

NOTICE OF DEPARTMENTAL RECOMMENDATION

Application # L.E.-2899 Conference # PAN 26-01-IC

- Permit
- Revision
- Renewal
- Amendment

Concerning the application of **Croell, Inc**, Applicant, for a permit to engage in surface mining and reclamation operations in an area of 50 acres more or less, located in Section 23, Township 22 North, Range 19 West, located in Woodward 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 reason for approval is based on Conference No. **PAN- 26-01-IC**:

An informal conference was held on January 16, 2026 to provide citizens with a forum to discuss their concerns with the issuance of ODM Permit #L.E.-2899. There were several concerns brought up by citizens at the informal conference. The following discusses how ODM monitors and regulates these areas of concern.

1. **Dust Pollution/Air Quality** – 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 in order 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.

The primary product to be mined on the proposed permit will be concrete sand. Masonry sand and/or fill sand may also be produced from the sand that doesn't meet concrete requirements. None of these products require any crushing, grinding, or pulverizing of the sand. Sand is comprised of silicon dioxide (silica), generally in the form of quartz. There is no hazard being around sand. When the sand is ground, crushed, or pulverized it can become hazardous from the respirable silica. These are very fine particles that can't be seen by the naked eye and can be inhaled into the lungs potentially causing damage. This permit will not process the sand to the point where respirable silica will be an issue. The Mine Safety and Health Administration (MSHA) conducts dust monitoring at mining locations frequently. MSHA places dust pumps on workers and monitors them for the entire length of their shift. MSHA's publicly available health sampling records show 33 dust samples taken at sand mines in northwest Oklahoma since 2017, including the frac sand mines near Fay. There have been zero respirable silica overexposures to the workers at these mines. Based on these reasons, respirable silica will not be hazardous to surrounding property owners or towns.

2. **Noise** – ODM has noise regulations in order to help maintain safe noise levels for worker safety. ODM can require reduction of noise levels on the permit if deemed necessary for worker safety, which would in turn reduce noise levels leaving the permit. ODM does have equipment to check instantaneous noise levels and if a dangerous noise level is identified, ODM will use all tools available and work with the permittee to reduce noise levels. MSHA also conducts noise level exposure on workers, generally at the same time they sample for dust issues.

3. **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 and 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 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.

4. **Water Quality/Ground Water** -- In accordance with ODM's Water Quality Standards Implementation Plan and General Requirements for Permits, ODM requires mining applicants submit documentation that applications for all necessary water quality permits related to the respective operation have been filed. With respect to water quality concerns, other agencies have jurisdiction over this aspect of a mine site as well. During annual reviews and periodic on-site inspections, ODM will communicate any concerns with respect to water quality with the respective regulatory authority and will cooperate with permitting and enforcement actions by those entities. The applicant submitted notice of intent to the Oklahoma Department of Environmental Quality (ODEQ) to obtain a stormwater permit (OKR05) and a wastewater permit (OKG95) for their impoundment. Many protesters mentioned the 500,000 gallon/day listed on the applicant's DEQ wastewater permit application. This mine will utilize a dredge to mine sand out of a dredge pond. The dredge pond will be full of water and expand over time as it is mined out. The mining will take place under the water, and the mined sand slurry will be pumped through a pipeline to the plant for processing. After processing, excess water will be sent back to the dredge pond. The water will be recirculated through the system going from the dredge pond to the plant and the applicant anticipates recirculating 500,000 gallons of water a day utilizing this method.

Croell, Inc. has submitted a complete permit application that meets all requirements provided by law and therefore, ODM recommends the permit application be approved.

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 27th day of February, 2026.



Travis Shore, Chief of Minerals Operations