

20

December 2, 2010

Oklahoma Department of Mines  
Minerals Division  
Attn: Hearing Officer  
2915 N. Classen Blvd., Suite 213  
Oklahoma City, OK 73106

**Hand Delivery  
Informal Hearing**

**Re: Non-Coal Mining Application—Updated Sections & Information  
Arbuckle Aggregates, LLC  
Mill Creek Quarry (Johnston County, OK)**

Hearing Officer:

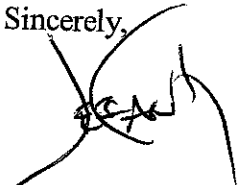
Please find enclosed copies of updated application sections associated with Arbuckle Aggregates' (Arbuckle) Mill Creek Quarry. Most of the updates are minor and reflect changes based on input gathered from public comments and other sources. Please replace, incorporate and/or augment these sections and maps as part of Arbuckle's permit application.

Please find enclosed two copies each of the following:

- Section 1: Changes reflecting a phased bonding approach and associated map;
- Section 2: Updated corporate officers;
- Section 3: Updated list of issued permits, authorizations and related information;
- Section 4: Changed date of Reclamation Plan (coverage beginning 2011) and provided additional clarification;
- Maps: Updated Location and Reclamation Maps; and
- Checklist: A summary checklist of changes.

Thank you for your time and attention. Please feel free to contact me with questions or comments.

Sincerely,



Geoffrey A. Canty  
Environmental Consultant for Arbuckle Aggregates

GAC/  
CC: file  
Mr. Dawson (Arbuckle)

**NON-COAL APPLICATION**  
**SUMMARY OF APPLICATION SUBMITTALS & UPDATES**  
(updated 12/2/10)

COMPANY: ARBUCKLE AGGREGATES, LLC

SECTION: 23 & 24 TOWNSHIP: T1S RANGE: R4E COUNTY: JOHNSTON

| DOCUMENT   | ORIGINAL ODM SUBMITTAL      | UPDATE 1   | UPDATE 2 |
|--|-----------------------------|--|----------|
| APPLICATION<br>(Section 1)                                     | 5/7/2010                    | 12/2/2010<br>(PHASE BONDING CHANGES)                             | -        |
| LEGAL ESTATE FORM  | 5/7/2010                    | -  | -        |
| PUBLIC NOTIFICATION  | 5/7/2010<br>(DRAFT FORM)    | 8/30/2010<br>(PROOF OF PUBLICATION SUBMITTED)                    | -        |
| COMPLIANCE INFO. FORM<br>(Section 2)                           | 5/7/2010                    | 12/2/2010<br>(CORPORATE OFFICERS UPDATED)                        | -        |
| PROTECTION OF NATURAL RESOURCES & OTHER PERMITS<br>(Section 3) | 5/7/2010                    | 12/2/2010<br>(UPDATED WITH PERMITS RECEIVED TO DATE)             | -        |
| BLASTING PLAN  | 5/7/2010                    | -  | -        |
| RECLAMATION PLAN & ATTACHMENTS<br>(Section 4)                  | 5/7/2010                    | 12/2/2010<br>(UPDATED DATE; EXPANDED TEXT & CLARIFICATION)       | -        |
| STATEMENT OF CERTIFICATION                                     | 5/7/2010<br>(SIGNED 5/6/10) | -  | -        |
| LOCATION MAP<br>(8.5 x 11)                                     | 5/7/2010                    | 12/2/2010<br>(REVISION 1 REFLECTING APPLICATION REVIEW COMMENTS) | -        |
| DETAILED LOCATION MAP<br>(460:10-15-3)                         | 5/7/2010                    | 12/2/2010<br>(REVISION 1 REFLECTING APPLICATION REVIEW COMMENTS) | -        |
| RECLAMATION BOND<br>(DOCUMENTS)                                | TBA                         | -  | -        |
| PERMIT FEE<br>(\$175.00)                                       | 5/7/2010                    | -  | -        |

