



NON-COAL MINING PERMIT APPLICATION Instruction Sheet

When submitting your application to this office, please be sure to include the following items:

- 1. Four (4) complete sets (the ORIGINAL and three (3) copies)** of the application forms along with four (4) sets of the required maps and supporting documentation attached.
- 2. A completed Checklist for Applicants.**
- 3. The \$175.00** annual permit fee.
- 4. In lieu of a copy of the deed or lease agreement you have with the proper owner of the legal estate, a separate notarized Legal Estate Form** for each owner of the legal estate.

If you plan to “blast”, then a Blasting Plan with original Surface Supervisor’s and Blaster’s signatures must be submitted with this application before a permit can be issued.

A surety bond form is enclosed in this package. If you wish to use another style bond, please get in touch with ODM’s bond accountant office so that the proper bonding forms can be furnished to you.

Once your application is on file and has been ruled complete and ready for public inspection, you will receive confirmation to run your public notice.

Legislation concerning the permitting process for Non-Coal mining operations, reclamation bonding and blasting is found in Oklahoma State Statute Title 45, Chapter 8A §721 through 728 “The Mining Lands Reclamation Act” and in the Non-Coal Rules and Regulations, OAC 460:10 §1 through 31. If you wish to have copies of these regulations sent to you, please contact our office.

If you have any questions concerning any of the information mentioned above or on the forms enclosed, please feel free to call this office at 405/427-3859.

**DEPARTMENT OF MINES - MINERALS DIVISION
2915 N. Classen Blvd, Suite 213 Oklahoma City, OK 73106 Office 405/427-3859**



NON-COAL PERMITTING GUIDELINES AND SUMMARY

The State of Oklahoma environmental requirements with respect to Non-Coal (Industrial Minerals) Mining are found under more than one regulatory agency. The air and water issues are regulated by agencies other than the Oklahoma Department of Mines (ODM). The Oklahoma Department of Environmental Quality (DEQ) regulates, through permitting and inspection, the Storm Water Run Off Program, Point Source and Non-Point Source water discharges. The DEQ also regulates fugitive dust from mine sites through the Air Quality Program (see insert). The U.S. Army Corps of Engineers, along with the DEQ, issues permits to allow non-coal mining in rivers and streams of the State to ensure compliance with Section 404 of the “Clean Water Act” (see insert). The Oklahoma Water Resources Board has designated within the Oklahoma Water Quality Standards those waters that are Outstanding Resource waters, High Quality waters, Scenic river areas, or sensitive sole source aquifers. The ODM has specific permitting requirements for these areas. If your operation falls within any of these defined water resources, you must file additional information for protection of this resource with ODM. Each respective agency has specific jurisdictional boundaries and these environmental regulations are concurrent with each other. In these guidelines, the permitting responsibility of the Department of Mines will be outlined.

Specific statutory requirements for permitting of non-coal mining operations are found in 45 O.S. 2016 §721 through 728 (Chap. 8A) “The Mining Lands Reclamation Act”. Non-Coal Rules and Regulations, OAC 460: 10 § 1 through 31 covers the permitting process, bonds and blasting plan.

The required documents for an application package are as follows:

Formal Non-Coal Mining Application, Section 1

This section is used to disclose the operator's name, address, and telephone number as well as the method of mining, legal description, bonded and permitted acreage disclosure, and bonding instrument used. A **Legal Estate Form** is located in this section. The Legal Estate Form references the legal estate status of the site (owner of legal estate disclosure), and must be included with the application, executed and sworn to by the owner of the estate. A **Publication Form** is also located in this section. Its purpose is to explain where the complete application can be examined by the public during the mining permit review process. A sample publication notice is included in this section for your reference to utilize when publishing your intent to mine. One will be sent to you when your Application is ruled complete and you are authorized to publish. In addition, a **Statement of Certification**, pertaining to legal right of entry and the accuracy of the information contained in the application, must be included with the application, executed and sworn to by the applicant.

Compliance and Related Information, Section 2

This section discloses the type of company and the names and addresses of the officers and/or owners of the company. A list of any other mining permits that the company holds is also disclosed. In addition, this section allows the applicant to relate any past delinquent reclamation bonds or mining permits that have been held by the individuals of the company or the company itself and the outcome of the proceedings.

