

OKLAHOMA DEPARTMENT OF MINES

NON-COAL PERMITTING GUIDELINES AND SUMMARY

The State of Oklahoma environmental requirements with respect to Non-Coal (Industrial Minerals) Mining are found under more than one regulatory agency. The air and water issues are regulated by agencies other than the Oklahoma Department of Mines (ODOM). The Oklahoma Department of Environmental Quality (ODEQ) regulates, through permitting and inspection, the Storm Water Run Off Program, Point Source and Non-Point Source water discharges through the Oklahoma Pollutant Discharge Elimination System (OPDES) permitting activity. The ODEQ also regulates fugitive dust from mine sites through the Air Quality Program. The U.S. Army Corps of Engineers, along with the ODEQ, issues permits to allow non-coal mining in rivers and streams of the State to ensure compliance with Section 404 of the “Clean Water Act” and Section 401 of the Federal “Pollution Control Act.” The Oklahoma Water Resources Board has designated within the Oklahoma Water Quality Standards those waters that are Outstanding Resource waters, High Quality waters, or Scenic river areas. The ODM has specific permitting requirements for these areas. If your operation falls within any of these defined water resources you must file additional information for protection of this resource with ODM. Each respective agency has specific jurisdictional boundaries. There is no overlap or duplicate enforcement, and these environmental regulations are concurrent with each other. In these guidelines, the permitting responsibility of the Department of Mines will be outlined.

Specific statutory requirements for permitting of non-coal mining operations are found in 45 O.S. 2011 §721 through 728 (Chap. 8A) “The Mining Lands Reclamation Act”. Non-Coal Rules and Regulations, OAC 460: 10 § 1 through 31 covers the permitting process, bonds and blasting plan.

The required documents for an application package are as follows:

Formal Non-Coal Mining Application, Section 1

This section is used to disclose the operator's name, address, and telephone number as well as the method of mining, legal description, bonded and permitted acreage disclosure, and bonding instrument used. A **Legal Estate Form** is located in this section. The Legal Estate Form references the legal estate status of the site (owner of legal estate disclosure), and must be attached to the application, executed and sworn to by the owner of the estate. A **Publication Form** is also located in this section. Its purpose is to explain where the complete application can be examined by the public during the mining permit review process. A sample publication notice is included in this section for your reference to utilize when publishing your intent to mine. One will be sent to you when your Application is ruled complete and you are authorized to publish. In addition, a **Statement of Certification**, pertaining to legal right of entry and the accuracy of the information contained in the application, must be attached to the application, executed and sworn to by the applicant.

Compliance and Related Information, Section 2

This section discloses the type of company and the names and addresses of the officers and/or owners of the company. A list of any other mining permits that the company holds is also disclosed. In addition, this section allows the applicant to relate any past delinquent reclamation bonds or mining permits that have been held by the individuals of the company or the company itself and the outcome of the proceedings.

Protection of Natural Resources, Section 3

This section discloses how your operation will affect the environment and assists you and the Department in determining if any other permits or licenses are needed. The referenced other environmental agencies are only a representation of the authorities that may need to be consulted regarding your operation. The **Other Licenses and Permits** page allows you to disclose which other licenses or permits you have applied for and received from federal, state, and municipality interests. Please attach other issued permits or copies of other applications submitted to other permitting or licensing entities.

Reclamation Plan, Section 4

This section discloses and justifies the post-mine land use of the permit area. The reclamation standards for permitting disclosure were revised in 1994 to require a detailed process for reclamation. The Reclamation Plan Section must include to the extent applicable:

- (a) The methods to prevent or eliminate conditions that will be hazardous to animal or fish life in or adjacent to the affected land;
- (b) The methods for rehabilitating settling ponds;
- (c) The method for the control of contaminants and disposal of the refuse including tailings;
- (d) The method to provide safety to persons and adjoining property owners;
- (e) The plan for permanent revegetation, including soil tests, site preparation, seeding;
- (f) Best Management practices that will be used on the mine site.