STATE OF OKLAHOMA  
DEPARTMENT OF MINES  
2915 N. CLASSEN, SUITE 213  
OKLAHOMA CITY, OKLA. 73106

RETURN ALL COPIES

# APPLICATION FOR PERMIT TO ENGAGE IN NON-COAL MINING

The Mining Lands Reclamation Act, 45 O.S., 1981 721-728  
(Section 1)

|                        |                |
|------------------------|----------------|
| <b>OFFICE USE ONLY</b> |                |
| PERMIT NUMBER          | _____          |
| PERMIT PERIOD          | _____ to _____ |

Date December 2, 2010

Number of years for which Permit plan is requested: Life of mine

Arbuckle Aggregates, LLC  
Name of Company, Corporation, Partnership, Individual 214-733-7165  
Telephone Number

5020 Tennyson Parkway Plano TX 75024  
Street, R.F.D., Box No. City State Zip Code

hereby make application for a permit to mine Limestone, Dolomite, Shale, Sand, Gravel, Clay, & Soil by the following method:

UNDERGROUND \_\_\_\_\_ SURFACE xxx

Specify Method: Auger Mining \_\_\_\_\_ Dredging \_\_\_\_\_ Hydraulic Mining \_\_\_\_\_  
Pumping \_\_\_\_\_ Quarrying xxx Stripping xxx  
Other \_\_\_\_\_

Mine Name or Number Mill Creek Quarry Nearest Town Mill Creek

Section Parts of 23 & 24 Township 1S Range 4EIM County Johnston

Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ County \_\_\_\_\_

Type of perimeter markers to be used: Steel tee-posts with PVC pipe sheaths

OPERATIONAL SECTION

A. EXISTING OPERATION

1. Acres disturbed under previous permit(s), not reclaimed and released None

ODM permit number acreage was disturbed under None

This acreage must include the areas of mine excavation(s), processing plants, haulroads, stockpiles and any refuse/waste areas or tailing ponds.

2. Additional acres that will be affected: (Incremental Mining Plan)

| Current Year  | Estimate Acreage            |
|---------------|-----------------------------|
| 1st Year..... | <u>None</u>                 |
| 2nd Year..... | <u>                    </u> |
| 3rd Year..... | <u>                    </u> |
| 4th Year..... | <u>                    </u> |
| 5th Year..... | <u>                    </u> |

(Over five years, please attach separate schedule)

3. Total acreage to be affected for this mining plan None  
Total Permit Area

B. NEW OPERATION: An operation currently not under permit:

Number of new acres that will be affected 575

This acreage must include the proposed mine excavation(s), processing plants, haul roads, stockpiles, and any refuse/waste areas or tailing ponds.

C. PURCHASE AND/OR TRANSFER OF EXISTING OPERATION:

If an operation was purchased which will be permitted, give name of previous Owner and Company.

Name of Company: None

Oklahoma Department of Mines Permit number: None

Acreage covered by permit: None

Will additional acreage be affected? None Yes        No  
If yes, then please complete (2) found under Section A.

# TOTAL ESTIMATED ACRES TO BE COVERED BY PERMIT AND BOND

Will you file a bond covering all your mining acreage under your plan or will you file for an incremental mining plan?

Total Permit Area No Incremental Bonding Yes

Please show your acreage below. If you have indicated incremental mining plan, then your acreage will be progressive as each permit period comes to term. Prior to the issuance of this permit, your maps must show the sequence proposed for incremental bonding for the term of this permit. Refer to "Incremental Bonding Map"

| Current Year            | Est. Acreage                   | Permit Period         | Bond Coverage               |
|-------------------------|--------------------------------|-----------------------|-----------------------------|
| Phase 1<br>Year 0 - 2   | 60 ac                          | From ~2011 to LOM/LOR | \$ 500 x 60 ac = \$30,000   |
| Phase 2<br>Year 0.5 - 2 | 70 ac (60 + 10)                | ~2011 LOM/LOR         | \$ 500 x 70 ac = \$35,000   |
| Phase 3<br>Year 1 - 3   | 187 ac (70 + 117)              | ~2012 LOM/LOR         | \$ 500 x 187 ac = \$93,500  |
| Phase 4<br>Year 2 - 5   | 305 ac (187 + 118)             | ~2013 LOM/LOR         | \$ 500 x 305 ac = \$152,500 |
| Phase 5<br>Year >2 - 5  | up to 575 ac (future reserves) | TBA TBA               | \$ TBA                      |

