase the local tax base and increase the long-term value of the Project site;
- The Project will preserve natural resources located within the Eagle Road Natural Resource Protection Overlay District consistent with Township ordinances; and
- The site will be reclaimed to be suitable for a long-term land use consistent with the Township standards and best practices adopted by BMC, as demonstrated at multiple locations previously mined and reclaimed by BMC and affiliated companies.

As is clear from the existing operations, the Project would have minimal impact on the surrounding community and has not indicated a single very serious consequence.

Under Michigan law, when a Preliminary Site Plan contains the information required by the zoning ordinance and is in compliance with the zoning ordinance, it is to be approved. See MCL 125.3501(5); *Hessee Realty, Inc. v Ann Arbor*, 61 Mich App 319 (1975); *Keating Int'l Corp v Orion*, 51 Mich App 122 (1974), *aff'd*, 395 Mich 539 (1975).

As Applicant BMC has met all criteria under the Springfield Charter Township Ordinance and the MZEA, the Application should be approved.

**VI. Conclusion**

The Applicant respectfully requests that the foregoing materials be considered by the Township and that the Application for a Special Land Use Permit, Preliminary Site Plan, and a Mining Permit be approved. On behalf of the Applicant, we thank you in advance for your timely attention to this Application and look forward to working with the Township throughout the zoning approval process.

Sincerely,

ZAUSMER, P.C.

Stephen R. Estey

SRE  
Encls.

# EXHIBIT A

## SPRINGFIELD TOWNSHIP MINERAL MINING SITE APPLICATION

Name of Applicant (proposed licensee): Burroughs Materials Corporation of Michigan  
Address: 9300 Dix Ave.  
City: Dearborn State: MI Zip Code: 48120  
Phone: (313) 429-2200 email: rmaxbauer@levynet.com

Owners of Land: Edw. C. Levy Co.  
Address: 9300 Dix Ave.  
City: Dearborn State: MI Zip Code: 48120  
Phone: (313) 429-2200 email: rmaxbauer@levynet.com

Name of Company Conducting Actual Removal: Burroughs Materials Corporation of Michigan  
Address: 9300 Dix Ave.  
City: Dearborn State: MI Zip Code: 48120  
Phone: (313) 429-2200 email: rmaxbauer@levynet.com

Location of Land: Approximately 1.2 miles south of the intersection of Davisburg Road and Ormond Road  
Section: 19 and 30 Springfield Township, Oakland County, Michigan  
Size of Land: 482.664 acres  
Legal Description of Land (attach exhibit): SE ¼ of Section 24, Town 4 North, Range 7 East, Rose Twp, also part of South 1/2 of Section 19 and part of the North 1/2 Section 30, Town 4 North, Range 8 East, Springfield Twp

Location of processing plant: Portable and modular processing equipment will be used to process sand and gravel on site. Please see attached letter in support of application for location.

Type of plant to be used: Portable and modular processing equipment will be used. It will consist of feeders, screens, rock crushers, and conveyors. Conveyors will feed onto portable stacking conveyors

Section: 19 and 30

Size: Equipment size will vary based on specific products to be produced

Legal Description: N/A

Type of material or resources to be mined, stockpiled, or hauled away: Sand and gravel

Estimated number of cubic yards to be removed: Between 60,000 cubic yards and 665,000 cubic yards, annually

Duration of proposed operation: Approximately 20 years. Market conditions will dictate.

If mining is to be conducted in phases, number of phases: \_\_\_\_\_

If mining is to be conducted in phases, list location, timing, and other relevant details regarding each phase (attach additional pages if necessary) : Please see the attached letter in support of application

Description of types of equipment to be used: Front end loaders, excavators, bull dozers, scrapers, haul trucks, modular processing equipment and other similar equipment as conditions necessitate

Proposed method of removal and general haul route (attach additional pages if necessary) ::  
On-road trucks will travel north on Ormond Road, west on Davisburg Road, and then north or south on Milford Road, depending on location of delivery

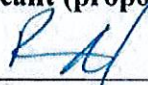
Will blasting or other use of explosives be required? No

Proposed method of filling excavation if mining results in extensive undersurface extension (attach additional pages if necessary) : Not necessary

**Other Documents Required:**

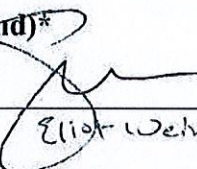
1. A vertical aerial photograph as required by Section 12.80(b)(11) of the Township's Mining Ordinance.
2. A mining and reclamation plan as required by Section 12.80(b)(12) of the Township's Mining Ordinance.
3. A surety performance bond to cover full reclamation for current and past operations at the site, as required by Section 12.80(b)(13) of the Township's Mining Ordinance.

**Applicant (proposed licensee)\***

Sign:   
Print Name: REUBEN MAKBAUER

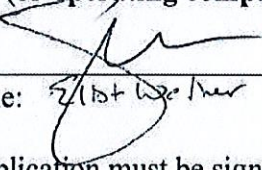
Dated: 29 APR 2025

**Owner (of land)\***

Sign:   
Print Name: Eliot Wehner

Dated: 4/29/25

**Operator (or operating company)\***

Sign:   
Print Name: Eliot Wehner

Dated: 4/29/25

\*Note: application must be signed by applicant, owner and operator.

# EXHIBIT B

# EXHIBIT C

## **Geological Report – Springfield Township**

The 1998 Quaternary Geology Map of Michigan, with respect to Oakland County, and more specifically Springfield Township, shows the area of the Project Site as part of a coarse-textured glacial till deposit. See Figure 1. The approximate location of the Project Site itself is identified with a red circle-marker and arrow. The Project Site area is listed on this map as “Coarse-textured glacial till” and “End moraines of coarse-textured till.”

An end moraine marks a standstill period of a glacier where materials of all sizes accumulate. Small streams, rivers and valleys are formed by melting ice, transporting and depositing material to different locations and thickness on and within the glacier. As the glacier receded to the north, the mixture of gravel, sands, silts and clays were left behind, this is known as “glacial till”. “Coarse-textured” till implicates larger, more coarse sediments were deposited in this area. Meaning, sand and gravel was primarily deposited, as opposed to silt and clay. Because of this, Springfield Township is a uniquely optimal location for sand and gravel mining.

A total of 57 soil borings have been conducted on site by Burroughs Materials, confirming the above geologic background information. Soil borings have approximate depths ranging from 60 to 100 feet. In addition to the soil borings, 25 observation wells have been installed on the property to assist in identifying water elevations. Samples were collected from the soil borings and sieve analysis tests were used to evaluate the quality of the material. The gradation results were used to determine that the geologic resources found on the Project Site are a viable source of materials to produce construction grade, quality aggregate. Specifically, these tests indicate the following:

- The sand and gravel on the Project Site have the correct coarseness and range of particle sizes to meet the raw material requirements to produce concrete sand (MDOT 2NS), road gravel, fill sand, pea gravel, and similar construction materials. Burroughs Materials estimates that the Mining Area will produce approximately 15,000,000 tons of marketable material.
- The quality and quantity of sand and gravel discovered on the Project Site is economically significant enough to supplement and eventually replace the raw material from the existing processing plant owned by Burroughs Materials in Springfield Township, which is nearing the end of its useful life.
- The quantity of materials on the Project Site that are not sold as products (e.g. topsoil, overburden and inner-burden clay and silts) is large enough to meet reclamation needs for the Project Site and limited enough to allow for the efficient and profitable extraction of the sand and gravel resources.

The on-site data collection, soil borings, geologic and historical background provide sufficient evidence of a construction grade quality sand and gravel deposit. The magnitude of the property, in terms of overall acreage and topography, supports the quantity of reserves that Burroughs Materials has determined to be adequate to support this operation and permit application.

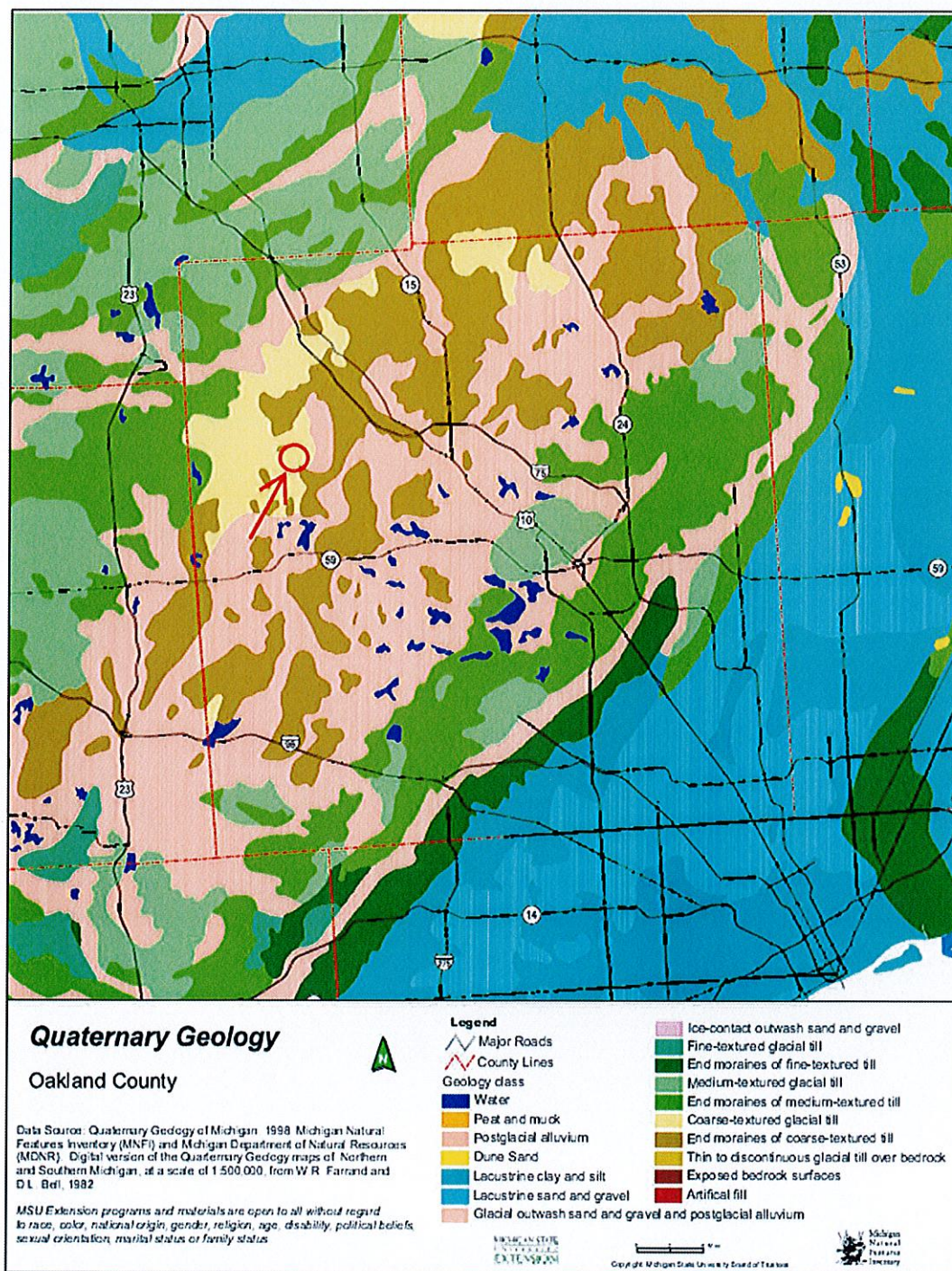


Figure 1. Oakland County Quaternary Geology Map

# EXHIBIT D

DRAFT

Approximate Property Lines

Rice, Counciling

Soudanville Township

Proposed Mining Area  
(bearing & distances are approximate)