Protection of Natural Resources, Section 3

This section discloses how your operation will affect the environment and assists you and ODM in determining if any other permits or licenses are needed. The referenced other environmental agencies are only a representation of the authorities that may need to be consulted regarding your operation. The **Other Licenses and Permits** page allows you to disclose which other licenses or permits you have applied for and received from federal, state, and municipality interests. Please attach other issued permits or copies of other applications submitted to other permitting or licensing entities. *If ODM is notified by another agency or jurisdiction with authority to issue permits that an operator is not in compliance with a necessary permit on a mining operation, then a permit violation or an interruption in mining activity may occur.*

The **Specialized Process or Manufacturing** page discloses whether or not the operator has specialized processing or manufacturing operations not directly associated to mining. If so, please provide the Department with a detailed narrative of the activity.

Reclamation Plan, Section 4

This section discloses and justifies the post-mine land use of the permit area. The reclamation standards for permitting disclosure were revised in 1994 to require a detailed process for reclamation. The Reclamation Plan Section must include to the extent applicable:

- (a) The methods to prevent or eliminate conditions that will be hazardous to animal or fish life in or adjacent to the affected land;
- (b) The methods for rehabilitating settling ponds;
- (c) The method for the control of contaminants and disposal of the refuse including tailings;
- (d) The measure to provide safety to persons and adjoining property owners;
- (e) The plan for permanent revegetation, including soil tests, site preparation, seeding;
- (f) Best Management practices that will be used on the mine site.

ODM will no longer accept revegetation plans that stipulate that the operator "will consult the local conservation" agency upon completion of mining. The issue of revegetation must be addressed prior to approval of any mining permit.

In addition to the required site maps, a map which details the post mine reclamation should be submitted with the plan. Useful attachments for the plan can be topographic maps, flood plain maps, soil data or reclamation cross-section maps.

Mapping Requirements

A **detailed Location and Reclamation Map** must be filed with this application. This map must be an accurate representation of the requested acreage to be permitted, and must have, as a minimum, the plotted location of the plant site, processing area, stockpiles, sediment ponds, excavation locations, haul roads, scale house and all support facilities. The map must be scaled to accurately represent the acreage being disclosed. These maps should have the permit area outlined as well as the bonded area indicated, and should include any property setbacks as required by law. Transmission lines, electrical, fluid or gas, are required plotting on these maps. The maps utilized for this purpose are aerial photos, topographic maps, or a survey by a registered land surveyor with the State of Oklahoma. Also, a 10 acre tract **grid Non-Coal Location Map** must be filed for each section. This small at-a-glance representation of your mining area helps verify where in the section your operation is located.

Blasting Plan

(only required if explosives are to be used)

A **Blasting Plan** must be included in those permit applications which will be using explosives as part of the mining procedure. This is the Permittee's Plan, not the Blaster's Plan. Blasting Plans must be completed in their entirety. The following information is needed.

- 1) The Blasting Plan must be signed by both the Blaster-in-Charge and the Surface Supervisor for the Mine. ODM will only accept original signatures.
- 2) A Blasting Plan requires disclosure of both the Surface Supervisor's and the Blaster's names and State Certification Numbers.
- 3) Types and amount of explosives are referenced, as well as procedures for control of site, records retention, blasting signals and blasting procedures.
- 4) Procedures include the use of a seismograph or the utilization of the Standard Weight Distance formula outlined in ODM's Rules and Regulations for Non-Coal Mining. If a seismograph is being used as the compliance method, it must be noted in the Blasting Plan.
- 5) A complete list of all Certified Blasters (Attachment "A") that will be shooting on site is to be submitted. Attach additional pages of Attachment "A" of the Blasting Plan if needed.
- 6) A list of all buildings on the proposed permit area and the adjacent area, and their uses must be listed on Attachment "B". Attach "B" must also include and show the location of all structures and easements listed on a Location Map.
- 7) An example copy of the blaster's recording form is to be attached to the Blasting Plan for retention requirements of each shot fired.

Blasting Permit Exemption

(only required if explosives are to be used)

In order to purchase, use, or store explosives on a permit, the Permittee must have a Blasting Permit Exemption. A Blasting Permit Exemption must be on file for each permittee who will use explosives as part of the mining procedures.

- 1) Mining Operations, Number 2, is the exemption category to be marked, Part A.
- 2) List all of the mining permits held by the permittee on the Blasting Permit Exemption, Part B.
- 3) List individuals or officers that represent the company, Part C.
- 4) Provide copies of current Oklahoma Blaster Certifications.
- 5) The Blasting Permit Exemption must be signed by an authorized official on behalf can bind the company. The company official's signature must be notarized.

Reclamation Bond

Statutory Law requires an operator to post a Reclamation Bond to insure reclamation of the permit site. The bond is conditioned for performance of the documented Reclamation Plan. The State will accept either a Surety Bond or a Collateral Bond. Each bond amount, form, and duration must be accepted by the Department prior to permit issuance.