Will there be an acreage increase after 5 years? TBA Yes No

1: LOM = Life of Mine  
2: LOR = Life of Reserve  
3: TBA = To Be Announced

If yes, then please attach separate schedule for each additional year.

TOTAL ESTIMATED ACREAGE TO BE COVERED BY PERMIT: 575

The Department shall determine REQUIRED BOND, Minimum bond shall be \$2,000.00.

Type: Surety xxx Cash \_\_\_\_\_ Cashier's Check \_\_\_\_\_ Certificate of Deposit \_\_\_\_\_

Letter of Credit \_\_\_\_\_ Other \_\_\_\_\_

Bond Number Identification: \_\_\_\_\_

Amount of Bond Coverage \$ 30,000 (Phase 1)

## STATEMENT OF CERTIFICATION

I, (Company Official) Pete Dawson  
Individual(s) Arbuckle Aggregates, LLC Certify that the (Company, Corporation,  
has the right and power by Legal Estate  
owned to mine the land for which this application is made. We hereby certify that all details contained in this  
Permit Application are true and correct to the best of knowledge. We fully understand that any willful  
misrepresentation of facts will be cause for permit revocation.

Signature of Company Official \_\_\_\_\_ Position President

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

My Commission expires \_\_\_\_\_ Notary Public \_\_\_\_\_

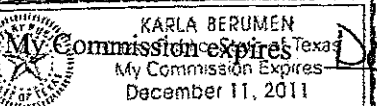
**Note:** THIS APPLICATION MUST BE SIGNED AND NOTARIZED. ALL QUESTIONS MUST BE ADDRESSED AND ALL  
REQUIRED DOCUMENTS AND INFORMATION PROVIDED BEFORE THIS APPLICATION CAN BE CONSIDERED  
COMPLETE. ATTACH ADDITIONAL SHEETS AS NEEDED.

COPY

### STATEMENT OF CERTIFICATION

I, (Company Official) Pete Dawson Certify that the (Company, Corporation, Individual(s) Arbuckle Aggregates, LLC has the right and power by Legal Estate owned to mine the land for which this application is made. We hereby certify that all details contained in this Permit Application are true and correct to the best of knowledge. We fully understand that any willful misrepresentation of facts will be cause for permit revocation.

Signature of Company Official *Pete Dawson* Position President

Subscribed and sworn to before me this 22nd day of November 20 10  
 My Commission Expires Dec 11, 2011 Notary Public *Karla Berumen*

**Note:** THIS APPLICATION MUST BE SIGNED AND NOTARIZED. ALL QUESTIONS MUST BE ADDRESSED AND ALL REQUIRED DOCUMENTS AND INFORMATION PROVIDED BEFORE THIS APPLICATION CAN BE CONSIDERED COMPLETE. ATTACH ADDITIONAL SHEETS AS NEEDED.

