

**TITLE 460. DEPARTMENT OF MINES
CHAPTER 10. NON-COAL RULES AND REGULATIONS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Chapter 10. Non-Coal Rules and Regulations [AMENDED]

SUMMARY:

The proposed amendments will address a number of matters found in Chapter 10, the Non-Coal Rules and Regulations. First, the proposed amendments will address the statutory requirements of HB 2471, which became effective November 1, 2019. Because some regulations found in Chapter 10 were in conflict with the new legislation, and because the agency's emergency rules addressing those conflicts expired on September 15, 2020, the conflicting regulations will be amended to comply with current law. New rule language will reflect the establishment of a legislative moratorium on issuing certain non-coal mining permits overlying a sensitive sole source groundwater basin. Other added language will provide for permit amendments increasing the acreage of existing permits pursuant to the limits described in HB 2471. The proposed amendments will attempt to clarify qualifications and limits of mine expansions allowed by HB 2471. Additional amendments proposed by a citizens group will require the submission of electronic copies of non-coal mining permit applications, including maps, once the applications are complete and ready for public notice. These amendments provide that the Department will publish the electronic copies of non-coal permit applications on its agency website in addition to the public notice requirements already required by statute and agency rules. Finally, additional amendments are proposed which reword or remove a number of regulatory restrictions to achieve the "One-In-Two-Out" mandate found in Executive Order 2020-03.

AUTHORITY:

45 O.S. Sections 721 *et seq.*; 45 O.S. Section 950; 45 O.S. Section 1.5 *et seq.*, Oklahoma Mining Commission.

COMMENT PERIOD:

Beginning October 1, 2020 and ending December 31, 2020, the public may present their views, either orally or in writing, to the below listed contact person.

PUBLIC HEARING:

A public hearing on the proposed rule changes will be held on December 29, 2020 at the Oklahoma History Center 800 Nazih Zuhdi Drive, Oklahoma City 73105, in the Chesapeake Event Center meeting room, beginning at 10:00 a.m. The Department will make every effort to facilitate and accommodate remote participation for the public hearing by phone or video conference, and will require social distancing and masks for those who attend in person. Information on how to participate remotely will be provided on the Department's internet website at least one week prior to the hearing.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed changes are requested to provide the agency with information, in the dollar amounts if possible, about the increases in the level of direct costs or indirect costs, or other costs expected to be occurred by that business entity due to compliance with these proposed changes. Business entities may submit this information in writing from October 1, 2020, through December 31, 2020, to the below listed contact person.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained from the below listed contact person after November 16, 2020.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the below listed contact person on and after December 1, 2020.

CONTACT PERSON:

Andrea Adams, Legal Secretary, Oklahoma Department of Mines, 2915 N. Classen Blvd., Suite 213, Oklahoma City, OK 73106; (405) 522-9840.