

Minutes of the regular meeting of the Georgetown Township Mineral Mining Board, held Wednesday, October 16, 2019

Meeting called to order at 7:24 p.m. by Chairperson Tim Smit (after the Planning Commission meeting)

Members Present: Tim Smit, Richard VanderKlok, Jessica Ulberg, Jeannine Bolhouse, Josiah Samy, Tom Healy
Members Absent: Donna Ferguson
Also Present: Mannette Minier, Mining Official; Crystal Morgan, Township Attorney; Rod Weersing, Assistant Manager; Representatives from Grand Rapids Gravel including Mike Berg, Gary Boss, Jim Dykema, James Dykema; and members of the audience

#191016-01 – Agenda as Presented for October 16, 2019

Moved by Richard VanderKlok, seconded by Josiah Samy, to approve the agenda as presented.

MOTION CARRIED UNANIMOUSLY.

#191016-02 – Minutes of the Mineral Mining Board meeting held on February 20, 2019

Moved by Richard VanderKlok, seconded by Jessica Ulberg, to approve the minutes as presented.

MOTION CARRIED UNANIMOUSLY.

#191016-03 – (ML1902) Grand Rapids Gravel (GRG), 2700 28th St. SW, is requesting a new Mineral Mining License (combination of other licenses plus adding additional land and uses not approved with the previous renewal is considered to be a new application for one license) under Sec. 26-74 of the Code of Ordinances, on parcels of land in Georgetown Charter Township, Ottawa County, Michigan, described as:

1. P.P. #70-14-03-200-003, located at 1625 Fillmore, zoned RR
2. P.P. #70-14-02-100-001, located at 1600 Fillmore, zoned RR
3. P.P. #70-14-02-100-008, located at 1600 Fillmore, zoned RR
4. P.P. #70-14-02-100-004, located at 9301 12th Ave., zoned RR
5. P.P. #70-14-02-100-007, located at 9225 12th Ave., zoned RR
6. P.P. #70-14-03-400-028, located at 1606 Fillmore, zoned LDR (leased property)
P.P. #70-14-02-300-009, located at 1405 Taylor, zoned LDR (leased property)

[\(application and narrative, site map 1, site map 2, restoration map, memo from GR Gravel, detailed history, history conclusion, history summary, GRG response to staff memo\)](#)

Mike Berg represented the applicant and stated the following:

- The site plan was changed from the one submitted with the application to show the future gravel extraction.
- In 2004 the plans showed the topo and in 2018 the finished grades were revised.
- GRG started mining in the area in 1957 in the westerly portion.
- In 2000 they acquired the DeWent property.

- In 2010 they had difficulty with mining the peninsula and were denied a permit from the DEQ.
- They met with an environmental consultant to re-apply.
- It was cost-prohibitive to remove gravel in the wetlands.
- Recently they became aware that the oil wells on the peninsula had not been used in many years.
- They have been working with EGLE (formerly DEQ) and with the Ottawa County Parks Department to have the wells declared abandoned.
- As per the staff report, in 2011 and 2015 they got five-year extensions (renewals) and the last one extends to 2020.
- The current issue is the importing of materials from various sites outside of Georgetown Township.
- They have leased the Ottawa County Road Commission property and that is where their plant is located.
- They are seeking permission to process in 2020 and 2021, remove the stockpiles by the end of 2022, and complete the final clean-up by June 1, 2023.
- They have had multiple meetings with Township staff and with Ottawa County Parks.
- They are working on options.
- The property south of Fillmore is owned by the Road Commission.
- Taylor St. is their primary access, which has 1800 feet of pavement.
- The Fillmore/Cottonwood access has 800 feet of pavement and they are the only ones who use the road.
- For restoration, they want the northerly shoreline certified to be compliant with the requirement in the Township ordinance and they are confident that the slope meets the standard in ordinance.
- They would still like to mine along the peninsula and the access drive to the oil wells.
- If they mine that area, it will be below the water and create open water, which is the best scenario.
- The wells in the south end and the other four are not in production mode.
- GRG has a gravel operation in Plainfield Township and would like to import the materials to the Jenison plant for processing and stockpiling.
- The gravel trucks would come in full of material and leave full of processed material.
- This will only increase traffic in the winter months when they are stockpiling for processing simultaneously with the Cedar Valley materials.
- The parks department suggested that the topo match their intended use for the beach area and GRG needs to coordinate with the Parks Department. They want the water by the beach area to be shallow for a nice swimming beach.
- The hours of operation are consistent with the ordinance and what was approved in the past.
- The big issue is importing materials from outside Georgetown Township and bringing them here to the plant in Jenison.

