

**BEFORE THE OKLAHOMA DEPARTMENT OF MINES**

**IN RE: Permit Application of Arbuckle** ) **Permit No. 2361**  
**Aggregates to mine limestone and** )  
**other minerals and materials.** )

**PROTEST, OBJECTION AND COMMENT TO ARBUCKLE AGGREGATES  
LLC'S MINING PERMIT APPLICATION NO. 2361**

Pursuant to Oklahoma Constitution Art. II, § 7, the United States Constitution, Amendments 5 and 14, 45 O.S. § 724, and relevant rules of the Oklahoma Mining Commission, I formally submit this protest, objection and comment to Permit Application No. 2361 filed by Arbuckle Aggregates LLC. This protest, objection and comment is timely submitted.

Public notification was published in The Capital-Democrat newspaper of Tishomingo, Oklahoma, on behalf of and in the name of Arbuckle Aggregates, LLC, concerning the following described lands:

Approximately 575 acres located in the Mill Creek USGS 7.5 Minute Quadrangle map. The proposed permit site is located approximately 3 miles north of the town of Mill Creek and includes numerous tributaries to Mill Creek.

This protest, objection and comment is made concerning the above captioned permit application. I am a landowner whose property and other interests are likely to be impacted and damaged by the proposed application. I request an Informal Conference and Public Hearing be held in order to address the issues surrounding this application and to obtain relief.

**I. IMPACTS ON THE ENVIRONMENT AND NATURAL RESOURCES**

The proposed mining application is likely to have a real and detrimental effect on me. These detrimental effects include, *inter alia*,

1. Causing irreparable damage to the environment;
2. Depleting and contaminating High Quality Waters of the State of Oklahoma, including tributary springs and streams of Mill Creek, Pennington Creek, and the Arbuckle Simpson Aquifer;
3. Causing the deposit of dust and other materials including the overburden of rock and soil being mined on properties not owned or controlled by the Applicant; and
4. Interfering with the natural flow of springs and streams emanating from a sole source aquifer in violation of Oklahoma law.

The health, property use, drinking water, air quality, traffic, safety, water quality, and water quantity of the area surrounding Arbuckle Aggregates' proposed mine will be negatively affected should you grant this permit. These threats are actual, real and threaten my very livelihood. My interests are protected, both by statute and by the constitution, and must be addressed prior to granting this application.

**II. NECESSARY GROUNDWATER PROTECTION PRACTICES HAVE NOT BEEN DEVELOPED**

Arbuckle Aggregates has not created an operational or restoration plan comporting with 82 O.S. § 1020.9, which provides that "each groundwater protection agency shall be responsible for developing and enforcing groundwater protection practices to prevent groundwater contamination." Contaminating

groundwater is a form of waste. Nothing in the proposed permit addresses the steps to be taken to ensure that the springs and streams are not depleted or contaminated. Prior to granting an application, Arbuckle Aggregates must develop an enforceable groundwater protection plan and submit the same to the Oklahoma Water Resources Board for their approval.

**III. THE PROPOSED APPLICATION WILL BE DETRIMENTAL TO A HIGH QUALITY WATER AREA**

Further, the mining proposed by Arbuckle Aggregates fails to consider the detrimental impact that will occur to the Arbuckle Simpson Aquifer—an aquifer that is a major source of water for myself as well as other citizens of the state. Arbuckle Aggregates’ plan is to build a mine that would destroy the spring that supplies water to Mill Creek. The elimination of such a vital spring clearly frustrates the purpose of 82 O.S. § 1020.9. Such mining is also in conflict with the Clean Water Act.

**CONCLUSION**

I demand that the application of Arbuckle Aggregates, LLC, be summarily dismissed. If it is not dismissed, then I must be given a hearing, opportunity to be heard, and the issues identified herein must be addressed to conform to the status of our State and Federal laws. This letter further serves as my request that notice of any future hearings be provided to me at the address listed below.

Respectfully,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
County

( Please remit to:  
Oklahoma Department of Mines  
2915 North Classen Boulevard  
Oklahoma City, OK 73106 )