Ormond Road

Ormond Road



AERIAL PHOTOGRAPH: 12/14/2023, 12/27/2023		TOPOGRAPHIC DATA: DATE: TYPE: Easyfly Drone	
BATHYMETRIC DATA: DATE: SURVEYOR: Edie C Levy		DETAILS: Aerial for section preparation completed on 12/14/2023. Topographic section notes completed on 12/14/2023. Bathymetric aerial to turn GoogleEarth 3.1 out tomorrow.	
CONTROL POINT INFO: NAME: X: Y: Z:		VERTICAL DATUM: CORS-96	
SCALE: 1 of 1 1 = 300'		COORDINATE SYSTEM: NAD83 MD 2113 South Zone	
PROJECT NAME: FIELD		PROJECT CODE: FLD	

DRAWING CREATED ON: 4/29/2023 7:54 AM	LAST MODIFIED BY: KDC008	LAST MODIFIED ON: 4/29/2023 7:54 AM	PLOT DATE: 4/29/2023 8:06 AM
------------------------------------------	-----------------------------	----------------------------------------	---------------------------------

DESIGNED BY:	DATE:
KD	4/3/2025
DRAWN BY:	DATE:
KD	4/3/2025
CHECKED BY:	DATE:

**NATURAL AGGREGATES DIVISION**  
51445 WEST 12 MILE ROAD  
WIXOM, MICHIGAN 48393  
TEL. (248) 348-8511  
FAX. (248) 348-8007



## Ric Davis

---

**From:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Sent:** Thursday, April 3, 2025 3:00 PM  
**To:** Ric Davis  
**Subject:** [EXTERNAL] Re: \*\*EXTERNAL\*\*FW: Mining permit application

**Caution:** This email originated from outside of Springfield Township's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks, Supervisor Davis.

We are working as diligently as we can to get something turned into you. I'm aiming for tomorrow, but it may run into next week. I will be in touch very soon.

Thank you!  
Reuben

---

**From:** Ric Davis <rdavis@springfield-twp.us>  
**Date:** Thursday, April 3, 2025 at 11:01 AM  
**To:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Subject:** \*\*EXTERNAL\*\*FW: Mining permit application

**From:** Greg Need <GNeed@anafirm.com>  
**Sent:** Thursday, March 27, 2025 12:54 PM  
**To:** Sean Miller <smiller@springfield-twp.us>  
**Cc:** Ric Davis <rdavis@springfield-twp.us>; Christine Rogers <crogers@springfield-twp.us>; Michelle Simmons <MSimmons@anafirm.com>  
**Subject:** [EXTERNAL] Mining permit application

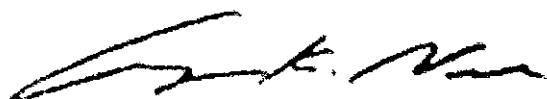
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Hello Sean:

Attached is a draft application for a mining permit. This is consistent with the requirements of Section 12.80(b) of the Mining Control Article of the Township Code. Please review and let me know any comments. Please copy Michelle on any requested changes.

Thanks,

Greg



Gregory K. Need  
Adkison Need Allen & Rentrop, PLLC  
39572 Woodward Avenue  
Suite 222  
Bloomfield Hills, Michigan 48304  
Phone: (248) 540-7400  
Fax: (248) 540-7401

---

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---

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**Ric Davis**

---

**From:** Ric Davis  
**Sent:** Thursday, April 3, 2025 11:01 AM  
**To:** Maxbauer, Reuben  
**Subject:** FW: Mining permit application  
**Attachments:** 2025-03-27 Mining Permit Application.docx

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**Sent:** Thursday, March 27, 2025 12:54 PM  
**To:** Sean Miller <smiller@springfield-twp.us>  
**Cc:** Ric Davis <rdavis@springfield-twp.us>; Christine Rogers <crogers@springfield-twp.us>; Michelle Simmons <MSimmons@anafirm.com>  
**Subject:** [EXTERNAL] Mining permit application

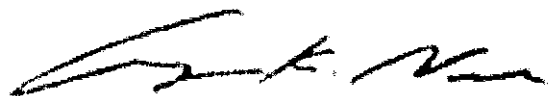
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Greg



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## SPRINGFIELD TOWNSHIP MINERAL MINING SITE APPLICATION

Name of Applicant (proposed licensee): \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_ email: \_\_\_\_\_

Owners of Land: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_ email: \_\_\_\_\_

Name of Company Conducting Actual Removal: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_ email: \_\_\_\_\_

Location of Land: \_\_\_\_\_  
Section: \_\_\_\_\_ Springfield Township, Oakland County,  
Michigan  
Size of Land: \_\_\_\_\_  
Legal Description of Land (attach exhibit): \_\_\_\_\_

Location of processing plant: \_\_\_\_\_  
Type of plant to be used: \_\_\_\_\_  
Section: \_\_\_\_\_  
Size: \_\_\_\_\_  
Legal Description: \_\_\_\_\_

Type of material or resources to be mined, stockpiled, or hauled away: \_\_\_\_\_

Estimated number of cubic yards to be removed: \_\_\_\_\_

Duration of proposed operation: \_\_\_\_\_

If mining is to be conducted in phases, number of phases: \_\_\_\_\_

If mining is to be conducted in phases, list location, timing, and other relevant details regarding each phase (attach additional pages if necessary) : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Description of types of equipment to be used: \_\_\_\_\_

\_\_\_\_\_

Proposed method of removal and general haul route (attach additional pages if necessary) ::

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Will blasting or other use of explosives be required?: \_\_\_\_\_

\_\_\_\_\_

Proposed method of filling excavation if mining results in extensive undersurface extension (attach additional pages if necessary) : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Other Documents Required:**

1. A vertical aerial photograph as required by Section 12.80(b)(11) of the Township's Mining Ordinance.
2. A mining and reclamation plan as required by Section 12.80(b)(12) of the Township's Mining Ordinance.
3. A surety performance bond to cover full reclamation for current and past operations at the site. as required by Section 12.80(b)(13) of the Township's Mining Ordinance.

**Applicant (proposed licensee)\***

Sign:\_\_\_\_\_

Dated:\_\_\_\_\_

Print Name:

**Owner (of land)\***

Sign:\_\_\_\_\_

Dated:\_\_\_\_\_

Print Name:

**Operator (or operating company)\***

Sign:\_\_\_\_\_

Dated:\_\_\_\_\_

Print Name:

\*Note: application must be signed by applicant, owner and operator.

## Ric Davis

---

**From:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Sent:** Thursday, March 13, 2025 11:09 AM  
**To:** Ric Davis  
**Subject:** [EXTERNAL] Re: \*\*EXTERNAL\*\*FW: Mining

**Caution:** This email originated from outside of Springfield Township's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Supervisor Davis,

I have not yet received the application form. Should I wait to receive it or simply assemble the information requested in the mining ordinance in a word document? Just want to make sure I don't break any rules!

Thank you,  
Reuben

---

**From:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Date:** Monday, March 10, 2025 at 9:17 AM  
**To:** Ric Davis <rdavis@springfield-twp.us>  
**Subject:** Re: \*\*EXTERNAL\*\*FW: Mining

Thank you very much!

Reuben

---

**From:** Ric Davis <rdavis@springfield-twp.us>  
**Date:** Friday, March 7, 2025 at 9:09 PM  
**To:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Subject:** Re: \*\*EXTERNAL\*\*FW: Mining

Thank you, Reuben. Let me talk with Sean on Monday and I will let you know.

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---

**From:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Sent:** Friday, March 7, 2025 4:28:54 PM  
**To:** Ric Davis <rdavis@springfield-twp.us>  
**Subject:** [EXTERNAL] Re: \*\*EXTERNAL\*\*FW: Mining

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Supervisor Davis,

Sec. 12-80 (page 2) states: The application form shall be obtained from the township clerk.

- Is this form something that can be emailed to me or should I pick it up in person?

Thank you!

Reuben

---

**From:** Ric Davis <rdavis@springfield-twp.us>  
**Date:** Thursday, March 6, 2025 at 3:08 PM  
**To:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Subject:** \*\*EXTERNAL\*\*FW: Mining

FYI  
Ric

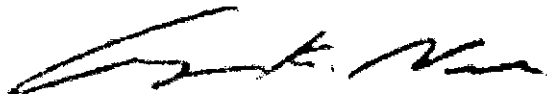
**From:** Greg Need <GNeed@anafirm.com>  
**Sent:** Thursday, March 6, 2025 11:42 AM  
**To:** Ric Davis <rdavis@springfield-twp.us>  
**Subject:** [EXTERNAL] Mining

**Caution:** This email originated from outside of Springfield Township's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ric- FYI- a copy of our mining ordinance is attached. Please send me whatever you have from Levy and I'll figure out what we need to do.

Thanks,

Greg



Gregory K. Need  
Adkison Need Allen & Rentrop, PLLC  
39572 Woodward Avenue  
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**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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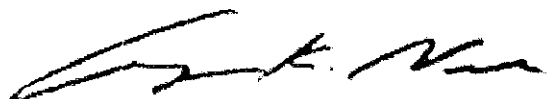
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Gregory K. Need  
Adkison Need Allen & Rentrop, PLLC  
39572 Woodward Avenue  
Suite 222  
Bloomfield Hills, Michigan 48304  
Phone: (248) 540-7400  
Fax: (248) 540-7401

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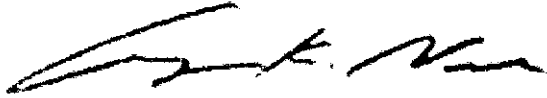
**From:** Greg Need <GNeed@anafirm.com>  
**Sent:** Thursday, March 6, 2025 11:42 AM  
**To:** Ric Davis <rdavis@springfield-twp.us>  
**Subject:** [EXTERNAL] Mining

**Caution:** This email originated from outside of Springfield Township's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ric- FYI- a copy of our mining ordinance is attached. Please send me whatever you have from Levy and I'll figure out what we need to do.

Thanks,

Greg



Gregory K. Need  
Adkison Need Allen & Rentrop, PLLC  
39572 Woodward Avenue  
Suite 222  
Bloomfield Hills, Michigan 48304  
Phone: (248) 540-7400  
Fax: (248) 540-7401

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*If, and to the extent, this message contains advice concerning one or more Federal tax issues, it is not a formal legal opinion and may **not** be relied upon or used by any person for the avoidance of federal tax penalties.*

---

**ATTENTION:**

This email was sent to the Levy Group of Companies from an external source. Please be extra vigilant when opening attachments or clicking links.

## Ric Davis

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**From:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Sent:** Friday, March 7, 2025 8:49 AM  
**To:** Matthew J. Covey  
**Cc:** Ric Davis; Matt Strickland  
**Subject:** [EXTERNAL] Re: \*\*EXTERNAL\*\*Well Info

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Thanks, Chief!

Reuben

---

**From:** Matthew J. Covey <mcovey@springfield-twp.us>  
**Date:** Thursday, March 6, 2025 at 9:20 AM  
**To:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Cc:** Ric Davis <rdavis@springfield-twp.us>, Matt Strickland <mstrickland@springfield-twp.us>  
**Subject:** \*\*EXTERNAL\*\*Well Info

You don't often get email from mcovey@springfield-twp.us. [Learn why this is important](#)

Good morning Reuben,

The last well project completed in Springfield Township was the Downtown Davisburg Hart Center fire protection well. The total cost to the community was just less than \$60,000, with significant assistance from DTE on the power supply.

Our goal for the well is to achieve a flow rate of 350 to 550 GPM—the closer to 550, the better for the community.