The mining official presented a [staff report](#).

Mike Berg stated the following in response to the staff report.

- They still need to mine under the access drive along Fillmore, the peninsula and the southwest corner.
- They are only asking to have crushing for two weeks each year for two years, and only concrete will be crushed.
- The material is hauled in, stockpiled and offered for sale to contractors.
- They are not allowed to dump the residual.
- They have five plants that have residual and it is all hauled back to Georgetown Township.

- The crushing is the Redi-Mix concrete that is not used on the site. It solidifies on the ground and is brought back to Georgetown Township. It is sold and always has been.

In response to a question from a Mining Board member, the Zoning Administrator stated the following. Crushing has been allowed in the past for mining operations that are specifically located in the Industrial district because it is an industrial process which is only allowed in the Industrial district and not allowed in a residential district by the Zoning Ordinance. Limited crushing was allowed on a one-time basis in the past for the Aukeman mining site because they had stockpiled broken concrete, unknown to the Township and in violation of their mining license and the ordinance. That is why all licenses and renewals after that point included conditions of approval that clarified that bringing materials onto the site and crushing were prohibited.

Richard VanderKlok stated that GRG had an existing license that was approved for renewal in 2015 for five years, to expire in 2020. He noted that GRG was requesting a license that would not expire until June 30, 2023.

Josiah Samy asked how long GRG has been importing materials from Plainfield Township.

Mike Berg stated the following.

- When they got the call from the Township in February 2019 about GRG violating the terms of their mining license by importing materials, they ceased immediately.
- They have been mining at Boulder Creek since the mid-1990s.
- They were mining under PUD approval.
- They asked for a three-year extension in Plainfield Township, but there is too much material to be able to process it all in Plainfield Township.
- This is near Cannonsburg.
- GRG went in with a specific purpose.

Tim Smit asked how long they wanted to bring materials into Georgetown.

Mike Berg said they want a five-year extension, which would be a three-year extension for processing, which is until the end of 2021, and then they would clean up and complete the restoration.

Tim Smit asked about the crushing operation.

Mike Berg stated the following.

- That is a separate operation that uses a portable plant brought in for this purpose.
- The hopper crushes the broken concrete..
- GRG doesn't use this material.
- The crushed concrete goes to other sites and is used for the Redi-Mix operation.

Tim Smit asked if they were selling the materials from this process.

- Mike Berg said that the crushed materials go through a different process.
- Crushing is separate from processing, where the equipment washes and sorts mined material into different piles, which is then sold for various purposes.

Tim Smit said that this process is causing a delay for the mining operation to be completed.

Mike Berg said that this production has been at this site since 1979 in the existing zoning and a majority of this is below the 100 year floodplain.

Tim Smit asked about the oil wells.

Mike Berg stated the following.

- They are old and there are oil leases.
- GRG is attempting to have them capped.
- GRG has been trying to go through the abandonment process.
- There is a concern because they are not productive and need to be abandoned.
- This is like Millennium Park and it takes time.
- There is gravel along the access drive on the peninsula and they could work around to extract the gravel. Then they would work their way back.
- GRG just found out that the oil wells were not productive.
- It would save GRG significant costs if they could mine the area creating water rather than restoring the slopes.

Jeannine Bolhouse asked who owns the lease and was told Fish and McClelland.