DEPARTMENT OF MINES  
 2915 N. CLASSEN BLVD. SUITE 213  
 OKLAHOMA CITY, OKLA. 73106  
 405/427-3859

**OKLAHOMA APPLICATION FOR A NON-COAL MINING PERMIT  
 Compliance and Related Information  
 (Section 2)**

Date December 2, 2010

Arbuckle Aggregates, LLC

|                       |                    |       |                   |          |
|-----------------------|--------------------|-------|-------------------|----------|
| Name of Company       |                    |       | Mill Creek Quarry |          |
|                       |                    |       | Mine Name or No.  |          |
| 5020 Tennyson Parkway |                    | Plano | TX                | 75024    |
| Company Address       | Street, RFD or Box | City  | State             | Zip Code |

**NOTE: ANSWER ALL QUESTIONS ON THIS FORM. (If no answer, write "NONE").  
 PROPERLY IDENTIFY AND SECURE ANY ATTACHED EXHIBITS, IF USED.  
 PLEASE REFER TO THE SPECIFIC ITEM NUMBER OF THIS FORM.**

**IDENTIFICATION OF INTERESTS.** In compliance with Section 460:10-11-5 of the Rules and Regulations for Non-Coal Surface Mining and Reclamation, the APPLICANT is required to furnish the following:

**460:10-11-5(b)**

1a. Applicant is an Individual or Single Proprietorship  If yes, provide Social Security # \_\_\_\_\_

1b. Applicant is a: Corporation  Joint Venture  Partnership  Other  LLC

2. Please provide the names of every officer, partner, director, or other person performing similar to director of the applicant

|              |                      |       |       |       |                |
|--------------|----------------------|-------|-------|-------|----------------|
| Peter Dawson | 5020 Tennyson Prkway | Plano | TX    | 75024 | President      |
| Name         | Address              | City  | State | Zip   | Position       |
| Barry Rich   | same as above        |       |       |       | Vice President |
| Name         | Address              | City  | State | Zip   | Position       |
| Name         | Address              | City  | State | Zip   | Position       |
| None         |                      |       |       |       |                |
| Name         | Address              | City  | State | Zip   | Position       |



**460:10-11-5(c)**

3. Did the applicant, partner, or corporation or subsidiary of, operate a non-coal surface mining operation in the State of Oklahoma within the five (5) years preceding the date of the application? \_\_\_\_\_ Yes xxx No

If yes, answer the following:

None

| Name of Mine | City | County | Legal Location of Mine | Permit # |
|--------------|------|--------|------------------------|----------|
|--------------|------|--------|------------------------|----------|

None

| Name of Mine | City | County | Legal Location of Mine | Permit # |
|--------------|------|--------|------------------------|----------|
|--------------|------|--------|------------------------|----------|

None

| Name of Mine | City | County | Legal Location of Mine | Permit # |
|--------------|------|--------|------------------------|----------|
|--------------|------|--------|------------------------|----------|

None

| Name of Mine | City | County | Legal Location of Mine | Permit # |
|--------------|------|--------|------------------------|----------|
|--------------|------|--------|------------------------|----------|

Please include any additional mining operations on a separate sheet.

**COMPLIANCE INFORMATION**

**460:10-11-6(1)**

1. Has the applicant for the permit, or any subsidiary, affiliate or by or under common control with the applicant:

**460:10-11-6(1)(A)**

1a. Had a federal or state mining permit suspended or revoked in the last five (5) years? \_\_\_\_\_ Yes xxx No

**460:10-11-6(1)(B)**

1b. Forfeited a mining bond or similar security deposited in lieu of bond? \_\_\_\_\_ Yes xxx No

**460:10-11-6(2)**

2. If the answer to either 1a or 1b above was yes, applicant should provide the following information:

**460:10-11-6(2)(A)**

2a. Permit Identification # None , or Amount of bond \$ None

**460:10-11-6(2)(A)**

2b. Provide the name of the authority that suspended or revoked a permit or forfeited a bond:

None

Provide the reason for such action:

None

None

**460:10-11-6(2)(B)**

2c. What is the current status of the permit, bond or similar security involved?

None

None

**460:10-11-6(2)(C)**

2d. Provide the date, location and type of any administrative or judicial proceedings initiated concerning the suspension, revocation or forfeiture:

None

| Date | Location | Type |
|------|----------|------|
|------|----------|------|

**460:10-11-6(2)(D)**

2e. What is the current status of these proceedings?