I have attached the well information for your reference. If you have any questions, please feel free to give me a call.

Have a great day

Matt



Matthew Covey, Chief  
Springfield Township Fire Department  
10280 Rattalee Lake Road.  
Davisburg, MI 48350  
(O) 248.625.6699  
(F) 248.605.4090  
mcovey@springfield-twp.us

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## Ric Davis

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**From:** Ric Davis  
**Sent:** Thursday, March 6, 2025 3:07 PM  
**To:** Maxbauer, Reuben  
**Subject:** FW: Mining  
**Attachments:** ARTICLE\_IV.\_\_\_\_MINING\_CONTROL.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI  
Ric

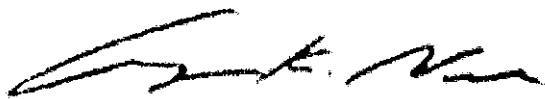
**From:** Greg Need <GNeed@anafirm.com>  
**Sent:** Thursday, March 6, 2025 11:42 AM  
**To:** Ric Davis <rdavis@springfield-twp.us>  
**Subject:** [EXTERNAL] Mining

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Ric- FYI- a copy of our mining ordinance is attached. Please send me whatever you have from Levy and I'll figure out what we need to do.

Thanks,

Greg



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*If, and to the extent, this message contains advice concerning one or more Federal tax issues, it is not a formal legal opinion and may **not** be relied upon or used by any person for the avoidance of federal tax penalties.*

## **ARTICLE IV. MINING CONTROL<sup>1</sup>**

### **Sec. 12-78. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means the person making application for a permit under this article.

*Hazardous waste* means a solid waste, or a combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- (1) Cause, or significantly contribute to an increase in mortality, or an increase in serious irreversible, or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

*Industrial waste* means any waste substance or combination thereof resulting from any process of industry, manufacturing, trade, or business, or from the development of any agricultural or natural resource, excluding common rubbish and garbage.

*Mineral mining* or *mining* means the excavation, stripping, removal or processing of gravel, sand, clay, stones, rock, aggregates, or other soils, including overburden, or the storage or transporting of such minerals and soils on a mining site, or the reclamation of the site after removal, excavation, stripping, and/or processing of the minerals or soil.

*Legal holidays* means New Year's Day, Memorial Day, Easter Sunday, Independence Day, Labor Day, Thanksgiving, and Christmas Day.

*Operator* means any person conducting mining operations on a site.

*Owner* means any person with an ownership interest in the site.

*Permit holder* or *operator* means the person receiving a permit under this article.

*Person* means an individual, partnership, corporation, limited liability company, limited liability partnership, trust, the state and any of its agencies or subdivisions, and any body of persons that together hold joint ownership of a site.

*Sewage* means water-carried human or animal wastes from septic tanks, water closets, residences, building, industrial and municipal establishments, or other places, together with such groundwater infiltration, subsurface water, mixtures of industrial wastes or other wastes as may be present.

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<sup>1</sup>Editor's note(s)—Ord. No. 2016(8), § 1, adopted Oct. 13, 2016, amended Art. IV, §§ 12-78—12-84, in its entirety in effect repealing and replacing said article as set out herein. Former Art. IV pertained to similar subject matter and derived from Ord. No. 80, §§ 3—9, adopted Dec. 11, 2008.

State law reference(s)—Mineral mining, MCL 324.63101 et seq.

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*Site* means a parcel or unit of land on which mining operations have been, are, or are proposed to be conducted.

(Ord. No. 2016(8), § 1, 10-13-2016)

### **Sec. 12-79. Permits.**

- (a) *Permit requirements.* From and after the effective date of the ordinance from which this article is derived, no person shall own or operate a mineral mining site in the township, except in accordance with a permit issued pursuant to this article and in accordance with the requirements of this article. A permit issued pursuant to this article shall be nontransferable.
- (b) *Compliance with other ordinances and regulations.* The grant of a permit under this article does not relieve the applicant from compliance with, as well as from applying for and receiving any approvals required by, the Springfield Township Zoning Chapter, or any other applicable law, ordinance or regulation.
- (c) *No permits required.* No permit under this section shall be required for any of the following:
  - (1) Excavations for the construction of buildings and structures for which a building permit has been issued;
  - (2) For the moving, grading or leveling of earth or rock materials by a property owner solely upon his residential property as required for home construction or improvement, landscaping, lawn maintenance, or gardening. Whether or not a permit is required for any activity described in this subsection, any fill should be placed so it will not exceed a minimum slope ratio of four feet horizontal to one foot vertical from any adjacent property owner and not block any natural drainage course;
  - (3) For the filling of land for purposes of construction or land balancing where the land is low (but is not considered a wetland pursuant to applicable law) and in need of fill so long as the fill does not contain any refuse, is not a commercial operation and not more than 1,000 cubic yards of fill are deposited in any calendar year;
  - (4) For the removal of soil when no more than 1,000 cubic yards are removed in any calendar year;
  - (5) Excavations or land balancing in connection with development of property pursuant to a site plan, condominium plan, or subdivision plan previously approved by the township;
  - (6) Excavations or land balancing in connection with the installation or repair of a septic system for which any required permit has been secured from the county health division.
- (d) *Administrative review.* Where a permit is required due to the volume of cubic yards to be distributed yet a minimum impact is apparent, an administrative review performed by the township supervisor or his designee will be allowed to prevent unnecessary and costly information from being submitted. A minimum administrative review fee, as established by resolution of the township board, will be charged for this review. The township supervisor or his designee may allow the processing of an application with less than all the information otherwise required by this article.

(Ord. No. 2016(8), § 1, 10-13-2016)

### **Sec. 12-80. Application procedure for mining permit.**

- (a) *Mining permit application procedure.* The following application procedure shall be complied with prior to the commencement or continuation of any mining which exists or is proposed as of or after December 11, 2008. The application form shall be obtained from the township clerk.

- 
- (1) All applicants shall use the form provided by the township clerk, accompanied by the documents listed on that form. All permits are annual in nature and all permits expire on May 15 of each permit year. To be considered for renewal, 15 copies of the proper application with required attachments must be submitted to the township on or before November 30 of the year preceding.
  - (2) Upon receipt of any application, the township engineer shall review the application and attachments, physically inspect the premises to determine compliance with the standards of this article and any previously issued permit and reclamation plans, and report to the township board, which report shall also include feasibility of the reclamation plans, compliance with any previously issued permit and reclamation plan and engineering considerations, an estimate of the cost of reclamation upon abandonment for bond amount purposes, and general safety, drainage and other engineering considerations of the permit application. The report by the township engineer shall be rendered no later than the regular February meeting of the township board.
  - (3) The township board shall make final determination on issuance, renewal or nonrenewal of the mining permit on or before May 15 of the respective year. Failure of the township board to act by the time frames mandated above shall not result in an automatic renewal for a one-year renewal period, but such failure merely results in an extension of the existing annual license for an additional period up to the time of final determination by the township board.
- (b) *Application contents.* The contents of an application for a mining permit shall be as follows:
- (1) Name of the owner, or owners, of land from which removal is to be made.
  - (2) Name and address of applicant making a request for such permit.
  - (3) Name and address of the person who will be conducting the actual removal operation.
  - (4) Location, size, and legal description of the area from which the removal is to be made.
  - (5) Location of the processing plant and type of plant to be used.
  - (6) Detailed statement as to the exact type of materials or resources to be removed, and the estimated number of cubic yards.
  - (7) Proposed method of removal, general haul route, and whether blasting or other use of explosives will be required.
  - (8) General description of types of equipment to be used.
  - (9) Duration of proposed operation, and location, timing, and any other relevant details with respect to the phasing and progression of work on the site.
  - (10) Proposed method of filling excavation where mining results in extensive under-surface extension.
  - (11) A vertical aerial photograph (submitted on an annual basis), enlarged to a scale to fit on a 24-inch by 36-inch blueprint, from original photograph flown at a negative scale no smaller than one inch equals 660 feet. The date of the aerial photograph shall be certified, and shall have been flown at such time as the foliage shall be off of onsite trees. If there are changes in the topography from the date of the photograph, an accompanying text shall be provided explaining each change. The photograph shall be provided from an aerial flight having occurred within six months prior to the application filing date. The vertical photograph shall cover:
    - a. All land anticipated to be mined in the application, together with adjoining land owned by the applicant;
    - b. All contiguous land which is or has been used by the owner or leasehold applicant for mineral extraction and/or processing and/or storage, and all contiguous land in which the applicant or any affiliate has a current interest;

- 
- c. All lands within 200 feet of a proposed mining area;
  - d. All private and public roads from which access to the property may be immediately gained;
  - e. Boundary of the entire planned mining area by courses and distance;
  - f. Site topography and natural features including location of watercourses within the planned mining area;
  - g. Means of vehicular access to the proposed operation.
- (12) A mining and reclamation plan incorporating the updated contour base map drawn to a scale of no greater than one inch equals 200 feet and containing elevation contours at a maximum five-foot interval. The mining and reclamation plan shall show final elevation contours for the entire site and shall identify areas to be mined and reclaimed under the mining year in which a permit is being applied for. The mining and reclamation plan shall contain the following general information:
- a. General area of completely reclaimed land;
  - b. General area of reclamation underway;
  - c. General area currently used for topsoil and overburden storage;
  - d. General area proposed for reclamation during the mining permit year;
  - e. General area proposed for topsoil and overburden storage during the mining permit year;
  - f. The acreage for each area shown on the mining and reclamation plan;
  - g. A description of the methods and materials proposed for reclamation including placement of topsoil and planting materials;
  - h. A schedule for reclamation activities.
- (13) A surety performance bond to cover full reclamation for current and past operations at the site (including any mining activities prior to the effective date of the ordinance from which this article is derived) in an amount approved by the township based upon recommendation of the township engineer, which shall include the costs of inspections and administration of the permit, which bond shall be continued until all property where mining was conducted is fully reclaimed, at which time the bond shall be released. The form and content of the bond shall be approved by the township attorney. As acreage is reclaimed, the permit holder's bonding requirements will be reduced on a per acre basis. Mining activity shall only be permitted in areas of the subject properties for which the bond was posted, and there shall be no mining in any area which was not taken into consideration in the determination of the bond amount. The bond amount shall remain in effect for three years from the date of issuance of the initial permit. The township may review and adjust the bond amount annually.
- (14) Any other information deemed necessary by the township board in order to make its recommendation or decision.
- (15) The signature of the owner of the site, consenting to the application and agreeing to be bound by all the provisions of the permit and this article.
- (c) *Fees.* The application and any renewal permits shall be accompanied by a processing fee, to be paid by the applicant in an amount established by the township board.
- (d) *Renewal of annual permit.* The mining permit shall be annual in nature and shall expire on May 15 of each year. To renew the mining permit for the parcel or parcels being mined the township board shall receive a report from the township engineer as to compliance with the permit by the applicant. Upon finding the applicant has complied with the plan, another mining permit may be issued, subject to compliance with the provisions of this article.

