

NOTICE OF DEPARTMENTAL RECOMMENDATION

This Decision does not constitute issuance of the permit

Application # L.E.-2867 Conference # PAN-24-06-IC

- Permit
- Revision
- Renewal
- Bond Release

An informal conference was held on November 8, 2024 to provide citizens a forum to discuss their concerns with the issuance of ODM Permit #L.E.-2867.

Concerning the application of **RRJ Sand Co. LLC** Applicant, for a permit to engage in surface mining and reclamation operations in an area of 127 acres, more or less, in Section 36, Township 17 North, Range 15 East of the Indian Meridian, Wagoner County, State of Oklahoma. Recommendation is hereby made to the Director of the Oklahoma Department of Mines ("ODM") that said application:

- be approved
- be conditionally approved as modified
- be denied

The following conditions have been based on Conference #**PAN 24-06-IC**:

1. **Other permits** – Title 45, Chapter 8A, Section 724(1) states “When applicable, upon issuance, a copy of all permits and licenses needed to conduct the mining operations shall be submitted to the Oklahoma Department of Mines ("ODM") for identification”. The permit application will only be approved after the following conditions are met.
 - A. Mining activities in Wagoner County require a Conditional Use Permit, which can be obtained through the Wagoner County Permitting System. RRJ must apply for a Wagoner County Conditional Use Permit and provide proof of submittal or approval to ODM.
 - B. Furthermore, any additional permits required by other state agencies must be applied for and/or obtained as required by those agencies. RRJ must provide proof of submittal or proof of approval for any additional permits to ODM.

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. **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 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.

2. **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.
3. **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.
4. **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.

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 ___ 8th ___ day of January 2025



Travis Shore, Chief of Minerals Operations

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