ODOM will no longer accept revegetation plans that stipulate that the operator “will consult the local conservation” agency upon completion of mining. The issue of revegetation must be addressed prior to approval of any mining permit.

In addition to the required site maps, a map which details the post mine reclamation should be submitted with the plan. Useful attachments for the plan can be topographic maps, flood plain maps, soil data or reclamation cross-section maps.

Mapping Requirements

A **detailed Location and Reclamation Map** must be filed with this application. This map must be an accurate representation of the requested acreage to be permitted, and must have, as a minimum, the plotted location of the plant site, processing area, stockpiles, sediment ponds, excavation locations, haul roads, scale house and all support facilities. The map must be scaled to accurately represent the acreage being disclosed. These maps should have the permit area outlined as well as the bonded area indicated, and should include any property setbacks as required by law. Transmission lines, electrical, fluid or gas, are required plotting on these maps. The maps utilized for this purpose are aerial photos, topographic maps, or a survey by a registered land surveyor with the State of Oklahoma. Also, a 10 acre tract **grid Non-Coal Location Map** must be filed for each section. This small at-a-glance representation of your mining area helps verify where in the section your operation is located.

Blasting Plan

(only required if explosives are to be used)

A **Blasting Plan** must be included in those permit applications which will be using explosives as part of the mining procedure. This is the Permittee's Plan, not the Blaster's Plan. Blasting Plans must be completed in their entirety. The following information is needed.

- 1) The Blasting Plan must be signed by both the Blaster-in-Charge and the Surface Supervisor for the Mine. ODM will only accept original signatures.
- 2) A Blasting Plan requires disclosure of both the Surface Supervisor's and the Blaster's names and State Certification Numbers.
- 3) Types and amount of explosives are referenced, as well as procedures for control of site, records retention, blasting signals and blasting procedures.
- 4) Procedures include the use of a seismograph or the utilization of the Standard Weight Distance formula outlined in the Department's Rules and Regulations for Non-Coal Mining. If a seismograph is being used as the compliance method, it must be noted in the Blasting Plan.
- 5) A complete list of all Certified Blasters (Attachment "A") that will be shooting on site is to be submitted. Attach additional pages of Attachment "A" of the Blasting Plan if needed.
- 6) A list of all buildings on the proposed permit area and the adjacent area, and their uses must be listed on Attachment "B". Attach "B" must also include and show the location of all structures and easements listed on a Location Map.
- 7) An example copy of the blaster's recording form is to be attached to the Blasting Plan for retention requirements of each shot fired.

Reclamation Bond

Statutory Law requires an operator to post a Reclamation Bond to insure reclamation of the permit site. The bond is conditioned for performance of the documented Reclamation Plan. The State will accept either a Surety Bond or a Collateral Bond. Each bond amount, form and duration must be accepted by the Department prior to permit issuance.

Once all permitting documentation has been received and the application is considered complete, copies of the documents are submitted to the County Clerk at the appropriate county courthouse for public access and review.

When the application is filed for public review, the applicant must run a Public Notice disclosing the intent of the applicant, the legal location of the mining operation and the location of the public inspection copy. **Said Notice must be published once a week for four (4) consecutive weeks.** The Public Notice indicates that comments, objections, or a hearing on the application will be allowed by qualified protestors. Once the Notice is published, an Affidavit of Publication must be submitted to the Department to document insertion.

All conferences requested will be held in accordance with the Non-Coal Rules and Regulations and the Rules of Practice and Procedure as well as the Administrative Procedures Act. The Departmental Rules do allow for an internal appeal of the Conference Officer's findings. A Formal Hearing will be provided for those who have appealed, allowing for adjudication in a formal setting in front of an Administrative Law Judge.

If a hearing is not requested prior to any permit issuance, a Field Inspector reviews the application and inspects the proposed location for site evaluation and recommendations. Based on said field inspection or hearing determination, the plan may be modified or conditioned. All permits issued by the Department are approved by the Director and are considered final orders of the Department.