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(e) *Standards for approval and requirements.*

- (1) The township board shall grant or renew a permit under this article only if it finds that the applicant has demonstrated all of the following:
  - a. The proposed or existing mining operation complies with the standards of this article.
  - b. The proposed or existing mining operation complies with the environmental performance standards of the Springfield Township Zoning Chapter, and any other applicable law, ordinance or regulation.
  - c. For renewals, that the mining operation is in compliance with the terms of the existing permit.
- (2) If, in the opinion of the township board, approval should be granted, it shall establish the following in the permit:
  - a. Identify the person, contractor or subcontractor who will be doing the removal and indicate that no other individuals shall be allowed to work on the site.
  - b. Set a reasonable time limit for all mining and hauling operations and a reasonable time extension for the land to be completely restored.
  - c. Indicate hours of operation.
  - d. Set the amount of the bond to ensure final restoration of the property as provided by subsection (b)(13) of this section.
  - e. Establish the frequency of engineering reports to be prepared by a local engineering firm and to be reviewed by the township engineer.
  - f. Establish the frequency of on-site inspections to be made by the township engineer and establish the amount of cash deposit necessary to cover such on-site inspections.
  - g. Establish any other reasonable conditions and requirements as deemed necessary to adequately protect the general health, safety, and welfare of the township.

(Ord. No. 2016(8), § 1, 10-13-2016)

**Sec. 12-81. Standards, required improvements and reclamation.**

- (a) *Fencing and screening.* A permit holder shall maintain and install/repair as necessary a four-foot-high farm type fence along the outside perimeter of all areas where mining activities have or are to occur. Fencing shall not be required along the common property lines for sites owned by the permit holder. The fencing must be continuous and in good repair so as to secure the subject property from trespassers.
  - (1) During the mining and reclamation period, the permit holder shall maintain such fence. Any necessary repairs to the fencing shall be promptly made by the mining operators so as to maintain the integrity and continuity of the fence along the outside perimeter of the mining site properties.
  - (2) All fenced areas shall be conspicuously posted with "No Trespassing" signs, which shall be of sturdy and rigid material. A permit holder shall promptly replace any missing signs.
- (b) *Hours of operation.* A permit holder may carry on mining activities during the hours of 6:00 a.m. to 7:00 p.m., except during daylight savings time when the closing time can be extended to 8:00 p.m., Monday through Saturday, and as the hours may be amended from time to time. The term "mining activities," as used in this section, means the operation of mining machinery and the processing plant. Mining and/or trucking activities shall not occur on Sunday without advance authorization from the township supervisor or his/her designee. The limitation of operations on legal holidays shall be the same as the limitation applicable to Sundays.

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- (c) *Road access.* The proposed mining operation shall have immediate and direct access to a paved road having necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use.
  - (d) *Road maintenance.* Access roads, excluding roads under the jurisdiction of the Road Commission for Oakland County, to and within the subject properties shall be maintained by the permit holder so as to maintain the roads in adequate condition for access purposes and to minimize the dust arising from the use of such roads. Such maintenance shall be accomplished through the application of chloride, water, and/or similar dust retardant material. In the event notification is received from any other county and/or state agency having jurisdiction over the affected public roadway regarding maintenance requirements, the notified mining operators shall promptly take whatever appropriate action is necessary to address the agency's requirements.
  - (e) *Operation of use.* All equipment and facilities used in the production, processing, or transportation of sand, gravel, or stone on the subject properties by the permit holder shall be constructed, maintained, and operated in such a manner as to eliminate, insofar as practicable, noises, vibrations, or dust which interfere with the reasonable use and enjoyment of surrounding property. Where feasible, the processing plants and accessory equipment shall be located below the average grade of the surrounding parcels so as to effectuate screening from sight, noise, dust, and vibration.
  - (f) *Noise standards.* The permit holder shall not operate any equipment on the subject properties at any time or under any condition so as to cause a level of sound which exceeds that allowable by Code section 40-883. Noise levels may be increased by ten decibels for a period of not to exceed 15 minutes in any one-hour period. The township supervisor/designee may grant a temporary waiver of this requirement for a period not in excess of 30 days.
  - (g) *Lighting.* All lighting used on the site to illuminate the mining area, access roads, stockpile area, and similar use area shall comply with Code section 40-888.
  - (h) *Drainage.* Proper drainage shall be provided at all times on the subject properties by the permit holder to prevent the collection and stagnation of water, and surface water shall at all times be directed in such a manner so as not to create an adverse impact to the adjoining properties; provided, however, that the maintenance of the natural flow of surface water shall not be deemed an adverse impact. There shall be no creation of an adverse impact to the water table in the area.
  - (i) *Termination and reclamation.* The mining sites shall be reclaimed in a manner such that no final slopes shall have grades in excess of one foot vertical to three feet horizontal except with regard to submerged slopes which shall be graded from the waters edge at a grade not in excess of one foot vertical to seven feet horizontal for a distance of not less than ten feet, nor more than 50 feet. In such cases as the reclamation plan provides for a permanent water area, excavations shall be made to a water depth of at least ten feet below the low water mark, for at least 80 percent of the entire water area. All mining activities are to occur at least 100 feet from the nearest property line (exclusive of a common property line with other permit holders or active mining operators), provided all processing and stockpiling shall be conducted at least 200 feet from the nearest property line (exclusive of common property line with other permit holders or active mining operators). Where the property is currently disturbed within the exterior 25-foot setback, as indicated on the submitted mining and reclamation plan, the disturbed property shall be fully reclaimed in accordance with the reclamation plan details. Reclamation activities shall consist of the grading necessary to effectuate a smooth transition in site grades and stabilization of all disturbed areas with topsoil, seed, and mulch and may extend up to the 25-foot setback line. The submitted mining and reclamation plan shall include turf establishment specification acceptable to the township engineer.
  - (j) *Excavation filling.* In the event filling of the mined area is necessary in the course of reclamation, the fill material shall be inert materials only and shall not consist of and/or contain any organic waste, hazardous waste, radioactive waste, agricultural waste, industrial waste, or sludges and sewage residues, whether or

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not compounded, mixed, combined, bound, or contained within any other material through any chemical or physical process or a combination thereof, or in any other fashion; and moreover, such fill material shall not contain any other material which will, or is likely to, impair or harm the air, water, and natural resources, and public trust therein, and/or the public health and safety.

- (k) *Cessation of mining.* Upon cessation of all mining operations, except stockpiles, the operator within a reasonable period of time not exceeding 12 months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment unless such building or structures can be lawfully used in the district in which the structures, buildings, stockpiles and equipment are located. Storage and stockpiling of mined products after cessation of mining activities may be permitted by the township board by annual permit for that purpose only. In no event shall any additional materials be allowed to be added to these stockpiles and such a permit shall not interfere with or excuse reclamation as provided by this article.
- (l) *Monitoring.* Three times during each mining year, upon seven days' notice provided to the owner, permit holder, or designated agent, the township engineer may inspect the mining sites with the permit holder and his representative present if possible. The detail of the inspection shall be determined in a reasonable exercise of discretion by the township engineer. All efforts shall be made toward a mutual cooperation during such inspections, toward the ends of allowing such inspection to be expeditiously and accurately undertaken, and minimizing interference with the operation. The township engineer shall be responsible for inspections hereunder, and shall, at all times, have the right to peaceably enter upon the subject property for the purpose of conducting inspections to ensure compliance. In the event the township engineer shall determine that a violation of any of the provisions of this article exists, notice of such fact shall be sent to the permit holder with a copy of such notice to the township board. Such monitoring by the township engineer shall in no way limit access to the mining sites by authorized township personnel, subject to applicable laws and ordinances, in the exercise of their official township duties.
- (m) *Failure to implement reclamation plan.* In the event the permit holder fails to implement the reclamation plan in accordance with the approved reclamation schedule, then upon 15 days' notice to the owner and the permit holder, the township shall be entitled to enter onto the subject property and take all actions necessary to comply with the reclamation plan. The township may use any or all of the bond's proceeds to accomplish the reclamation. In the event the township is unable to utilize the bond proceeds for any reason, or if the bond proceeds are insufficient to complete the restoration, the township shall have a lien against the site to recover all of the township's expenses in reclamation, including any court costs, fees, attorney fees and engineering fees, which lien shall be enforceable in the same manner as provided by law for the collection of special assessments, or using the then applicable provisions of state law for foreclosure of mortgages by advertisement, or by suit against the permit holder and/or the owner. The election of any remedy shall be at the sole option of the township and election of one remedy shall not be deemed to be a waiver of any other remedy.
- (n) In the event of a conflict between subsections (b), (c), or (f) and sections of the Springfield Township Zoning Chapter, the subsections above shall control, even if the zoning chapter has more restrictive provisions.

(Ord. No. 2016(8), § 1, 10-13-2016)

## **Sec. 12-82. Operational requirements during mining activities; authority to direct future action.**

- (a) In the preparation of this article, it is recognized that it is impossible to foresee all of the activities in connection with the mining operation which could potentially result in hazards to the public health, safety and welfare. Therefore, the township board shall be authorized to direct that actions of the permit holder be taken or ceased in order to prevent immediate and identified harm to the public health, safety and welfare in

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connection with the mining operation. The permit holder shall comply with such directive. However, in the event such a directive is given, the permit holder shall:

- (1) Be entitled to a written notice identifying the reason for the directive, and specifying the action which is to be taken or ceased; and
  - (2) Be entitled to a hearing before the township board upon request.
- (b) Such hearing shall be conducted at the next regular township board meeting, or at a special meeting the supervisor/designee may call for this purpose. Without limitation, hazards which could trigger the application of this section would include the effect of the mining operation on the water table of the subject property and surrounding and adjacent properties, including effects on private wells in the area.

(Ord. No. 2016(8), § 1, 10-13-2016)

### **Sec. 12-83. Violations and penalties; revocation of permit; nuisance as municipal civil infraction.**

- (a) *Revocation of permit.* The township supervisor/designee or the township engineer as authorized by the township board, may at their discretion notify the owner and/or operator of any violation of the permit and/or of this article and upon failure of the owner and/or operator to abate such violation within a reasonable time stated in the notice after mailing of such notice, such mineral mining site may be summarily closed, and the permit therefor, suspended or revoked, and resort had to the bond for restoration. Any owner and/or operator aggrieved by any notice sent pursuant to this article may file a written request for a hearing before the township board. The request should set forth why the operation site should not be summarily closed, the permit suspended or revoked, and/or resort had to the bond. If a request for a hearing is received by the township board, the board shall accord rudimentary due process to the owner and/or operator who requested the hearing by giving such owner and/or operator notice of the time and place of the hearing, an opportunity to be heard through counsel or otherwise, and shall make an impartial determination of whether a violation of this article has occurred and whether the health and safety of persons and/or property require the suspension or revocation of such permit. Upon receipt of a request for a hearing, the township board may, at the request of the township supervisor/designee or engineer properly authorized by the township, summarily close the site pending the hearing, if it is determined that the health and safety of person and/or property require such action.
- (b) *Nuisance; municipal civil infraction.* Any violation of this article is hereby determined to be a nuisance per se, and the township may institute suit to have such nuisance abated. A violation of this article is deemed to be a municipal civil infraction.

(Ord. No. 2016(8), § 1, 10-13-2016)

### **Sec. 12-84. Interpretation, conflicting regulations, restrictions.**

The provisions of this article shall be liberally interpreted in order to promote and accomplish the purposes of this article as set forth in the preamble to the ordinance from which this article is derived. Any limitations set forth in this article shall be construed as the minimum limitations. Whenever any provision of this article imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other ordinance or law, then the provisions of this article shall govern. In the event of a conflict between the provisions of this article and the environmental performance standards of the zoning chapter, those provisions which are deemed more restrictive shall apply, except as provided in section 12-81(n).

(Ord. No. 2016(8), § 1, 10-13-2016)

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**Secs. 12-85—12-109. Reserved.**

**Ric Davis**

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**From:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Sent:** Friday, March 7, 2025 8:47 AM  
**To:** Ric Davis  
**Subject:** [EXTERNAL] Re: \*\*EXTERNAL\*\*FW: Mining

**Caution:** This email originated from outside of Springfield Township's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you very much. I'll get to work on this and return it as soon as I can.