Once all permitting documentation has been received and the application is considered complete, copies of the documents are submitted to the County Clerk at the appropriate county courthouse for public access and review.

When the application is filed for public review, the applicant must run a Public Notice disclosing the intent of the applicant, the legal location of the mining operation and the location of the public inspection copy. **Said Notice must be published once a week for four (4) consecutive weeks.** The Public Notice indicates that comments, objections, or an informal conference on the application will be allowed for interested parties. Once the Notice is published, an Affidavit of Publication must be submitted to ODM to document insertion.

Any written objections or requests for an informal conference on this application must be received no later than fourteen (14) days after the final publication of this notice to ODM. If a written objection and request for an informal conference is received within the public comment period, an informal conference is scheduled. All parties and the applicant are mailed a letter notifying them of the time, date, and location of the informal conference on this permit application.

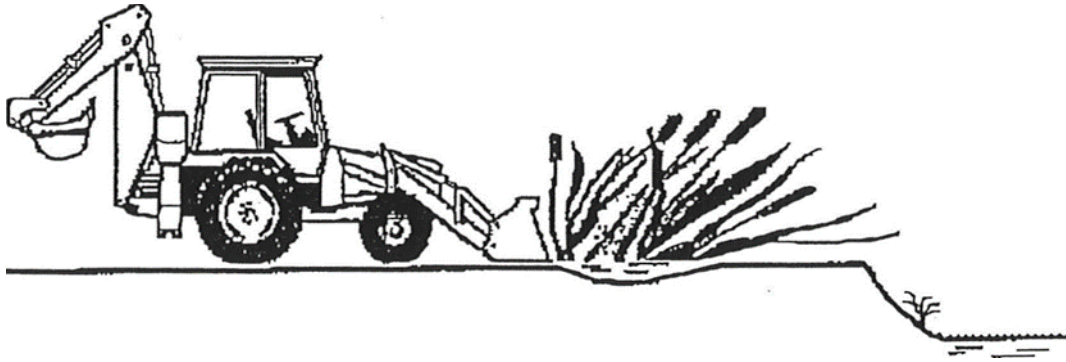
The informal conference is held by a representative of ODM. The purpose for the Informal Conference Officer is to listen to the concerns of the attendees and the applicant and make a recommendation to ODM in regards to the application. All conferences requested will be held in accordance with the Non-Coal Rules and Regulations.

The Informal Conference Officer's findings and recommendations are forwarded to the Administrator of the Minerals Division for review and the issuance of a Notice of Departmental Recommendation. The Notice of Departmental Recommendation is sent to all parties that attended the Informal Conference.

The Departmental Rules do allow for an appeal of the Conference Officer's

findings. Parties that may be adversely affected by or disagree with the Conference Officer's findings and the Notice of Departmental Recommendation may request a formal hearing within thirty (30) days of their notification. A Formal Hearing will be provided for those who have appealed, allowing for adjudication in a formal setting in front of an Administrative Law Judge.

If a hearing is not requested prior to any permit issuance, a Field Inspector reviews the application and inspects the proposed location for site evaluation and recommendations. Based on said field inspection or hearing determination, the plan may be modified or conditioned. All permits issued by the Department are approved by the Director and are considered final orders of the Department.



Section 404 of the Clean Water Act (CWA) requires that discharges of dredged or fill material into “waters of the United States” be authorized by a permit from the U.S. Army Corps of Engineers (Corps) prior to the work. The term “waters of the United States” includes rivers, lakes, streams, intermittent and ephemeral creeks, natural ponds, and adjacent wetlands. The “discharge of dredged material” includes the addition, placement, or redistribution of dredged or excavated materials within waters of the United States. As a general rule, sand and gravel mining activities within rivers and streams should be reviewed by the Corps to determine if authorization under Section 404 CWA is required. The Corps will be glad to answer any questions you may have, identify wetlands and jurisdictional waters, and assist you in obtaining the necessary Department of the Army permits.

Regulatory Office (CESWT-RO)
U.S. Army Corps of Engineers
1645 S. 101st East Avenue
Tulsa, OK 74128-4609

Phone: 918-669-7400

Fax: 918-669-4306

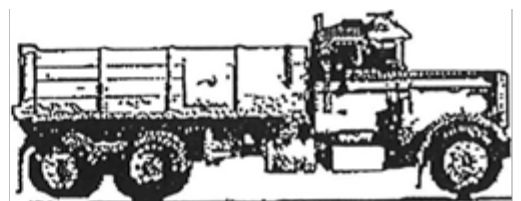
Email: ceswt-ro@usace.army.mil

Sand and Gravel Mining Guidelines for Tulsa District:

