

NOTICE OF DEPARTMENTAL RECOMMENDATION

Application # L.E.-1261-E

Conference # PREV 26-05-IC

- ☐ Permit
- ☒ Revision
- ☐ Renewal
- ☐ Amendment

An informal conference was held on May 15, 2026 to provide citizens with a forum to discuss their concerns with the issuance of ODM Permit #L.E.-1261-E.

Concerning the application of **Anchor Stone Co.**, Applicant, for a revision request to add 41.0 acres to the permitted boundary and to bond the entire addition in Section 33, Township 21 North, Range 14 East, Tulsa County, State of Oklahoma. Recommendation is hereby made to the Director of the Oklahoma Department of Mines (“ODM”) that said application:

- ☐ be approved
- ☒ be approved as conditioned
- ☐ be denied

The following conditions have been added based on Conference #**PREV 26-05-IC**:

1. **Update Blasting Plan** – The use of explosives is prohibited on the 41.0 acres contained in the revision application until Anchor Stone submits and ODM approves an updated blasting plan containing all the elements required by law.
2. **Update Permit Boundary Map** – The permit revision application indicates there will be an 85 ft. buffer zone. However, none of the maps provided with the application show an 85 ft. buffer zone. The Permit Boundary Map must be updated to depict the 85 ft. buffer zone.

The reason for approval is based on review of the information contained in the permit application and information presented during Conference No. PREV 26-05-IC.

Discussed below are the concerns brought up by citizens at the informal conference and how ODM monitors and regulates these areas of concern.

1. **Dust** – ODM inspects each permitted mine site 4-6 times per year, or more as needed. A normal part of ODM inspections is to check for dust issues. ODM has the responsibility and authority to ensure permittees are not creating excessive dust issues on the permit, or excessive dust leaving the permit. If a dust issue is found, ODM will make the permittee take appropriate steps within our jurisdiction to reduce the dust. For any dust issues found that are outside of the jurisdiction of ODM, ODM will involve the appropriate state agency for a resolution.

Some protestors had concerns about limestone being carcinogenic. Limestone is comprised primarily of calcium carbonate. Calcium carbonate is widely used as a calcium supplement and is a common ingredient in antacids. Some formations of limestone contain higher levels of crystalline silica. When limestone containing crystalline silica is crushed, the crystalline silica can become respirable and can be hazardous if people are repeatedly overexposed. Limestone is not inherently carcinogenic, unless it contains high levels of silica. Since 2017, the Mine Safety and Health Administration (MSHA) has sampled workers for silica overexposure 22 times at Anchor Stone’s existing permit. Zero overexposures have resulted from those 22 samples.

2. **Road Maintenance/Truck Traffic** – ODM does not have any jurisdiction over trucks traveling to and from a mining location, nor any jurisdiction over the maintenance of any state, county, or city roadway. The roadway maintenance/truck traffic for mining operations is governed by the same state, county, and local authorities that govern these issues for truck traffic making pick-ups and deliveries at any business or farm in Oklahoma. ODM always encourages permittees to be good neighbors and often permittees will work with state, county, and local authorities to improve and maintain roads their customers use.
3. **Proposed Buffer Not Complying with 45 O.S. § 730** – The words “buffer zone” do not appear in § 730. 45 O.S. § 730 states “.....the operator shall, at the time mining is completed, not be closer to such other property line than a distance of 25 ft. plus 1 ½ times the depth of such cut as measured from the original ground surface to the top of consolidated material.

Permits are allowed to contain acreage directly up to a property line. ODM encourages permittees to use an area that could be construed as a “buffer zone” between their mining activities and adjacent property, but there is no requirement for a “buffer zone”. If an area that could be considered a “buffer zone” is planned or used, ODM does require that specific “buffer zone” to be shown on a map. In the permit application, the applicant indicates an 85 ft. area or “buffer zone” around the perimeter of the acreage covered by the application. The protestors seem to interpret that allows the applicant to conduct blasting operations up to 85 ft. from a property line and that assumption is incorrect. ODM does not allow blasting operations within 300 ft. of any building used as a dwelling, school, hospital, or nursing facility regardless of any specified “buffer zone” (OAC 460:10-31-8(d)(1)). This regulation would apply to the acreage contained in this application.

4. **Blasting Plan** – The blasting plan submitted with this application was the active blasting plan on the existing permit. In order for the blasting plan to cover the expansion acreage and before blasting would be allowed on the expansion acreage, the blasting plan would need to be updated accordingly.
5. **Tulsa County Board of Adjustments/Additional Permits** – Anchor Stone requested a Special Exception to permit mining or mineral processing from the Tulsa County Board of Adjustment in a meeting on 5/20/25. The Board approved the Special Exception on 8/19/25. None of the proposed permit acreage is within the City of Owasso city limits and therefore no permit is required from the City of Owasso. Rogers County does not require their own mining permit to mine in the county, which is a moot point because none of the acreage contained in this revision application is in Rogers County.

Protestors rightly pointed out the ODEQ Wastewater Discharge Permit (OKG950004) contained in the application was expired. Anchor Stone has provided ODM with a current ODEQ permit under the same authorization number that is effective from 12/1/23-8/31/28. The current ODEQ permit will be added to the permit file, and it is available to be reviewed upon request.

6. **Reclamation Plan Inconsistencies** -- § 725 states, the operator may construct earthen dams to form lakes in pits resulting from surface mining operations, provided that the formation of lakes shall not interfere with other mining operations or damage property of others. There will be no need to construct earthen dams for this reclamation plan. The natural rock pit will provide a more than adequate dam for the proposed water reservoir. ODM has no additional requirements regarding construction of dams.
7. **Bond Adequacy** – A bond in the amount of \$61,500 was submitted to ODM with this revision application. That amount of bond is adequate to cover the 41 acres contained in the application. This \$61,500 bond amount is in addition to bond already on file with ODM that covers the existing permit acreage.
8. **Lack of Applicant’s Consultation with the Cherokee Nation** – There is nothing contained within the ODM statutes 45 O.S. § 722 et seq or ODM Administrative Code Title 460 which mandates a proposed mining operation must consult with a tribe prior to issuance of a permit from ODM.

This notice is provided in accordance with Title 45 Oklahoma Statutes, 2011 §724 (H)(6).

OAC 460:10-17-15 provides that within thirty (30) days of receipt of this notice, any person with an interest which is or may be adversely affected may request a formal hearing on this decision. Requests for hearing must be filed with the Department in writing. If no request is received, the decision of the Department will become final.

Done this ____16th____ day of July 2026

A handwritten signature in blue ink, appearing to read "M. Shore", is written on a light blue rectangular background.

Travis Shore, Chief of Minerals Operations