NOTICE OF DEPARTMENTAL RECOMMENDATION

This Recommendation does not constitute issuance of the permit.

Application # L.E.-2768  Conference # PAN-22-03-IC

( ) Permit
( ) Revision
( ) Renewal
( ) Amendment

Concerning the application of Mid-States Materials, LLC Applicant, for a permit to engage in surface mining and reclamation operations in an area of 90 acres more or less, located in Section 34, Township 2 South, Range 5 East, located in Johnston 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 with conditions are based on Conference No. PAN-22-03-IC:

1. Mid-States Materials shall establish, implement and maintain a pre-blast call list for all residents within one (1) mile of the blast area. Mid-States shall attempt to contact all residents within the one (1) mile boundary before each blast. Mid-States Materials shall submit the pre-blast call log to ODM for review.

2. Mid-States Materials shall conduct a pre-blast survey on any and all residences or commercial structures located within one-half (1/2) mile of the permit boundaries. All pre-blast surveys shall be submitted to ODM for review.

3. Mid-States Materials shall place a seismograph at the nearest uncontrolled structure for compliance purposes.

Mid-States Materials has agreed to the following terms with concerned citizens and those terms shall become permit conditions:

1. Mid-States Materials shall limit operational hours at this mine site from dawn to dusk.

2. Mid-States Materials shall provide dust suppression on Ten Acre Rock Road to control and eliminate dusting conditions.

3. Mid-States Materials shall provide and maintain a two hundred (200) yard buffer zone excluding all mining activity adjacent to Rock Creek or any tributary of Rock Creek. Mid-States Materials shall provide the Oklahoma Department of Mines ("ODM") a location map detailing that exclusion zone.

4. Mid-States Materials shall acquire all necessary licenses and permits from the Oklahoma Department of Environmental Quality ("ODEQ") and any and all government agencies dealing with storm water runoff and storm water discharge. Mid-States Materials shall also submit and seek approval of a Storm Water Pollution Prevention Plan ("SWPP") form ODEQ.

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 ___ day of July, 2022.

Richard Shore, Minerals Program Administrator

This Recommendation does not constitute issuance of the permit.