Thank you for your partnership,  
Reuben

---

**From:** Ric Davis <rdavis@springfield-twp.us>  
**Date:** Thursday, March 6, 2025 at 3:08 PM  
**To:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Subject:** \*\*EXTERNAL\*\*FW: Mining

FYI  
Ric

**From:** Greg Need <GNeed@anafirm.com>  
**Sent:** Thursday, March 6, 2025 11:42 AM  
**To:** Ric Davis <rdavis@springfield-twp.us>  
**Subject:** [EXTERNAL] Mining

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Thanks,

Greg



Gregory K. Need  
Adkison Need Allen & Rentrop, PLLC  
39572 Woodward Avenue

Suite 222  
Bloomfield Hills, Michigan 48304  
Phone: (248) 540-7400  
Fax: (248) 540-7401

---

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*If, and to the extent, this message contains advice concerning one or more Federal tax issues, it is not a formal legal opinion and may **not** be relied upon or used by any person for the avoidance of federal tax penalties.*

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## Ric Davis

---

**From:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Sent:** Monday, February 3, 2025 1:54 PM  
**To:** Ric Davis  
**Subject:** [EXTERNAL] Road Gravel and High Capacity Well Follow Up Discussion

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Caution:** This email originated from outside of Springfield Township's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Supervisor Davis,

I hope you had a great weekend. My team and I reviewed the Township's requests, and I now have some ideas to share. Please let me know a good time for a call or visit to discuss.

Thanks,  
Reuben

**Ric Davis**

---

**From:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Sent:** Wednesday, January 29, 2025 1:57 PM  
**To:** Ric Davis  
**Subject:** [EXTERNAL] Updated Bond Information  
**Attachments:** 35BSBAJ4007 MI Springfield Township Permit \$75,000 - Cont Cert[27].pdf

**Caution:** This email originated from outside of Springfield Township's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Supervisor Davis,

Each year we send our updated bond information for the Township's files. Please find that information attached.

Thanks,  
Reuben

**Continuation Certificate**

**The Hartford Insurance Group**

Surety - License & Permit

The Hartford Fire Insurance Company, (hereinafter called the Company),  
hereby continues in force its Bond No. 35BSBAJ4007  
in the sum of Seventy-Five Thousand (\$75,000.00) Dollars  
on behalf of Burroughs Materials Corporation  
51445 W. 12 Mile Road, Wixom, MI 48393  
in favor of Township of Springfield, Michigan  
for the (extended) term beginning on February 1, 2025 and ending on February 1, 2026.  
subject to all the covenants and conditions of said Bond, said Bond and this and all continuations thereof being one  
continuous contract.

This Continuation is executed upon the express condition that the Company's liability under said Bond  
and this and all continuations thereof shall not be cumulative and shall in no event exceed the sum of  
Seventy-Five Thousand (\$75,000.00) Dollars.

IN WITNESS THEREOF, the Company has caused this instrument to be signed by its officers proper  
for the purpose and its corporate seal to be hereto affixed on November 3, 2024.

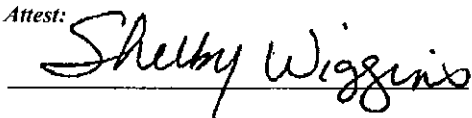
Hartford Fire Insurance Company

By:

  
Joselle L. LaPierre, Attorney in Fact



Attest:

  
Shelby Wiggins

# POWER OF ATTORNEY

Direct Inquiries, Bond Authenticity  
and Claims to:  
**THE HARTFORD**  
BOND, T-14  
One Hartford Plaza  
Hartford, Connecticut 06155  
[Bond.Claims@thehartford.com](mailto:Bond.Claims@thehartford.com)  
call: 888-266-3488 or fax: 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Name: HYLANT GROUP INC/TROY  
Agency Code: 35-351588

- ☒ **Hartford Fire Insurance Company**, a corporation duly organized under the laws of the State of Connecticut  
☐ **Hartford Casualty Insurance Company**, a corporation duly organized under the laws of the State of Indiana  
☐ **Hartford Accident and Indemnity Company**, a corporation duly organized under the laws of the State of Connecticut  
☐ **Hartford Insurance Company of the Midwest**, a corporation duly organized under the laws of the State of Indiana

having their home office in Hartford, Connecticut (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint Joelle L LaPierre of Lake Mary, Florida, its true and lawful Attorney-in-Fact, to sign its name as surety(ies) only as delineated above by, and to execute, seal and acknowledge the following bond, undertaking, contract or written instrument:

Bond No. 35BSBAJ4007

Naming Burroughs Materials Corporation as Principal,  
and Township of Springfield, Michigan as Obligee,

in the amount of See Bond Form(s) on behalf of Company in its business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on May 23, 2016 the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



*Phyllis A. Clark*

Phyllis A. Clark, Assistant Secretary

*Joelle L. LaPierre*

Joelle L. LaPierre, Assistant Vice President

STATE OF FLORIDA

COUNTY OF SEMINOLE

ss. Lake Mary

On this 1st day of March, 2024, before me personally came Joelle L. LaPierre, to me known, who being by me duly sworn, did depose and say: that (s)he resides in Seminole County, State of Florida; that (s)he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument; that (s)he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that (s)he signed his/her name thereto by like authority.



*Mariluz Arce*

Mariluz Arce  
My Commission HH 287363  
Expires July 13, 2026

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of November 3, 2024.

Signed and sealed in Lake Mary, Florida.



*Keith D. Dozois*

Keith D. Dozois, Assistant Vice President

## Ric Davis

---

**From:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Sent:** Wednesday, January 29, 2025 9:54 AM  
**To:** Ric Davis  
**Subject:** [EXTERNAL] Gravel Spec Sheets  
**Attachments:** [Untitled][57].pdf; [Untitled][29].pdf

01/29/25 10:01 AM

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Supervisor Davis,

Thank you for pulling together last week's meeting. The Levy team is working to determine what we can do from a gravel supply perspective. As soon as we have this figured out, I will follow up with you. In the meantime, attached, please find the spec sheets I showed you during our meeting. These sheets will help you understand the difference between the various products.

Thank you,  
Reuben

8800 Dix Ave.  
 Detroit, MI 48209  
 Phone (313) 429-LEVY  
 Fax 313-429-2448



E-mail: sales@edwclevy.net  
 http://www.edwclevy.com



### Grading Requirements ASTM & Commercial Material Designations

Material Type	Sieve Analysis (MTM 109/astm C136) Total Percent Passing													Loss By Washing Percent	Crushed Material % Min	Specification Issued By
	Metric Sieve	62.5mm	50.0mm	37.5mm	25.0mm	19.0mm	12.5mm	9.5mm	4.75mm	2.36mm	600mm	No. 100	No. 200			
	US Sieve	2 1/2"	2"	1 1/2"	1"	3/4"	1/2"	3/8"	No. 4	No. 8	No. 30	No. 100	No. 200			
Coarse Aggregates	ASTM #6				100	90-100	20-55	0-15	0-5					2.0 max		ASTM D1863 Size No. 6
	ASTM 5/8				100	90-100		20-55	0-10	0-5				2.0 max		ASTM D1863 Size No. 67
	ASTM 3/4					100	90-100	40-70	0-15	0-5				2.0 max		ASTM D1863 Size No. 7
	31A						100	95-100	35-85	0-25				3.0 max	95 <sup>(a)</sup>	MDOT 1990 Specification
Dense-Graded Aggregates	22X Steel Furnace Slag				100	90-100		60-90		20-50				3-15		Wayne County
	20AA					100	90-100	65-90		45-65	20-44			0-7	40	MDOT 1990 Specification
	20C			100	80-100			55-85		30-55	15-40			0-10		MDOT 1990 Specification
Porous Backfill	Grade B		100				45-85		20-85		5-30		0-3			Wayne County
	Grade A	100			60-100							0-35	0-8.5			Wayne County
	Class III Mod	100			60-100							0-45		0-15		Wayne County

(a) At least 95 percent of the particles shall have two or more fractured faces

		Sieve Analysis (ASTM C136) Total Percent Passing							Loss By Washing Percent	Specification Issued By
Metric Sieve		9.5 mm	4.75 mm	2.36 mm	1.18 mm	600 um	300 um	150 um		
US Sieve		3/8"	No. 4	No. 8	No. 16	No. 30	No. 50	No. 100		
3CS		100	95-100	70-95	45-75	25-55	15-35	0-20	0-10	MDOT 1990 Specification
30A Blast Furnace Slag		100	95-100	70-95	45-75	25-55	15-35	0-20	0-10	Edw. C. Levy Co.

#### Typical Material Specific Gravities

Product Sizing	Specific Gravity	Blast Furnace Slag	Steel Furnace Slag	Limestone	Natural Gravel
1" x 3/8"	S.S.D.	2.43 - 2.54	(Product Sizing 1/2" x 0 Dry)	2.54 - 2.66	2.68 - 2.72
1" x 3/8"	Bulk Dry	2.37 - 2.49	2.78 - 2.80	2.49 - 2.59	2.64 - 2.69
1/2" x #4	S.S.D.	2.51 - 2.53	3.26 - 3.33	2.58 - 2.68	2.65 - 2.69
1/2" x #4	Bulk Dry	2.44 - 2.47	3.17 - 3.28	2.55 - 2.60	2.62 - 2.65

#### Typical Compacted in Place Yields - tons/yd<sup>3</sup>

Product Sizing	Blast Furnace Slag	Steel Furnace Slag	Limestone	Natural Gravel
1" x 0	1.7	2.2	1.8	1.9
3/8" x 0	1.6	2.1	1.7	1.5

### The Aggregates Company

#### Blast Furnace Slag Plants

Plant #1 82-19  
 8800 Dix Avenue, Detroit

Plant #2 82-19  
 9300 Dix Avenue, Detroit

#### Steel Furnace Slag Plants

Plant #3 82-21  
 Westfield & Jefferson Ave., Ecorse

Plant #6 82-24  
 13800 Mellon Street, Detroit

#### Sand & Gravel Plants

Holly 63-54  
 16240 Tindall Road, Davisburg

Burroughs Ray Road 63-98  
 721 Ray Road, Oxford

Deanville Road 44-71  
 7426 Deanville Road, Brown City

Groveland 63-112  
 16821 Dixie Highway, Holly

Hartland 47-58  
 1380 Pleasant Valley Rd., Hartland

Highland 63-114  
 6454 N. Hickory Ridge, Holly

Buno Road 47-16  
 13017 Buno Road, Milford

AAM Ray Road 63-115  
 27 Ray Road, Oxford

Freedom Township 81-19  
 9985 Pleasant Lake Rd, Ann Arbor

Grange Hall 63-92  
 15716 Hawley Road, Holly

#### Limestone Sources

Plant #7 (Miller Road Dock)  
 Miller Road, Detroit

St. Clair Agg. - Detroit Dock  
 Brennan Street, Detroit

Wallace Stone Quarry 32-4  
 8785 Ribble Road, Bay Port

Saginaw Dock  
 6050 Melbourne, Saginaw

Specification Stone 4-57  
 1009 Long Lake Ave., Alpena

Specification Stone  
 2594 Old Kawkawlin Rd., Kawkawlin

St. Clair Aggregates  
 1327 S. Belle River Ave., Marine City

Burroughs North - 1st Street Dock  
 1701 - 1st Street, Saginaw

Burroughs North - Essexville  
 1500 Main Street, Essexville

Burroughs North - 6th Street Dock  
 1750 - N. 6th Street, Saginaw

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8800 Dix Ave.  
 Detroit, MI 48209  
 Phone (313) 429-LEVY  
 Fax 313-429-2448