<http://www.swt.usace.army.mil/portals/41/docs/missions/regulatory/gravel1.pdf>

Tulsa District Regulatory Homepage:

<http://www.swt.usace.army.mil/Missions/Regulatory/>



INFORMATIONAL SHEET ON THE GENERAL DISCHARGE PERMIT FOR ROCK, SAND, AND GRAVEL QUARRIES (INCLUDING DREDGING OPERATIONS) AND STONE CUTTING FACILITIES

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY WATER QUALITY DIVISION

The Oklahoma Department of Environmental Quality (DEQ) has prepared a General Permit (OKG95) for Rock, Sand, and Gravel Quarries (including Dredging Operations) and Stone Cutting Facilities within the State of Oklahoma. Facilities operating under the following SIC codes are eligible for coverage under this General Permit: 1411, 1422, 1423, 1429, 1442, 1446 (excluding operations employing hydrofluoric acid flotation), and 3281.

This General Permit authorizes and regulates any combination of the following activities: (1) discharge of industrial wastewater and/or stormwater to Waters of the State/United States; (2) the construction and operation of industrial wastewater surface impoundments; and (3) land application of industrial wastewater for dust suppression.

Industrial wastewater includes:

- Wash water
- Scrubber water
- Cooling water
- Mine dewatering
- Wastewater from sand/gravel suction dredging
- Wastewater from crushing/cutting stone
- Wastewater from washing processed sand and/or stone
- Wastewater from washing vehicles, equipment, and/or maintenance areas
- Any stormwater that comes into contact with industrial wastewater

All stormwater discharges from facilities that qualify for coverage under the General Permit may be covered by this Permit in lieu of being covered by an authorization under the OKR05 Multi-Sector General Permit for Stormwater Discharges from Industrial Activity. However, stormwater discharges covered under this General Permit (OKG95) will be subject to the effluent limitations and monitoring requirements for industrial wastewater instead of the OKR05 requirements for Best Management Practices (BMPs) and visual stormwater monitoring.

Surface impoundments regulated by this Permit are any surface impoundments at any quarry or stone cutting facility that contain industrial wastewater. Impoundments containing only stormwater are not regulated by this permit. Quarry pits that are used to hold wastewater are regulated by this permit, but are considered to be exempt from the construction and maintenance requirements of OAC 252:616-5, 7, and 13.

Land application of wastewater regulated by this Permit is the reuse of industrial wastewater for dust suppression only. This Permit does not authorize any land application that is not conducted for the purpose of dust suppression.

This General Permit does not authorize the discharge of wastewater to the following waterbodies:

- Outstanding Resource Waters (ORW)
- High Quality Waters (HQW)
- Sensitive Public and Private Water Supplies, including those with Reuse (SWS and SWSR)
- Cool Water Aquatic Communities
- Trout Fisheries
- Appendix B Waters [OAC 785:45-5-25(c)(2)]
- Within one stream mile of a lake

In addition, this General Permit does not authorize the discharge of wastewater to waterbodies listed in Oklahoma's 303(d) List of impaired waterbodies when the listed impairment is turbidity and/or pH and a Total Maximum Daily Load (TMDL) has been completed, and the TMDL results indicate that limits more stringent than 45 mg/l for Total Suspended Solids or 6.5 – 9.0 for pH are required. New facilities are not authorized to discharge to waterbodies with turbidity impairments.

This General Permit does not authorize the discharge of wastewater including wastewater from vehicle, equipment, or maintenance area washing to waterbodies listed in Oklahoma's 303(d) List when the listed impairment is oil and grease and a there is a completed TMDL indicating that limits more stringent than 15 mg/l for oil and grease is required.

This General Permit does not authorize new discharges to surface waters designated sensitive by the U.S. Fish and Wildlife Service. Facilities with existing permits that discharge to such waterbodies are eligible for continued coverage under the General Permit, provided there has not been a change in the location of discharge or increase in the volume of discharge.

The General Permit and Fact Sheet may be reviewed on DEQ's website at www.deq.state.ok.us/wqdnew/genpermits.html. Facilities seeking coverage under this General Permit should complete and submit Application Form 606-G95, available on DEQ's website at www.deq.state.ok.us/wqdnew/forms.html. Completed applications should be mailed to the following address:

Industrial Permits Section
Water Quality Division
Oklahoma Department of Environmental Quality
707 North Robinson (or P.O. Box 1677)
Oklahoma City, OK 73101-1677

The Industrial Permits Section can be reached by phone number (405) 702-8100 for questions concerning the General Permit.

Oklahoma Department of Mines Minerals Permitting Process New Permits & Major Revisions