Tim Smit asked about the water area.

Mike Berg said that in 2000, they obtained approval for the DeWent piece and acquired the lease to create the water, with some now owned by the Ottawa County Parks Department.

Tim Smit asked if the operation could go faster.

Mike Berg said that it is market driven and a function of the economy.

Tim Smit said that there is not much left to excavate.

Mike Berg said that they are hauling materials in from Cedar Valley and they also excavated materials from the Cedar Lake on the south side of Fillmore.

The Zoning Administrator said that the Cedar Valley area was only a half-mile away from the GRG plant.

Jessica Ulberg asked how long the process would take.

Mike Berg said that he doesn't know the timeline for the oil wells, but they can live with the timeline they submitted.

Jessica Ulberg asked about processing the materials being brought onto the site.

Mike Berg said that the plant can keep up with the materials being brought onto the site, along with what is excavated on site.

Jessica Ulberg asked about the time to process Cedar Valley.

Gary Boss said that it would be completed by early next spring.

Mike Berg said that they need two years for the materials at Boulder Creek to be processed and that they would have a giant crusher come for two weeks to crush the concrete that is the by-product of the Redi-Mix. He said they haul the materials to be crushed here to Georgetown Township to the portable plant.

Jessica Ulberg asked if that was happening now. She asked if they sold materials to construction companies.

Mike Berg said that it has gone on since the whole operation started.

Tom Healy asked how they were currently doing in Plainfield.

Mike Berg said that they are processing as fast as they can and they are more efficient based on volumes and will run through the end drop dead date.

Tom Healy asked if they had other operation sites.

Mike Berg said that there were three other companies that have other processes, including Lowell and 70 plus acres in Plainfield.

Tom Healy said that the other sites were closer than hauling to Georgetown.

Mike Berg said that they were not approved to process at those locations and they would not start at the other locations until Boulder Creek in Plainfield Township was finished.

Tom Healy asked about the amount of materials.

James Dykema said about 250,000 cubic yards from Boulder Creek and about 100,000 to 125,000 cubic yards on site. He said that the Fillmore plant can handle the materials being brought to the site and bringing it here does not extend the timeline.

Mike Berg said that they also have the other area of the access to the wells.

Tom Healy said that it would be more efficient to haul the materials from Plainfield to a closer site.

Mike Berg said that it was based on local demand and the proximity to the Redi-Mix and they had high demand in Grandville, Holland and Dutton.

Tom Healy said that they could ship the materials to the DeWent operation which was allowed to have materials brought onto the site since it was in an Industrial district.

Mike Berg said that they are their competitor.

Tom Healy asked if they were separate.

Mike Berg said yes.

Tom Healy asked about the signs around the ponds.

Gary Boss said that they mean H₂O, which is water and they keep people away.

Tim Smit asked how the materials were different.

Mike Berg said that the boulders were sold to Boulder Creek.

Tim Smit asked about demand and commented that the operation would be completed sooner if GRG was processing only materials that were already in Georgetown Township.

Mike Berg said that they still had the plant in Plainfield Township and they had to make arrangements to bring the material here to Jenison. He said that they cannot meet the three-year deadline in Plainfield unless they have the ability to haul out the gravel.

Tim Smit asked about the park plan.

Mike Berg stated that they were working with Ottawa County on an option and the County would have to wait to get a grant.

Jason Shamblin, Ottawa County Parks Director, 12220 Fillmore, West Olive, stated the following. He was new to the mining and has been working with GRG. The County has already acquired some of the property in the area for the park. For the past couple months he has met with GRG and has been trying to negotiate a deal so that the County can apply for a Trust Fund Grant. The County has been working with GRG for the grading, especially the northwest area. The County has reached out to EGLE (former DEQ) to help getting the wells abandoned. The next steps and time frame are not known.

Tom Healy asked about the studies done on the materials coming from Plainfield Township to be sure they are not contaminated.

Mike Berg said that there were ongoing tests in the spring and he could provide copies.