E-mail: sales@edwclevy.net  
 http://www.edwclevy.com



**Grading Requirements for M•DOT Material Designations**  
**Per M•DOT 2012 Standard Specifications for Construction Section 902 "Aggregate"**  
 Table 902-1 Grading Requirements for Coarse Aggregates, Dense-Graded Aggregates, and Open-Graded Aggregates 2012

Material Type	Sieve Analysis (MTM 109) Total Percent Passing										Loss By Washing Percent	Crushed Material % Min
	Metric Sieve	50.0mm	37.5mm	25.0mm	19.0mm	12.5mm	9.5mm	4.75mm	2.36mm	600um		
	US Sieve	2"	1 1/2"	1"	3/4"	1/2"	3/8"	No. 4	No. 8	No. 30		
Coarse Aggregates	4AA	90-100	40-60		0-12						2.0 max	
	6AAA		100	90-100	60-85	30-60		0-8			1.0 max <sup>(c)</sup>	
	6AA		100	95-100		30-60		0-8			1.0 max <sup>(c)</sup>	
	6A		100	95-100		30-60		0-8			1.0 max <sup>(c)</sup>	
	17A			100	90-100	50-75		0-8			1.0 max <sup>(c)</sup>	
	25A				100	95-100	60-90	5-30	0-12		3.0 max	95
	26A				100	95-100	60-90	5-30	0-12		3.0 max	
	29A					100	90-100	10-30	0-10		3.0 max	95
Dense-Graded Aggregates	21AA		100	85-100		50-75			20-45		4-8 <sup>(d, e)</sup>	95
	21A		100	85-100		50-75			20-45		4-8 <sup>(d, e)</sup>	25
	22A			100	90-100		65-85		30-50		4-8 <sup>(d, e)</sup>	25
	23A			100			60-85		25-60		9-16 <sup>(e)</sup>	25
Open-Graded Aggregates	4G <sup>(g)</sup>		100	85-100		45-65			15-30	6-18	6.0 max	95
	34R					100	90-100		0-5		3.0 max	20 max
	34G					100	95-100		0-5		3.0 max	100

(c) Loss by Washing will not exceed 2.0 percent for material produced entirely by crushing rock, boulders, cobbles, slag, or concrete.

(d) When used for aggregate base courses, surface courses, shoulders and approaches and the material is produced entirely by crushing rock, boulders, cobbles, slag, or concrete, the maximum limit for Loss by Washing must not exceed 10 percent.

(e) The limits for Loss by Washing of dense-graded aggregates are significant to the nearest whole percent.

(g) Reference contract documents.

Table 902-3 Grading Requirements for Granular Materials 2012

Metric Sieve	Sieve Analysis (MTM 109) Total Percent Passing									Loss By Washing Percent
	150.0mm	75.0mm	50.0mm	25.0mm	12.5mm	9.5mm	4.75mm	600um	150um	
US Sieve	6"	3"	2"	1"	1/2"	3/8"	No. 4	No. 30	No. 100	
Class I			100		45-85		20-85	5-30		0-5
Class II (c)		100		60-100			50-100		0-30	0-7
Class IIA (c)		100		60-100			50-100		0-35	0-10
Class IIAA		100		60-100			50-100		0-20	0-5
Class III	100	95-100					50-100			0-15
Class IIIA						100	50-100		0-30	0-15

See footnote ( c ) and 902.07 for substitutions

Table 902-4 Grading Requirements for Fine Aggregates 2012

Metric Sieve	Sieve Analysis (MTM 109) Total Percent Passing							Loss By Washing Percent
	9.5mm	4.75mm	2.36mm	1.18mm	600 um	300 um	150 um	
US Sieve	3/8"	No. 4	No. 8	No. 16	No. 30	No. 50	No. 100	
2NS	100	95-100	65-95	35-75	20-55	10-30	0-10	0-3.0
2SS	100	95-100	65-95	35-75	20-55	10-30	0-10	0-4.0
2MS		100	95-100			15-40	0-10	0-3.0

## Ric Davis

---

**From:** Ric Davis  
**Sent:** Wednesday, January 22, 2025 9:48 PM  
**To:** Jerry David; Maxbauer, Reuben; Gtomlin@RCOC.org  
**Cc:** Christine Rogers; Jerry David  
**Subject:** Re: \*\*EXTERNAL\*\*Gravel purchase and coordinated application Springfield Twp.

Jerry,  
We can all meet and have scheduled a time on Friday at 12:30. See you there. Thank you  
Ric Davis

### Get Outlook for iOS

---

**From:** Jerry David <jdavid@springfield-twp.us>  
**Sent:** Wednesday, January 22, 2025 4:28:05 PM  
**To:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>; Ric Davis <rdavis@springfield-twp.us>; Gtomlin@RCOC.org <Gtomlin@RCOC.org>  
**Cc:** Christine Rogers <crogers@springfield-twp.us>; Jerry David <jdavid@springfield-twp.us>  
**Subject:** RE: \*\*EXTERNAL\*\*Gravel purchase and coordinated application Springfield Twp.

Hi everyone

I'm available on the dates/times listed below.

Friday, January 24th 12:00pm-1:30pm  
Monday, January 27th 10:00am  
Wednesday, January 29th 2:30pm  
Thursday, January 30th 9:00am

Thank you, Jerry David



**Jerry David, Facilities Manager**  
Springfield Township  
12000 Davisburg Road  
Davisburg, MI 48350  
248-846-6507 direct  
248-408-1900 cell

**From:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Sent:** Thursday, January 16, 2025 1:10 PM  
**To:** Ric Davis <rdavis@springfield-twp.us>; Gtomlin@RCOC.org; Jerry David <jdavid@springfield-twp.us>  
**Cc:** Christine Rogers <crogers@springfield-twp.us>  
**Subject:** [EXTERNAL] Re: \*\*EXTERNAL\*\*Gravel purchase and coordinated application Springfield Twp.

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Ric,

Thank you for initiating. I will be interested to learn what materials and in what quantities Springfield requires. I am hopeful there will be a match between our production capabilities and the Township's needs. My availability is as follows:

Monday, January 20th 3:00pm  
Tuesday, January 21st 10:00am-1:00pm  
Friday, January 24th 12:00pm-1:30pm  
Monday, January 27th 10:00am  
Wednesday, January 29th 2:30pm  
Thursday, January 30th 9:00am

Looking forward to getting together,  
Reuben

---

**From:** Ric Davis <[rdavis@springfield-twp.us](mailto:rdavis@springfield-twp.us)>

**Date:** Tuesday, January 14, 2025 at 5:38 PM

**To:** Maxbauer, Reuben <[RMAXBAUER@edwclevy.net](mailto:RMAXBAUER@edwclevy.net)>, [Gtomlin@RCOC.org](mailto:Gtomlin@RCOC.org) <[Gtomlin@RCOC.org](mailto:Gtomlin@RCOC.org)>, Jerry David <[jdavid@springfield-twp.us](mailto:jdavid@springfield-twp.us)>

**Cc:** Christine Rogers <[crogers@springfield-twp.us](mailto:crogers@springfield-twp.us)>

**Subject:** \*\*EXTERNAL\*\*Gravel purchase and coordinated application Springfield Twp.

U.S. MAIL You don't often get email from [rdavis@springfield-twp.us](mailto:rdavis@springfield-twp.us). [Learn why this is important](#)

Gentlemen,

Thank you for today's productive discussion. I'd like to schedule a meeting to finalize and launch a plan for the gravel and grading of our roads. My primary goal is to negotiate a reduction in our current gravel costs from another source, enabling us to extend coverage to more roads this year. With collective effort, I am confident we can coordinate a cost-effective bulk purchase and delivery of gravel through the Levy Company, aligning it with the RCOC's scheduled application. This initiative has the potential to make a significant positive impact on our community, and I am eager to see it come together.

Please share your availability for a meeting at in the next week or two at your earliest convenience .

Respectfully,

Ric Davis

## Ric Davis

---

**From:** Ric Davis  
**Sent:** Friday, January 24, 2025 2:18 PM  
**To:** Maxbauer, Reuben  
**Subject:** FW: Road Commission for Oakland County Gravel Haul Program  
**Attachments:** 2025 New Gravel Letter.pdf

Here is a copy of the RCOC letter. Thank you Rueben for a productive meeting  
Ric

**From:** Huetteman, Kelsey <khuetteman@rcoc.org>  
**Sent:** Friday, January 17, 2025 10:09 AM  
**To:** Ric Davis <rdavis@springfield-twp.us>  
**Cc:** Printz, Steve <sprintz@rcoc.org>; Fitzer, Samuel <sfitzer@rcoc.org>; Doll, Chris <cdoll@rcoc.org>  
**Subject:** [EXTERNAL] Road Commission for Oakland County Gravel Haul Program

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Good morning,

Attached is a letter detailing the 2025 gravel program for the Road Commission for Oakland County. If you are interested in participating, please email Steve Printz at [sprintz@rcoc.org](mailto:sprintz@rcoc.org). Please include the funding amount in the email as well. Respond by March 28<sup>th</sup>, 2025.

Thanks,



Kelsey Huetteman  
Maintenance Analyst  
Maintenance Department  
2420 Pontiac Lake  
Waterford, MI 48328

248-858-4887



QUALITY LIFE THROUGH GOOD ROADS:  
ROAD COMMISSION FOR OAKLAND COUNTY  
"WE CARE."

**Board of Road Commissioners**

**Andrea LaLonde**  
Commissioner

**Eric D. McPherson**  
Commissioner

**Nancy Quarles**  
Commissioner

**Dennis G. Kolar, P.E.**  
Managing Director

**Gary Piotrowicz, P.E., P.T.O.E.**  
Deputy Managing Director  
County Highway Engineer

**Highway Maintenance  
Department**

**2420 Pontiac Lake Road  
Waterford, MI 48328**

**248-858-4881**

[www.rcocweb.org](http://www.rcocweb.org)

January 16, 2025

**Re: 2025 Gravel Haul Program**

Dear Community Member,

The Road Commission for Oakland County (RCOC) Gravel Haul Program will be launched this spring, as it has in past years. As always, we welcome local community participation in the program. If you are already participating, we appreciate your continued support. Since so many communities throughout Oakland County participate in the program, it is important that interested communities commit by the deadline established below to reduce delays.

The RCOC is asking that interested communities commit, at least "verbal" (including anticipated total funding amount), by March 28<sup>th</sup>, 2025. Since this is a Countywide program, it is essential to have all the community commitments by this date because the bidding process for the Gravel Haul Program can take approximately 3 months from the "solicitation of bids" to the actual start of the haul. An email or letter of commitment from participating communities will be required prior to the bid opening date.

The tentative timeline would be as follows:

- Township Commitment: NO later than March 28<sup>th</sup>
- Bid Solicitation: April 8<sup>th</sup>
- Bid Opening Date: April 22<sup>nd</sup>
- RCOC Board Meeting: May 8<sup>th</sup> (anticipated award of bid recommendation)
- Anticipated Start of Gravel Haul: Early June – Late June

Should you have any questions, please feel free to contact me at (248) 881-2167. I appreciate your cooperation and participation and look forward to serving you.

Sincerely,

DocuSigned by:

*Steve Printz*

2D624FB5231E4E4...