None

DEPARTMENT OF MINES  
2915 N. CLASSEN, SUITE 213  
OKLAHOMA CITY, OKLA. 73106  
405/427-3859

OKLAHOMA APPLICATION FOR A NON-COAL MINING PERMIT  
**Protection of Natural Resources**  
**(Section 3)**

1. Will the operation involve crushing or any other air contaminant emissions?

Yes xxx No \_\_\_\_\_

*If you indicated yes, please be advised that a permit may be required from the Air Quality Division of the Oklahoma Department of Environmental Quality. Please contact the agency for their respective requirements.*

2. Will explosives be used? Yes xxx No \_\_\_\_\_

*If yes, review the enclosed Blasting Regulations and complete the enclosed Blasting Plan. Said plan should accompany the application upon submission. If a Blasting Plan does not accompany the application and explosives will be used, then a permit will not be issued until a plan is secured.*

3. a. Will the operation involve washing the material mined, recycling processed water or other waste water handling?

Yes xxx No \_\_\_\_\_

b. Will the operation involve dewatering the mine or discharging fresh or waste water from the mine or plant?

Yes xxx No \_\_\_\_\_

c. Does this operation fall within the jurisdictional requirements of the stormwater regulations of the Oklahoma Department of Environmental Quality?

Yes xxx No \_\_\_\_\_

*If you indicated yes to either 3a, 3b, or 3c, please be advised that a permit may be required from either the Department of Environmental Quality, Oklahoma Water Resources Board or the Army Corps of Engineers. Please contact each agency for its respective requirements.*

4. Will the operation involve removing minerals from within any boundaries of river or streambed?

Yes \_\_\_\_\_ No xxx

*If you indicated yes, please complete the following questions regarding the type of stream and its name and location. If you indicated no, please proceed to Section 4.*

5. a. What is the name of the stream or river? None
- b. Which of the following classifies this stream or river? Please refer to OAC 460:10-13-2 for descriptions of each.
- \_\_\_\_\_ High Quality Water (HQW)
- \_\_\_\_\_ Outstanding resources waters (ORW)
- \_\_\_\_\_ Scenic river area
- xxx None of the above

*Please note: Certain permitting and operating procedures are required for mining permits in these environmental areas. Please refer to 460:10-13-3 for the requirements.*

**NOTICE: FAILURE TO ANSWER THE ABOVE QUESTIONS ACCURATELY AND TRUTHFULLY MAY BE GROUNDS FOR PERMIT SUSPENSION OR REVOCATION.**

### OTHER LICENSES AND PERMITS

6. Has any other agency, local, state, or federal, been contacted to ascertain the need for other licenses and permits with respect to this operation?

Yes xxx No \_\_\_\_\_

Please refer to the *Non-Coal Permitting Guidelines and Summary* and the Notice below regarding other possible governing entities that may need to be contacted. Provide a list of all other licenses and permits needed for this mining operation. If a license or permit has been issued, please provide the Permit Identification Number and date of Approval or a copy of said permit or license. (Title 45 § 724 I.) If a permit or license is pending, please provide copies of your applications or Notices of Intent (N.O.I.) that have been submitted to other agencies.

| AGENCY                                | IDENTIFICATION NUMBER                                      | DATE OF APPROVAL                               |
|---------------------------------------|--|--|
| Department of Environmental Quality   | Air Permit NMPF-GP Construction (2009-105-NOI)             | Issued 4/22/09; extended 10/6/2010             |
| Department of Environmental Quality   | Storm Water Construction Permit Authorization (OKR1010501) | Issued 9/4/09; approved 5/12/10<br>Updated NOI |
| Department of Environmental Quality   | OPDES General Permit Authorization(OKG950048)              | Issued 6/8/2010                                |
| US Army Corps of Engineers            | Nationwide Permit #14 (2009-273)                           | Issued 4/30/09; updated concurrence 5/17/10    |
| Oklahoma Department of Transportation | State HWY 1/7 Access                                       | Conditional Approval Letter 12/14/09           |
| Oklahoma Water Resources Board        | Surface Water Permit (Sect 33, T1S R4E)                    | Application Submitted 5/7/10                   |
| Oklahoma Water Resources Board        | Surface Water Permit (Sect 23, T1S R4E)                    | Application Submitted 5/7/10                   |