Tom Healy said that he would be interested in seeing the reports and asked about the area east of Rogue River.

Mike Berg stated the following. There was an 80 acre parcel at Boulder Creek and an area was functioning as a landfill. The landfill was closed in the mid-90s and GRG had gotten certified closure from the DEQ. They were suing Wolverine Worldwide for the cleanup on part of the golf course. It was certified by the DEQ and they had the reports.

Tom Healy asked if it was established that there was no hazardous materials.

Mike Berg said that there is a leaching problem and there is a plan. He said that Boulder Creek used municipal water.

Tom Healy said that Georgetown does not want the contaminated products.

Mike Berg said that the area is west of Brewer and about 2,500 feet from where it is buried. He said that they hauled in the 60s and 70s and it was capped in the 90s. He said that it has been under the driving range for 20 years.

Tim Smit read the letter from John Pawloski, Dept. of Environment, Great Lakes & Energy (EGLE), which stated the following.

“At this time we do not have any reason to believe the sand and gravel being excavated from the Brewer Pit is contaminated with poly or perfluoroalkyl substances (PFAS) as disposal of the wastes containing PFAS occurred at the former Northeast Gravel Site located east of the Brewer Pit. Boulder Creek Development Company LLC, which owns the Northeast Gravel Site, is working with EGLE to address the PFAS contamination. As part of the work to address the contamination, Boulder Creek plans to use the pond created in the Brewer Pit as a source of irrigation water. They will be sampling the pond for PFAS to confirm that is acceptable to use. The sampling results will also help determine whether the material being excavated from the Brewer Pit is suitable to be relocated. I anticipate that we will have the Brewer Pit sampling results by the end of the year.”

Tom Healy asked if they were taking the product from Boulder Creek and processing it in Georgetown Township.

Mike Berg said that it would be stockpiled in Georgetown Township.

Tom Healy asked if the materials brought to the site from Plainfield Township would be kept separate from the other stockpiles and if it would be identified.

Mike Berg said no, the materials from Plainfield Township would not be kept separate from the other materials.

The chairman opened the public hearing.

Michael Bosch, 3245 Golden Oak Ct., stated the following. The staff report is incorrect that an open air business is being conducted. He goes there to buy product but can't haul it in his truck. So he has it delivered. It is not a farmers market. He buys the product and they bring it to his house. This will hurt businesses if they can't buy stones from here.

Robert Zietman, 8154 Fairwood Dr., said that he is a Georgetown Township resident and it will be worth the wait to let them to finish the processing to have the end product of a park. He said that it is not the case that there is increased traffic.

Jim Dykema, Grand Rapids Gravel, stated the following. They haven't gotten complaints. They are 1,200 feet from the closest house and about two miles from most houses. The Township should have known what was going on because the operation was going on when they moved in. There are no complaints about dust or noise. They pay taxes and provide jobs. The operation generates income for the Township. They were only looking to continue operations for 3-4 more years and they should not have to go through all of these hoops.

James Dykema, 4305 Seven Mile Rd., stated that the site was in the LDR and RR districts and if crushing and processing were not allowed by zoning, why were they allowed with the 2010 renewal. He said that this is common practice for a mining site.

The Zoning Administrator stated the following. The Township didn't know that mining operators were bringing materials onto their sites until the Township received a complaint about the Aukeman mining operation in a residential district in the middle 2000s. The operation of bringing materials onto the Aukeman site, stockpiling those materials, and having a crushing operation was brought to the attention of the Township through a complaint from a person who worked at Grand Rapids Gravel at that time. Bringing materials onto a mining site was never intended to be allowed with a mining license since the ordinance only details the use of extraction and processing those materials extracted on site. So from that point forward in clarification, the use of bringing materials onto a mining site and the use of a crushing operation were specifically prohibited as conditions of approval for all new licenses and all renewals.

James Dykema noted that the conditions of approval in 2010 did not prohibit materials to be imported onto the site.