Steve Printz

Forestry and Contract Administrator Supervisor  
Road Commission for Oakland County

c: Programming Supervisor



**SPRINGFIELD**  
CHARTER TOWNSHIP

**Richard Davis, Supervisor**

Springfield Township  
12000 Davisburg Road  
Davisburg, MI 48350  
248-846-6502

---

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## Ric Davis

---

**From:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Sent:** Thursday, January 16, 2025 1:10 PM  
**To:** Ric Davis; Gtomlin@RCOC.org; Jerry David  
**Cc:** Christine Rogers  
**Subject:** [EXTERNAL] Re: \*\*EXTERNAL\*\*Gravel purchase and coordinated application Springfield Twp.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Ric,

Thank you for initiating. I will be interested to learn what materials and in what quantities Springfield requires. I am hopeful there will be a match between our production capabilities and the Township's needs. My availability is as follows:

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Looking forward to getting together,  
Reuben

---

**From:** Ric Davis <rdavis@springfield-twp.us>  
**Date:** Tuesday, January 14, 2025 at 5:38 PM  
**To:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>, Gtomlin@RCOC.org <Gtomlin@RCOC.org>, Jerry David <jdavid@springfield-twp.us>  
**Cc:** Christine Rogers <crogers@springfield-twp.us>  
**Subject:** \*\*EXTERNAL\*\*Gravel purchase and coordinated application Springfield Twp.

You don't often get email from rdavis@springfield-twp.us. [Learn why this is important](#)

Gentlemen,

Thank you for today's productive discussion. I'd like to schedule a meeting to finalize and launch a plan for the gravel and grading of our roads. My primary goal is to negotiate a reduction in our current gravel costs from another source, enabling us to extend coverage to more roads this year. With collective

effort, I am confident we can coordinate a cost-effective bulk purchase and delivery of gravel through the Levy Company, aligning it with the RCOC's scheduled application. This initiative has the potential to make a significant positive impact on our community, and I am eager to see it come together.

Please share your availability for a meeting at in the next week or two at your earliest convenience .

Respectfully,

Ric Davis



**Richard Davis, Supervisor**  
Springfield Township  
12000 Davisburg Road  
Davisburg, MI 48350  
248-846-6502

---

**ATTENTION:**

This email was sent to the Levy Group of Companies from an external source. Please be extra vigilant when opening attachments or clicking links.

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## Ric Davis

---

**From:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Sent:** Friday, January 17, 2025 11:47 AM  
**To:** Ric Davis  
**Subject:** [EXTERNAL] FW: \*\*EXTERNAL\*\*Gravel purchase and coordinated application Springfield Twp.

You don't often get email from rmaxbauer@edwclevy.net. [Learn why this is important](#)

**Caution:** This email originated from outside of Springfield Township's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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**From:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>  
**Date:** Thursday, January 16, 2025 at 1:09 PM  
**To:** Ric Davis <rdavis@springfield-twp.us>, Gtomlin@RCOC.org <Gtomlin@RCOC.org>, Jerry David <jdavid@springfield-twp.us>  
**Cc:** Christine Rogers <crogers@springfield-twp.us>  
**Subject:** Re: \*\*EXTERNAL\*\*Gravel purchase and coordinated application Springfield Twp.

Ric,

Thank you for initiating. I will be interested to learn what materials and in what quantities Springfield requires. I am hopeful there will be a match between our production capabilities and the Township's needs. My availability is as follows:

Monday, January 20th 3:00pm  
Tuesday, January 21st 10:00am-1:00pm  
Friday, January 24th 12:00pm-1:30pm  
Monday, January 27th 10:00am  
Wednesday, January 29th 2:30pm  
Thursday, January 30th 9:00am

Looking forward to getting together,  
Reuben

---

**From:** Ric Davis <rdavis@springfield-twp.us>  
**Date:** Tuesday, January 14, 2025 at 5:38 PM  
**To:** Maxbauer, Reuben <RMAXBAUER@edwclevy.net>, Gtomlin@RCOC.org <Gtomlin@RCOC.org>, Jerry David <jdavid@springfield-twp.us>  
**Cc:** Christine Rogers <crogers@springfield-twp.us>  
**Subject:** \*\*EXTERNAL\*\*Gravel purchase and coordinated application Springfield Twp.

00000000

You don't often get email from rdavis@springfield-twp.us. [Learn why this is important](#)

Gentlemen,

Thank you for today's productive discussion. I'd like to schedule a meeting to finalize and launch a plan for the gravel and grading of our roads. My primary goal is to negotiate a reduction in our current gravel costs from another source, enabling us to extend coverage to more roads this year. With collective effort, I am confident we can coordinate a cost-effective bulk purchase and delivery of gravel through the Levy Company, aligning it with the RCOC's scheduled application. This initiative has the potential to make a significant positive impact on our community, and I am eager to see it come together.

Please share your availability for a meeting at in the next week or two at your earliest convenience .

Respectfully,

Ric Davis



**Richard Davis, Supervisor**  
Springfield Township  
12000 Davisburg Road  
Davisburg, MI 48350  
248-846-6502

---

**ATTENTION:**

This email was sent to the Levy Group of Companies from an external source. Please be extra vigilant when opening attachments or clicking links.

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## **Amanda Steward**

---

**From:** Ric Davis  
**Sent:** Tuesday, July 29, 2025 3:39 PM  
**To:** Sean Miller; Chris Todd  
**Subject:** RE: [EXTERNAL] Follow-Up on GLELC Document

Dear Mr. Todd,

Thank you again for reaching out and for the continued commitment that you and the Springfield Township Environmental Protectors show in keeping the public engaged and informed.

As Clerk Miller noted, the omission of the June 24 document from the township website was simply an oversight and certainly not intentional. The document was submitted as a public comment for the Planning Commission hearing and was included in the official public record reviewed by the Commission.

All public comments, whether in support or opposition, were handled equally. As Sean mentioned, we have not posted every comment online due to the volume of submissions received throughout the process.

Currently, the June 24 document is still under review, and we are awaiting a response from the Edward C. Levy Company. Because the document contains specific legal and environmental claims, we need to make sure anything published by the township is factually accurate and presented with proper context. It may or may not be posted publicly, depending on the outcome of that review.

I would also hope that you share the same philosophy regarding fact-finding and careful vetting of information before it is shared with the public. For example, while scientific studies do show that silica dust can be linked to respiratory issues (serious and concerning), another important question ask is whether the mining operation in question could cause silica dust to become airborne. Are there controls mandated by local, state, and federal law such as dust suppression systems or containment practices required under the mining permit to prevent that? Are those mitigation methods being enforced by local, state, or federal agencies? If testing shows no significant airborne silica dust around the operation, then the full story must include that data as well. Presenting only the risks, without mentioning the mitigation efforts and ongoing compliance testing, does not give the public the full picture. I want all the answers considered that are fact based. I would not want to make any decisions with misleading or only part of the information.

The same goes for the reported violations referenced in the document. We need to ask: are these violations tied to the Edward C. Levy Company itself, or to subcontractors or affiliated operations? Were these repetitive violations for the same issue, or were they addressed and corrected as required? How does this record compare with other companies of similar size and operational scope across Michigan or the country? What makes this pattern of violations unique to Levy if anything? These are the kinds of critical questions that lead us closer to the truth and help separate fact from assumption. I am not advocating for the project I am advocating for a complete investigation of fact over assumption so that our decision is based on the complete story.

At the end of the day, I believe our role as a local municipality is to look at the whole story, not half of it, when making decisions that impact the health, environment, and economic well-being of our residents. People in our community are smart. They want honest, full information so they can come to their own conclusions. Only a few will hold to half the story as time goes on. The majority want to know the facts and don't want to be misled. They want transparency and to be part of well-informed decisions.

I appreciate the thoughtful way you are engaging in this process. I look forward to continuing conversation as we work through this together in the best interest of our community.

Ric Davis, Supervisor

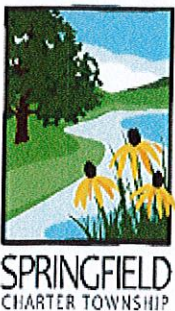
Springfield Charter Township

**From:** Sean Miller <[smiller@springfield-twp.us](mailto:smiller@springfield-twp.us)>  
**Sent:** Tuesday, July 29, 2025 1:54 PM  
**To:** Chris Todd [REDACTED]  
**Cc:** Ric Davis <[rdavis@springfield-twp.us](mailto:rdavis@springfield-twp.us)>  
**Subject:** RE: [EXTERNAL] Follow-Up on GLELC Document

Mr. Todd:

The omission from the website was simply an oversight and certainly not intentional or nefarious. The document in question was submitted as a Public Comment for the Planning Commission public hearing and was provided to the Planning Commission as part of the official public hearing record.

We treated all public comments—both in support of and in opposition to the matter—in the same manner. Due to the volume of submissions, we did not post all written public comments on the website.



**Sean R. Miller, MiPMC  
Township Clerk**  
Springfield Township  
12000 Davisburg Road  
Davisburg, MI 48350  
248-846-6510  
[www.springfield-twp.us](http://www.springfield-twp.us)

---

**From:** Chris Todd [REDACTED]  
**Sent:** Tuesday, July 29, 2025 12:33 PM  
**To:** Sean Miller <[smiller@springfield-twp.us](mailto:smiller@springfield-twp.us)>  
**Subject:** [EXTERNAL] Follow-Up on GLELC Document

**Caution:** This email originated from outside of Springfield Township's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Miller,

I hope you're doing well.

On behalf of the Springfield Township Environmental Protectors (STEP), I wanted to follow up regarding the **document submitted to the township board by the Great Lakes Environmental Law Center on June 24**, concerning the proposed Edward C. Levy gravel mine.

In the spirit of transparency and public awareness, we are curious as to why that document had not been posted on the township website alongside other public information. We believe it would be helpful for residents who are seeking a broader understanding of the legal and environmental perspectives surrounding this proposal.

We understand your office handles a wide range of responsibilities, and we truly appreciate the work you do to keep the public informed. Our intent is simply to stay engaged and supportive of open communication on matters that affect the community.

Thank you again for your time and consideration.

Warm regards,

**Chris Todd**

Springfield Township Environmental Protectors (STEP)

## **RESIDENT QUESTION**

Dear Mr. Miller,

I hope you're doing well.

On behalf of the Springfield Township Environmental Protectors (STEP), I wanted to follow up regarding the document submitted to the township board by the Great Lakes Environmental Law Center on June 24, concerning the proposed Edward C. Levy gravel mine.

In the spirit of transparency and public awareness, we are curious as to why that document had not been posted on the township website alongside other public information. We believe it would be helpful for residents who are seeking a broader understanding of the legal and environmental perspectives surrounding this proposal.

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Thank you again for your time and consideration.

## **CLERK MILLER RESPONSE**

The omission from the website was simply an oversight and certainly not intentional or nefarious. The document in question was submitted as a Public Comment for the Planning Commission public hearing and was provided to the Planning Commission as part of the official public hearing record.

We treated all public comments—both in support of and in opposition to the matter—in the same manner. Due to the volume of submissions, we did not post all written public comments on the website.

## **SUPERVISOR RESPONSE**

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As Clerk Miller noted, the omission of the June 24 document from the township website was simply an oversight and certainly not intentional. The document was submitted as a public comment for the Planning Commission hearing and was included in the official public record reviewed by the Commission.

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I would also hope that you share the same philosophy regarding fact-finding and careful vetting of information before it is shared with the public. For example, while scientific studies do show that silica dust can be linked to respiratory issues (serious and concerning), another important question ask is whether the mining operation in question could cause silica dust to become airborne. Are there controls mandated by local, state, and federal law such as dust suppression systems or containment practices required under the mining permit to prevent that? Are those mitigation methods being enforced by local, state, or federal agencies? If testing shows no significant airborne silica dust around the operation, then the full story must include that data as well. Presenting only the risks, without mentioning the mitigation efforts and ongoing compliance testing, does not give the public the full picture. I want all the answers considered that are fact based. I would not want to make any decisions with misleading or only part of the information.