1) Note: The Applicant's stone products will be processed with water, including but not limited to, surface water and any other source legally permissible pursuant to Oklahoma State Law and/or Federal Law. Applicable permits will be obtained when necessary and/or when required. OWRB surface water permits are complete and technically correct. The public notices are being drafted as of 12/1/10.

**NOTICE: A SPECIAL PERMIT TO OPERATE WITHIN CERTAIN MUNICIPALITIES OR COUNTIES MAY BE REQUIRED. IT IS THE RESPONSIBILITY OF EACH APPLICANT TO CONTACT THE APPROPRIATE CITY OR COUNTY OFFICIALS TO DETERMINE IF THE MINING OPERATION FALLS WITHIN THEIR RESPECTIVE JURISDICTION.**

*IF POSSIBLE, PLEASE PROVIDE A COPY OF ANY APPROVED LICENSE OR PERMIT.*

**OKLAHOMA APPLICATION FOR A NON-COAL MINING PERMIT  
 NON-COAL OPERATOR'S RECLAMATION PLAN  
 (Section 4)**

PERMIT NO. \_\_\_\_\_

DATE December 2, 2010

NAME OF COMPANY Arbuckle Aggregates, LLC

MINE NAME OR NO. Mill Creek Quarry

Reclamation plan to cover 575 acres during the period of 2011 to Life of Mine

Total estimated acres to be affected by permit 575 acres.

- Plan covers (A) acres under previous permit(s) not reclaimed and released;  
 (B) additional acres to be affected under permit being applied for;  
 (C) new operation - number of acres that will be affected and  
 (D) operation purchased from previous owner.

If the same use and plan will not apply to all acreage alike, designate use and plan by letter(s) (A, B, C, D) and give acreage. Acreage must agree with acres applied for on permit.

**GENERAL RECLAMATION PLAN  
 USE OF LAND WHEN RECLAMATION IS COMPLETED:  
 (Check one or more; show acreage; use letter designation above).**

| USE            | EST. ACREAGE | USE   | EST. ACREAGE |
|----------------|--------------|---|--------------|
| 1. Pasture     | _____        | 2. Farm Land  | _____        |
| 3. Forest      | _____        | C 4. Water Reservoir  | ~104         |
| 5. Recreation  | _____        | C 6. Industrial   | ~147         |
| 7. Residential | _____        | Explain: _____  |              |
| C 8. Other     | ~324         | Explain: <u>Mixed-use agriculture and recreational land</u> |              |
| 9. None        | _____        | Explain: _____  |              |

**WHAT WILL YOU DO TO MAKE LAND USABLE FOR PURPOSE STATED ABOVE? (Check one or more).**

1. Fill     2. Level     3. Grade - approximate date of grading (if unknown, show as unknown) Unknown
4. Other (Explain) \_\_\_\_\_
5. Plant grass    \_\_\_\_\_ 6. Sprig or sod grass    \_\_\_\_\_ 7. Set out trees
8. Build dam    \_\_\_\_\_ 9. Stock with fish    \_\_\_\_\_ 10. Stock with game
11. None (Explain) \_\_\_\_\_

Does the mineral seam contain acid-forming materials? \_\_\_\_\_ Yes  No  
 If yes, please complete Question #3 of the Attachment forms.