The Zoning Administrator stated that GRG was processing materials from the Cedar Valley (lake) at the time which is less than a mile away.

The chairman noted that the Mining Board had received a letter from John Kik and it would be entered into the record with a copy on file.

The chairman closed the public hearing.

There was a discussion about the history of the approvals.

The Zoning Administrator stated that a history document had been included on the website with the detailed minutes of past meetings; however, if the Mining Board wanted more information or clarification to be presented, the information could be compiled and presented at a future meeting.

Mike Berg used the map on the screen to provide a history of the operation.

Tom Healy asked at what point were any parcels approved to have materials brought onto the site from outside the Township.

Mike Berg stated the following. Historically GRG has interpreted that they were allowed to bring materials onto the site since they have been doing it since 1979. When Millennium Park was constructed, materials were brought from that site to be processed here in Georgetown Township. They have been doing it since the early 2000. GRG had a misunderstanding because the ordinance did not specifically forbid bringing materials onto the site.

Tom Healy said that as soon as the Township realized that mining operators were importing materials onto their site, the minutes from approvals of mining licenses and renewals state that crushing and bringing materials onto the sites were prohibited.

Mike Berg said that there is sediment in one area and no mining is going on there. He said the only mining left to do was on the access road.

Tim Smit said that even though they have been good neighbors, GRG would have been done excavating faster if they had not brought materials onto the site for processing and if they would have just extracted the materials from this site, like the ordinance allows, they would be done by now.

Mike Berg said that they are working on it and that is why they are requesting an additional three years.

Jessica Ulberg asked what they would do in the winter.

Mike Berg stated the following. They can't do any more processing when the weather turns cold and the water freezes. The plant shuts down in early December. But they can still bring material to the Georgetown site to stockpile. They can wrap this up in three years.

Josiah Samy asked if the other plants owned by GRG could be set up to process and crush, and why couldn't it be done at Boulder Creek.

Mike Berg said that they can't crush there. He said that they bring truck load after truck load of broken concrete to Jenison to be crushed.

Josiah Samy said that looking at the timeframe, the only future use for the GRG site in Georgetown is to process materials brought onto the site and possibly excavate the area of the wells.

Mike Berg stated the following. It would be economically best for the area of the wells to be mined. Then they need one year for the Cedar Valley operation. They need one year to import from Boulder Creek. They could find other areas to crush, but the materials are being used in Georgetown Township.

Mike Berg stated that GRG could give up the crushing if it is objectionable.

Jeannine Bolhouse stated the following. The Mining Board could discuss the items listed in the summary. Plainfield Township has set a timeframe for GRG to be completed in their township and GRG is asking Georgetown Township to take on the burden that Plainfield Township doesn't want. It is not a burden to have GRG process the materials that are only one mile down the road. Processing materials from one mile away is different from having materials trucked in from Plainfield Township. She is not opposed to approving an extension to excavate the wells if they can be abandoned and if materials can be excavated from the access road. She is not opposed to hauling within Georgetown Township because Cedar Valley is just down the road and they are not set up to process the materials extracted at that site. It is not appropriate to allow materials to be brought to Georgetown Township from Plainfield to be processed. She is not opposed to allowing two weeks of crushing, but it was not allowed in the past. The reclamation plan is acceptable. The open air business is not allowed to occur. There are no issues with the pavement of the road. There is no problem approving an extension only for the excavation of the materials on the site and the peninsula area if the wells can be capped. She is not in favor of allowing the trucking of materials into Georgetown Township from Plainfield Township.

Crystal Morgan stated the following. The Mining Ordinance allows the Mining Board to make a decision within 60 days after the public hearing. The ordinance also requires the Board to have a written decision which outlines the basis and conditions, if any. It would be appropriate to make a decision at a subsequent meeting. The Board could reach a consensus or reserve their decision. The Board could hold a future meeting to discuss a prepared draft resolution. The Board may wish to receive copies of the new site plan with the grading changes and other revisions. Also the Board asked for copies of the contamination studies. They can take their time to reflect on the information from tonight and to make a decision in the future.