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I appreciate the thoughtful way you are engaging in this process. I look forward to continuing conversation as we work through this together in the best interest of our community.

## Federal-Level Standards and Controls

### MSHA (Mine Safety and Health Administration)

MSHA enforces a permissible exposure limit (PEL) of 50 µg/m<sup>3</sup> (8-hour time-weighted average) for respirable crystalline silica in metal and non-metal mining, with an action level of 25 µg/m<sup>3</sup>. Mines must implement engineering controls to keep exposures below the PEL. These include:

- Water sprays, dry fog, and misting systems at dust-generating equipment like crushers and conveyors
- Enclosed cabs with HEPA or MERV-16 filtered ventilation maintained under positive pressure
- Regular air sampling and medical surveillance
- Respiratory protection where controls fall short
- Required worker training on silica hazards

### OSHA (Occupational Safety and Health Administration)

While OSHA's Respirable Crystalline Silica standard (29 CFR 1926.1153) mainly targets construction, its control hierarchy is referenced across industries. OSHA requires:

- A written exposure control plan and a designated competent person
- Training, medical exams, and record-keeping
- Use of wet methods, local exhaust ventilation, process isolation, and dust collection vacuums
- Respirators only as a last resort when engineering controls are insufficient

### EPA (Environmental Protection Agency)

The EPA regulates fugitive dust under the Clean Air Act through state permitting programs. Best practices supported by EPA include:

- Mapping dust sources at the site
- Applying water or chemical suppressants to roads and stockpiles
- Using vegetation, covers, or wind barriers
- Monitoring dust at site perimeters
- Maintaining logs and training programs

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## Approved Mitigation Methods for Sand and Gravel Mining

Control Type	Examples	Notes
Engineering Controls	Water sprays, misting systems, enclosed cabs with filtered air systems	Primary line of defense under OSHA and MSHA standards
Air Monitoring & Permits	Respirable silica sampling, fugitive dust plans, perimeter monitoring	Required by MSHA and integrated into state permits

Control Type	Examples	Notes
Administrative Controls	Written plans, restricted access, training, equipment maintenance	Essential for long-term effectiveness of engineering solutions
Respiratory Protection	NIOSH-approved respirators with proper fit-testing	Used when other controls are not sufficient
Medical Surveillance	Health exams including chest X-rays and pulmonary tests	Required for exposed workers under MSHA and OSHA guidelines

---

## State-Level Roles

Many states, including Michigan, issue air quality permits for sand and gravel mining through agencies like EGLE (Michigan Department of Environment, Great Lakes, and Energy). These permits often require:

- Fugitive Dust Control Plans
- Site-specific mitigation for silica dust
- Monitoring of PM2.5, PM10, and silica levels
- Annual reviews and compliance inspections

State guidance often mirrors federal standards while tailoring requirements to local environmental conditions.

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## Summary

There is a well-established framework accepted by federal and state agencies to prevent silica dust from becoming an airborne hazard in sand and gravel mining. This includes:

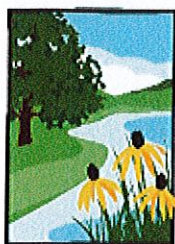
- Engineering controls to suppress dust at its source
- Administrative controls and written plans
- Air monitoring and regulatory compliance
- Medical surveillance and protective equipment
- State permit requirements and fugitive dust plans

## Amanda Steward

---

**From:** Ric Davis  
**Sent:** Tuesday, July 29, 2025 3:42 PM  
**To:** Chris Comstock  
**Subject:** supervisor update 7 29 25  
**Attachments:** Resident question 7 29 25.docx; Mitigation of Silica Dust in mining operations.docx

Please update



**SPRINGFIELD**  
CHARTER TOWNSHIP

**Richard Davis, Supervisor**

Springfield Township  
12000 Davisburg Road  
Davisburg, MI 48350  
248-846-6502

## Amanda Steward

---

**From:** Ric Davis  
**Sent:** Tuesday, July 29, 2025 6:06 PM  
**To:** Jason Mayer  
**Cc:** Christine Rogers  
**Subject:** RE: Cigar Bar

That's fine you will be missed.

---

**From:** Jason Mayer <jmayer@giffelswebster.com>  
**Sent:** Tuesday, July 29, 2025 3:55 PM  
**To:** Ric Davis <rdavis@springfield-twp.us>  
**Cc:** Christine Rogers <crogers@springfield-twp.us>  
**Subject:** [EXTERNAL] RE: Cigar Bar

**Caution:** This email originated from outside of Springfield Township's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Ric

I will be heading to Chicago with my family on the day of the two meetings that are set up for August 7<sup>th</sup> at the Township Hall.

If it is acceptable to you, Nancy McClain (who was with us at the first Levy meeting at the Township) will attend both meetings in my absence to represent the engineering side. Nancy handles most of the reviews for my group in other communities. We also know the applicant's engineer (Powell and Associates) for the 2pm meeting well from previous projects of theirs that we have reviewed.

I have attached Nancy's resume for your reference.

Thank you,

**Jason Mayer, PE, LEED-AP**  
Partner



### Giffels Webster

1025 E. Maple, Suite 100  
Birmingham, MI, 48009  
p: 248.852.3100  
m: 248.202.8803  
d: 248.598.5130  
f: 313.962.5068

[jmayer@giffelswebster.com](mailto:jmayer@giffelswebster.com)  
[www.giffelswebster.com](http://www.giffelswebster.com)  
[privacy policy](#)

---

**From:** Ric Davis <[rdavis@springfield-twp.us](mailto:rdavis@springfield-twp.us)>  
**Sent:** Tuesday, July 29, 2025 10:23 AM  
**To:** Julia Upfal <[jupfal@giffelswebster.com](mailto:jupfal@giffelswebster.com)>; Christine Rogers <[crogers@springfield-twp.us](mailto:crogers@springfield-twp.us)>  
**Cc:** Jason Mayer <[jmayer@giffelswebster.com](mailto:jmayer@giffelswebster.com)>  
**Subject:** RE: Cigar Bar

Yes, I think it's important to have the engineer present at that meeting. If there are any plans to expand the parking lot or undertake additional construction, it's best we go over any potential challenges early on to make sure everything aligns with township guidelines and serves the community well.

Ric Davis

---

**From:** Julia Upfal <[jupfal@giffelswebster.com](mailto:jupfal@giffelswebster.com)>  
**Sent:** Tuesday, July 29, 2025 10:19 AM  
**To:** Ric Davis <[rdavis@springfield-twp.us](mailto:rdavis@springfield-twp.us)>; Christine Rogers <[crogers@springfield-twp.us](mailto:crogers@springfield-twp.us)>  
**Cc:** Jason Mayer <[jmayer@giffelswebster.com](mailto:jmayer@giffelswebster.com)>  
**Subject:** [EXTERNAL] Cigar Bar

**Caution:** This email originated from outside of Springfield Township's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

For the cigar bar, can you please check to see if they will be expanding the parking lot or any other construction would be needed? If so, would you like to have an engineer attend that meeting too?

Julia

**Julia Upfal, AICP**  
Senior Planner



**Giffels Webster**  
1025 E. Maple, Suite 100  
Birmingham, MI, 48009  
p: 248.852.3100  
f: 313.962.5068

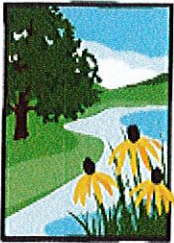
Crain's Best Places to Work in Southeast Michigan 2024

[jupfal@giffelswebster.com](mailto:jupfal@giffelswebster.com)  
[www.giffelswebster.com](http://www.giffelswebster.com)  
[privacy policy](#)

## Amanda Steward

---

**From:** Sean Miller  
**Sent:** Monday, October 20, 2025 10:59 AM  
**To:** Amanda Steward  
**Subject:** FW: Letter of engagement Springfield Twp  
**Attachments:** Draft O'Mara Engagement Letter.pdf



**SPRINGFIELD**  
CHARTER TOWNSHIP

**Sean R. Miller, MiPMC  
Township Clerk**

Springfield Township  
12000 Davisburg Road  
Davisburg, MI 48350  
248-846-6510  
[www.springfield-twp.us](http://www.springfield-twp.us)

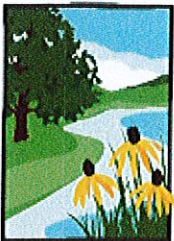
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**From:** Ric Davis <[rdavis@springfield-twp.us](mailto:rdavis@springfield-twp.us)>  
**Sent:** Tuesday, July 15, 2025 9:43 AM  
**To:** Brian.omara.pg@gmail.com  
**Cc:** Sean Miller <[smiller@springfield-twp.us](mailto:smiller@springfield-twp.us)>; Jamie Dubre <[jdubre@springfield-twp.us](mailto:jdubre@springfield-twp.us)>; Greg Need <[gneed@anafirm.com](mailto:gneed@anafirm.com)>; fisherg@cooley.edu  
**Subject:** Letter of engagement Springfield Twp

Dear Mr. O'Mara,

Thank you for your time this morning. Please find the letter of engagement attachment. Please sign and return. I'm looking forward to working with you.

Ric Davis, Supervisor  
Springfield Charter Township



**SPRINGFIELD**  
CHARTER TOWNSHIP

**Richard Davis, Supervisor**

Springfield Township  
12000 Davisburg Road  
Davisburg, MI 48350  
248-846-6502

## **SPRINGFIELD TOWNSHIP LETTERHEAD**

Mr. Brian O'Mara  
Agate Harbor Advisors, LLC

Subject: Proposal to Provide Technical Support for the Review of and  
Reporting on the Pending Levy/Burroughs Application for Approval  
of a Special Land Use and Mining Permit in Springfield Township

Dear Mr. O'Mara,

As Supervisor of the Charter Township of Springfield, I am writing to approve your proposal to provide the Township with technical support for the review of the pending application of Levy/Burroughs for a special land use and mining permit, subject to your execution of this letter below confirming all the terms and conditions understood by the Township.

You have represented that you have more than 30 years of experience with projects including sand and gravel operations, and this has included hundreds of geotechnical and hydrogeologic investigations. You provide specialty environmental consulting, and your focus for purposes of this engagement is to be on the geology, hydrogeology, and environmental risks associated with the proposed mining operation, as well as the eventual reclamation and restoration. Based on your expertise, the Township may call on you for additional advice on related matters. This is a pending application, and would require your attention without undue delay.

In our discussions, you have indicated that you have not been associated with the Levy companies or Burroughs Materials Corporation, and that you are capable of undertaking an unbiased technical review of the proposed mining operation, including onsite inspection, and the review of supporting documents (including Barr, SmithGroup, and others), and providing the Township with your opinion on the extent of any serious consequences expected to result to the Township and natural resources in the area, including impact on the groundwater, local wells, and other resources.

It is also the Township's understanding that your proposed billing rate for this work is \$150/hour plus reimbursable expenses (materials, copying, etc.). You work from your home office in Grosse Pointe Farms most days, and travel as required to meet client needs. For this work, you have offered not to bill travel time to/from Springfield Township as a courtesy to the Township.

You have also indicated that you have a working relationship with Mike Wilczynski, Geologist, Pangea Environmental, LLC, and that you would be in a position

to consult with him, and thus take advantage of his experience and expertise in mining operations such as that being proposed.

If this letter accurately states the arrangement and undertaking with Springfield Township involving the review of the pending Levy/Burroughs Application, and the provision to the Township of your report, please approve this engagement by signing below.

Charter Township of Springfield

\_\_\_\_\_  
By: Richard Davis, Supervisor

Accepted:

\_\_\_\_\_  
Mr. Brian O'Mara  
Agate Harbor Advisors, LLC

Address and other contact info