

NOTICE OF DEPARTMENTAL RECOMMENDATION

This Recommendation does not constitute issuance of the permit.

Application # L.E.-1833-B

Conference # PAT 24-04-IC

- Permit
- Revision
- Renewal
- Amendment

Concerning the transfer application of **North Texas Natural Select Materials, LLC (NTNSM)** Applicant, for a permit to engage in surface mining and reclamation operations in an area of 36 acres more or less, located in Section 10, Township 8 South, Range 7 East, located in Bryan 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- 24-04-IC:**

An informal conference was held on July 31, 2024 to provide citizens a forum to discuss their concerns with the transfer of ODM Permit #L.E. 1833-B. There were several concerns brought up by citizens at the informal conference. The following discusses how ODM monitors and regulates these areas of concern. The acreage is already an existing ODM permit and this is only an application to transfer the permit from PP&J, Inc. to NTNSM, LLC.

1. **Noise** – Although ODM has noise regulations in order to help maintain safe noise levels for worker safety, there are no regulations in place for noise leaving a permit. 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. The transfer application indicates that no crushing or processing of the mined material will occur. The material will be removed with heavy equipment, but will not be processed any further. This will reduce the overall noise produced at this operation.
2. **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 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 transfer application indicates that no crushing or processing of the mined material will occur. The material will be removed with heavy equipment, but will not be processed any further. This will reduce the overall dust produced at this operation.
3. **Harsh Lights** – ODM requires adequate illumination for those operations working in dark conditions. ODM will ensure there is proper illumination for worker safety, if conditions warrant. ODM will work with the permittee to adjust the illumination in a manner to be more convenient to neighbors if needed, however, not at the expense of worker safety.
4. **Hours of Operation** – ODM does not have any regulations restricting the hours of operation a permittee can operate.

5. **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 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. Permittees also do a good job of policing truck drivers that visit their site and it is common for permittees to ban a truck driver if they get reports of unsafe driving.

6. **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 storm water permit. The use of stream (surface) and groundwater for beneficial purposes outside of domestic use falls under the jurisdiction of the Oklahoma Water Resources Board (OWRB) and will most likely require the applicant to obtain a water use permit from OWRB. OWRB requires groundwater permit applications be submitted prior to the drilling of a groundwater well, or before the taking and use of groundwater.

North Texas Natural Select Materials, LLC has submitted a complete permit application that meets all requirements provided by law and therefore, ODM recommends the permit transfer 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 23rd day of September, 2024.



Travis Shore, Chief of Minerals Operations

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