**Reclamation Attachments and Narratives addressing each and every issue as outlined in the Rules & Regulations must be part of your Reclamation Plan and attached to this form.**

## RECLAMATION PLAN ATTACHMENT

- (1) **RE-VEGETATION PLAN:** Describe the plan for re-vegetation or other surface treatment of affected area(s). The re-vegetation plan shall include but not limited to the following: *Each item must be addressed or plan will be returned.* 460:10-15-3 (6)

(A). Planned soil tests:

For disturbed areas that will be returned to mixed-use agriculture or stabilized with vegetation, soil testing will be performed to determine nutrient availability and need. After final grading is complete, soil tests will be conducted prior to planting. The type and number of tests will follow NRCS, or OSU Extension recommendations/guidance documents, or other applicable resources.

(B). Site preparation and fertilization:

Areas that will be returned to mixed-use agriculture or stabilized with vegetation will be prepared prior to planting. Activities may include grading, tilling, disking, etc. Preparation will follow NRCS or OSU Extension recommendations/guidance documents or other applicable resources.

Given the anticipated post-mining soil conditions, fertilization may be required to support plant life. A fertilization plan (including rates, type, and timing, etc.) will be developed based on the results of the soil tests, plant species selected, soil type, and accepted fertilization practices. Fertilizing will follow NRCS or OSU Extension recommendations/guidance documents, or other applicable resources.

(C). Seed and Plant selection:

Species selection will be determined by considering topography, soil type, soil moisture, nutrients, soil chemistry, and post-reclamation use. Some areas may be planted with a native mix of grass and/or forbs species or recommended exotic species (e.g., Bermuda grass). Other areas may be planted with species used by wildlife. Erosive slopes or dry areas may be planted with grasses and forbs recommended for mine site reclamation. Species selection will follow NRCS or OSU Extension recommendations/guidance documents, or other applicable resources.

(D). Rate of seeding or amount of planting per acre:

OSU Extension recommends 5-10 lbs/ac of Bermuda seed or 10-16 lbs/ac for native species. Actual rates may be adjusted during the reclamation phase to account for planting method, species selected, availability of seed, etc. Rate of seeding or planting will follow NRCS or OSU Extension recommendations/guidance documents, or other applicable resources.

(E). Are there other surface treatments that will be performed to the affected land during reclamation? \_\_\_\_\_ yes, xxx no.

If yes please explain:

None

- (2) Describe method to prevent or eliminate conditions that could be hazardous to animal or fish life in or adjacent to the permit area.

**While operating, the facility will adhere to all federal, state and local regulations governing air, water, wastes, and hazardous substances. This will greatly reduce potential impact on wildlife in the future. For instance, the DEQ storm water permit authorizations (construction (OKR10) and industrial (OKR05)) and associated storm water pollution prevention plans (SWP3s) will be obtained, developed, and enforced. The SWP3s will outline erosion and sediment controls and best management practices (BMPs) to prevent onsite and offsite contamination. A DEQ air permit for construction has been issued and an operating permit will be obtained and the facility will operate in compliance with the permit regulations to prevent air pollution. A DEQ process water permit (OK950000) has been obtained and will be enforced throughout the life of the washing process. This will address sediment and oil and grease discharges to surface water. A Spill Prevention Control and Countermeasure (SPCC) Plan will be developed and enforced to prevent spills and contamination associated with the storage and use of petroleum products.**

**During the reclamation process the OK950000 and OKR05 permits will remain in effect. The SWP3 will be updated to address the management of storm water and prevent erosion while controlling sedimentation. This will include additional erosion control and water management BMPs. (These permits will not be terminated until final closure is granted by the ODM.) Mining pits (or parts of) will be graded to allow reasonably safe ingress and egress for wildlife while being structurally stable. Berms, buffers, fences or some type of barrier may be employed to restrict access to hazardous slopes.**

- 3) Provide, as a separate document, a closure plan of the mine and permitted facilities to prevent a release of contaminants for being harmful to the environment. **A closure plan is not necessary for all mines, but is required where the possibility exist for (a) acid-forming materials handling or drainage; (b) Chemically treated tailings or stockpiles (excludes fertilizer or lime for re-vegetation purposes).**

**No acid forming materials are anticipated on site and no tailings or stockpiles will be chemically treated. Consequently, a closure plan was not prepared.**

