

NOTICE OF DEPARTMENTAL RECOMMENDATION

This Recommendation does not constitute issuance of the permit.

Application # L.E.-2841 Conference # PAN 24-03-IC

- Permit
- Revision
- Renewal
- Amendment

Concerning the application of **Unisands, LLC** Applicant, for a permit to engage in surface mining and reclamation operations in an area of 582 acres more or less, located in Sections 15, 16, and 22, Township 5 South, Range 4 East, located in Marshall 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- 24-03-IC**:

An informal conference was held on June 26, 2024 to provide citizens a forum to discuss their concerns with the issuance of ODM Permit #L.E. 2841. 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. **Air Quality and Fugitive 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. Some citizens voiced concerns over silica. ODM does not have any regulations specifically regarding silica exposure. However, the Mine Safety and Health Administration (MSHA) does have silica exposure regulations and they routinely monitor silica levels at mine sites. Since 2016, workers at active mining operations in Marshall County have been sampled for respirable silica 6 times with zero overexposures. If you expand that to include the surrounding counties, MSHA has sampled an additional 131 workers with zero overexposures. Furthermore, on June 17, 2024, a new silica rule went into effect for MSHA which reduced the allowable level of silica exposure to workers even further.
2. **Ground Water/Water Wells/Turkey Creek** -- In accordance with ODM’s Water Quality Standards Implementation Plan and General Requirements for Permits, ODM requires mining applicants submit evidence 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 a request to the Oklahoma Water Resources Board (OWRB) for an official determination if the permit location was located within the boundary of the Arbuckle-Simpson Groundwater Basin. In March 2024, OWRB determined the permit location was not in the Arbuckle-Simpson Groundwater Basin and therefore, is not subject to OWRB Groundwater Rules established by Senate Bill 597. The use of stream (surface) and groundwater for beneficial purposes outside of domestic use falls under the jurisdiction of 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.

3. **Blasting** – ODM has jurisdiction over all blasting operations in the State of Oklahoma, mining and non-mining. ODM monitors and inspects blasting operations around the state. Persons may not blast in Oklahoma until they have the required experience and attended and successfully completed a 40-hour training course to obtain their Certified Blaster's license. ODM routinely inspects and monitors blasting operations around the state to ensure safe storage and transportation of explosives on site, blast site and blast area security, and the safe loading and detonation of explosives. The permittee indicated on its blasting plan they will utilize a blasting contractor at this location. Seismographs will be used to monitor ground vibration and air blast from each shot. ODM permittees that utilize explosives are required to have a shot report for each shot and keep shot records for 3 (three) years. ODM routinely reviews shot reports from blasting operations from around the state for compliance.
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.
5. **Buffer Zone/Lateral Support** – Concerns over buffer zones near permit boundaries were also mentioned. ODM has a lateral support regulation (Title 45, Chapter 8A, Section 730) which restricts how close the permittee can mine to a permit boundary. The distance a permittee is allowed to mine up to a permit boundary depends on the depth of the pit. The formula used to figure the required lateral support distance is $(1.5 \times \text{Pit Depth}) + 25$ ft. Lateral support will be routinely monitored as mining advances toward a permit boundary.

After reviewing the information gathered during the informal conference, it is recommended ODM Permit L.E. 2841 be issued with the following conditions:

1. Applicant shall apply for a Construction Permit from the Oklahoma Department of Environmental Quality (ODEQ) prior to any mine development activities within the permit boundary and obtain all required environmental permits (air, water, etc.) required by other state agencies prior to the commencement of any activity within the permit boundary. After construction is complete, ODEQ rules allow the permittee six (6) months to convert the construction permit into an ODEQ General Operating Permit. If a state agency determines an environmental permit is not required for the applicant's operation, the permittee shall provide a letter from that agency to ODM stating their final determination.
2. Applicant shall adopt a notification method to alert surrounding landowners of blasting activities based on the preference of the individual requesting the notice. The forms of notification shall include one of the following: telephone call, text message, and/or electronic mail. The notification shall be sent to all surrounding landowners located within 1 (one) mile of the nearest permit boundary. Notification shall be made at least 3 (three) hours before blasting occurs. Landowners may opt out of any notification from the applicant with a signed letter stating such.
3. Applicant shall conduct pre-blast surveys on all off-site residential and commercial structures, as well as all water wells, located within $\frac{1}{2}$ (one-half) mile of the nearest permit boundary. The pre-blast surveys shall be submitted to ODM and shall become part of the permit and subject to the Open Records Act. No blasting may occur on this permit until all pre-blast surveys have been completed and submitted to ODM.

for review. The owners of any of the structures identified under this condition may choose to opt out of a pre-blast survey with a signed letter stating such.

4. Applicant must submit a blast report for each shot conducted on the permit to the ODM office for review within 2 (two) business days of the shot.

Unisands, LLC has submitted a complete permit application that meets all requirements provided by law and therefore, ODM recommends the permit be approved as conditioned above.

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 22th day of August, 2024.



Travis Shore, Chief of Minerals Operations

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