



NON-COAL PERMITTING GUIDELINES AND SUMMARY

The Department of Mines (ODM) regulates minerals (non-coal) mining operations in the State of Oklahoma. However, other agencies such as the Oklahoma Department of Environmental Quality, the Oklahoma Water Resources Board, and the U.S. Army Corps of Engineers have additional environmental requirements with respect to air and water issues. In addition, counties or municipalities may also have regulatory requirements for minerals mining in their respective areas.

The Oklahoma Water Quality Standards designate Outstanding Resource waters, High Quality waters, scenic river areas, and sensitive sole source groundwater basins. Therefore, ODM has specific permitting requirements for mining operations which fall within these designations and additional information for protection of these resources is required.

Legislation directing the permitting process for minerals (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 ODM's Non-Coal Rules and Regulations, Oklahoma Administrative Code (OAC) Title 460:10 §1 through 31.

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

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

If you plan to use explosives on site, 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 performance **reclamation bond** must be submitted and approved before permit issuance.

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

An overview of the mining permit application sections 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. Related pages in this section include:

- A **Legal Estate Form** is required. This form designates the legal estate status of the site: the owner of the property. It must be executed and sworn to by the owner of the land.
- The required **Affected Neighboring Landowners** page is to document the names and address of all the neighboring landowners who may be affected by the proposed mining operation.
- The executed and sworn to **Affidavit of Notification** page must be included along with a sample letter documenting notices have been sent to all affected neighboring landowners.
- A **Publication Notification** page is also located in this section. Its purpose is to identify which newspaper you intend to use for publication. A sample publication notice will be provided to you once your application is ruled complete and you are authorized to publish. ODM places a public review copy of the application on its website at the same time.
- A **Statement of Certification** must be included with the application, executed and sworn to by the applicant. The certification reiterates that the legal right of entry is authorized, and all information in the application is accurate. The individual signing the Statement of Certification must be listed in the Compliance and Related Information section.

Compliance and Related Information, Section 2

This section specifies:

- the type of company;
- the names and addresses of the officers and/or owners of the company;
- a list of any other mining permits that the company holds;
- disclosure of any past delinquent reclamation bonds or mining permits that have been held by company or individuals of the company and the outcome of the proceedings, if applicable.

Protection of Natural Resources, Section 3

This section discloses how your operation will affect the environment and helps determine if any other permits or licenses are needed outside of ODM. The other environmental agencies referenced are only a suggested representation of the other

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 for which you have applied and/or received from federal, state, and municipality interests. Please attach copies of issued permits or applications submitted to additional 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 the required permit on a mining operation, then a permit violation or a cessation in mining activity may occur.*

Companies should maintain a buffer zone between the mining operation and the adjacent property boundary(s) known as **lateral support** (O.S. Title 45, § 730). To comply with this lateral support law, the buffer zone should be, at a minimum, at least twenty-five (25) feet **plus** one and one-half (1½) times the depth of the pit as measured from the original ground surface. The proposed buffer zone must be disclosed in this section **and** shown on the detailed maps.

The **Specialized Process or Manufacturing** page discloses whether the operator has specialized processing or manufacturing operations not directly associated to mining on the proposed permit site. 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 including details as to how this plan will be achieved, final permit site description, and end use. The Reclamation Plan Attachment questions assist the applicant in detailing the planned reclamation. The Reclamation Plan Section must include to the extent applicable:

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

ODM does not 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.

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 a **detailed Reclamation Map** must be filed with this application. 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 your operation is located in each section.

The **detailed Location map** must be a scaled accurate representation of the requested acreage to be permitted and bonded, and must have as a minimum:

- plotted location of the plant site
- processing area
- stockpiles
- sediment ponds
- excavation locations
- haul roads
- scale house
- other support facilities
- locations of streams or lakes

These maps should have the permit and bonded areas outlined with acreages and GPS coordinates and identify the following:

- property setbacks as required by law
- buffer zone areas
- easements
- right-of-ways
- transmission lines, including electrical, fluid, or gas

NOTE: *If disturbance activity will occur incrementally, then the initial and successive incremental areas should be identified on the map.*

The **detailed Reclamation Map** should show what the post mine reclamation will look like including, but not limited to, any remaining water impoundments, roads, or buildings. Please include post-mine elevations as applicable.

The maps utilized for this purpose are aerial photos, topographic maps, or a survey by a registered land surveyor with the State of Oklahoma. These may include using GoogleEarth, ArcGIS or similar mapping programs.

Blasting Plan

(only required if explosives are used)

A **Blasting Plan** must be included in those permit applications that will be using explosives as part of the mining process. Blasting plans must be completed in their entirety and will be reviewed to make sure they meet the requirement of OAC 460:10-31-6 through 460:10-31-8. Consider the following points when completing the blasting plan.

- 1) Most permittees utilize a blasting contractor (shot service) to conduct their blasting operations. Because of this, a permittee can use their blasting contractor's expertise to help fill out the blasting plan. However, this is the **permittee's** blasting plan, not the blasting contractor's plan. The blasting plan must be signed by the Blaster-in-Charge and the Surface Supervisor for the mine including their state certification numbers.
- 2) Answer all questions thoroughly and provide all the required information regarding the type and amount of explosives, the control of blast site/area, blasting/warning signals, blasting procedures, and plans for recording and retention of blasting records.
- 3) The blasting procedures must include whether you intend to use a seismograph or 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.
- 4) All structures on the permit area or proposed permit area, and the adjacent area, along with their uses, must be listed on the Blasting Plan Attachment page. All utilities/support structures/easements (underground and above ground) on the permit area and adjacent areas must also be noted on the Blasting Plan Attachment.
- 5) A **Blasting Plan map** is required with each Blasting Plan. This map should be a dedicated Blasting Plan map and NOT one of the other maps required by the permit application. All structures and utilities listed on the Blasting Plan Attachment must be shown on the Blasting Plan map.
- 6) If a seismograph will be used for compliance, the intended location of the seismograph must also be shown on the Blasting Plan map.

Using explosives as part of the mining operation requires the permittee to hold a valid **Blasting Permit Exemption** with the agency. A company may have one Blasting Permit Exemption on file for all their permitted mining operations.

Reclamation Bond

Statutory Law requires an operator to post a performance **Reclamation Bond** to insure reclamation of the permit site. All disturbed areas on the permit must be bonded. The bond is conditioned for performance of the documented Reclamation Plan. The State will accept either a Surety Bond or a Collateral Bond such as irrevocable letter of credit, certificate of deposit, or other form of cash deposit. 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 posted on the agency's website for public access and review. Then applicants are authorized to 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 (ODM's website). The Public Notice indicates that comments, objections, or a request for an informal conference on the application are allowed for interested parties. ODM's mailing address is included for submission of written requests.

The **Public Notice must be published once a week for four (4) consecutive weeks** for new permits, expansions, or major modifications to existing permits. Transfers of permits require a two (2) week publication. Once the Notice is published as required, an Affidavit of Publication must be submitted to ODM to validate the notice requirement.

During the review process, a Field Inspector will conduct an on-site evaluation of the proposed area in relation to the application and provide recommendations to the office.

Assignment of a permit number **does not constitute** an issued permit. A permit may be approved once the public participation period has passed and the applicant has fulfilled all requirements to obtain the permit. The formal approved permit signed by the Director will be mailed to the permittee.

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