Richard VanderKlok stated the following. He agrees. Fundamentally GRG is requesting approval to continue until 2023. The Mining Board would be well served to direct counsel to provide a draft resolution. As per the summary of items for the Board to consider, he agrees with Jeannine Bolhouse

and is opposed to allowing materials to be brought to Georgetown Township from outside the Township, from Plainfield Township.

Josiah Samy stated the following. He is not in favor of allowing materials to be brought into the Township from outside the Township. He is less concerned about contaminants than he is about allowing materials to be brought into the Township from outside the Township. He is not in favor of allowing the materials to be brought into the Township from outside the Township even if the report comes back stating there are no contaminants. But to allow materials from within the Township to be processed here is okay. He asked about language on the plan that details crushing or how they could act on the request.

The Zoning Administrator explained that she determine that this is a new license application because additional property has been added, plus the request is to allow the two additional uses of crushing and bringing materials onto the site from outside the Township, which were prohibited in the previous mining license. She noted that their current mining license, which prohibits crushing and prohibits materials from being brought onto the site, is still in effect and won't expire until June 30, 2020.

Crystal Morgan stated the following. The Mining Board has three options: 1) grant the license as presented; 2) deny the request; or 3) to grant with conditions. If the Mining Board imposes any conditions that are in conflict with the site plan (for example, if crushing is noted on the site plan but the Mining Board approves the application with a condition to prohibit crushing), the inconsistencies on the plan could either be removed or the inconsistency would need to be well documented.

Tim Smit stated the following. Things were going on at the site that the Township didn't know about. He accepted everything that was requested other than allowing materials from outside the Township to be brought into the Township, regardless of the contaminant. The road was okay and the crushing is okay.

Gary Boss said that they have not crushed in the last ten years.

Tim Smit said that this is a residential area.

Jessica Ulberg stated the following. She is struggling with allowing materials from Georgetown to be processed, but not from other areas. There is not a huge difference. The contaminant is a concern. How can they allow concrete to be brought into Georgetown but no other materials. They said that they would be done in 2023 and bringing the materials from Plainfield Township will not extend their time.

Tom Healy stated the following. He is in agreement that materials from Plainfield Township should not be allowed to be imported to Georgetown Township. The timing for GRG is unfortunate. The materials within Georgetown Township should be allowed to be moved and processed within Georgetown Township.

Richard VanderKlok says that he believes that GRG can be finished before 2023.

Moved by Richard VanderKlok, seconded by Tom Healy, to direct counsel to prepare a draft resolution to be brought back to the Mining Board for consideration and discussion.

Richard VanderKlok said that they don't need to make their decision for 60 days after the public hearing and they can take their time to think about the information and to look at the draft resolution.

Tom Healy asked if conditions of approval could be added.

Crystal Morgan stated that she understood the consensus of the Mining Board and would take items to incorporate into the resolution as per the consensus, including conditions and recommendations in the staff report that are not inconsistent with the discussion.

Josiah Samy said that he would like to see the timetable moved up from the date of 2023 and if they discontinue importing materials they should be able to be done sooner.

Mike Berg said that the timetable was unknown for the wells to be abandoned.

Josiah Samy said that if this was denied now, they could renew the existing mining license that expires in 2020, which would give them more time to find out about the for the wells. He said that they might not even know by then.

Tim Smit said that they could know more next year.

MOTION CARRIED UNANIMOUSLY.

#191016-03 – Public Comments

Michael Bosch, 3245 Golden Oak Ct., stated the following. The Mining Board should not get caught up with public opinion and have a knee jerk reaction to PFAS. This material from Plainfield Township has already been hauled into the Township. They should not make a rush decision. Materials come in and it leaves. If builders are not allowed to get material here it could leave them in trouble.

#191016-04 – Other Business

#191016-05 – Adjournment

The meeting was adjourned at 9:09 p.m.