- (4) Method of control and disposal of mine waste, rock, mineral scrap, tailings, slimes, and other material directly connected with the mining, cleaning, and preparation of mineral substances mined and includes all waste materials deposited on or in the permit area from any source. **Crushed stone products will be produced at this facility. Overburden, rock or off-spec materials will either be sold as product or used during the reclamation phase for grading and stabilization purposes.**

**Rock processing fines associated with the washing and processing operation will be captured in DEQ-permitted process water impoundments. The fines may be sold, used in the reclamation effort, and/or left in-place as part of the DEQ impoundment closure process.**

**Overburden, spoil and other materials will be used to create berms at various locations**



around the facility—including perimeter berms and around pits and ponds. The material will be stored temporarily or may become part of the final access restriction plan. (Refer to #6 below.) These berms will be stabilized and/or vegetated as part of the storm water permit requirements and outlined in the applicable SWP3.

- (5) Method of reclaiming settling and/or sediment ponds.  
All permitted process water impoundments will follow proper DEQ closure protocols as specific in OAC 616. The closure process will be overseen by a DEQ Water Quality engineer. Overburden, fines and other materials will be used, as needed, to grade and/or close-out the impoundments. Process water impoundments may be kept open as water features or reclaimed for industrial use. (Refer to the Location Map for the general location of the proposed impoundments.)

- (6) For final reclamation, submit information about practices to provide for safety to persons and to adjoining property in all excavations. Identify area of potential danger and appropriate safety provisions. These provisions can include but are not limited to setbacks, fencing, signs, benching, guardrails and boulders.

Reclamation procedures will occur simultaneously (whenever feasible) with the mining effort per OAC 460:10-15-2. All reclamation activities will adhere to Oklahoma Statutes Title 45 Section 725. Direct access to the site as a whole will be restricted by fences, signage, locking gates and berms or other barriers. These practices will discourage and prevent access to hazardous slopes and water features. Fencing, berms, boulders and/or other barriers will be used where the mining pit is adjacent to roads. The berms, barriers and setbacks will prevent vehicles from approaching highwalls or hazardous slopes. Lateral support and set-backs are designed to provide structural stability and access restriction. Access to the quarried areas will be designed and maintained after the reclamation process to allow people the ability to access the pit or water feature in the event of an emergency. For instance, ramps will remain in place to allow ingress and egress to water bodies.

- (7) Identify structures (e.g. buildings, roads) that are proposed to remain as part of the final reclamation.

During the reclamation phase the property will be developed to support mixed landuses including, but not limited to, agricultural, commercial, industrial, and recreational uses. Structures, travel ways, piping, buildings, rail lines, processing equipment or other items may remain to support future landuse.

In general, the Plant and Stockpile Areas may be developed for future industrial or commercial uses. Process Water Impoundment Areas may be closed-out and/or converted to stock or recreational water features, if possible, or they may be converted to commercial or industrial uses. Future Reserve Areas will remain as is if no mining occurs. However, if mined they may be reclaimed as water features and/or some other land use (e.g., agriculture, commercial, recreation, industrial, etc.) Some travel ways and low water crossings will remain after reclamation to allow for site access. Refer to the Reclamation Map for additional information.

STATE OF OKLAHOMA  
 DEPARTMENT OF MINES  
 2915 North Classen Blvd., Ste. 213  
 Oklahoma City, OK 73106  
 405/427-3859

RETURN WITH APPLICATION

**NON-COAL LOCATION MAP**  
 The Mining Lands Reclamation Act, 45 O.S. 1981 §721-728

Period Of: 2011 to Life of Mine

If, for any reason whatever, you stop operating at the location you show here, notify the Department of Mines immediately as your liability continues in effect until; the Department is notified and/or completed reclamation is approved.

COMPANY Arbuckle Aggregates, LLC

MINERAL TO BE MINED Limestone, Dolomite, Shale, Sand, Gravel, Clay & Soil

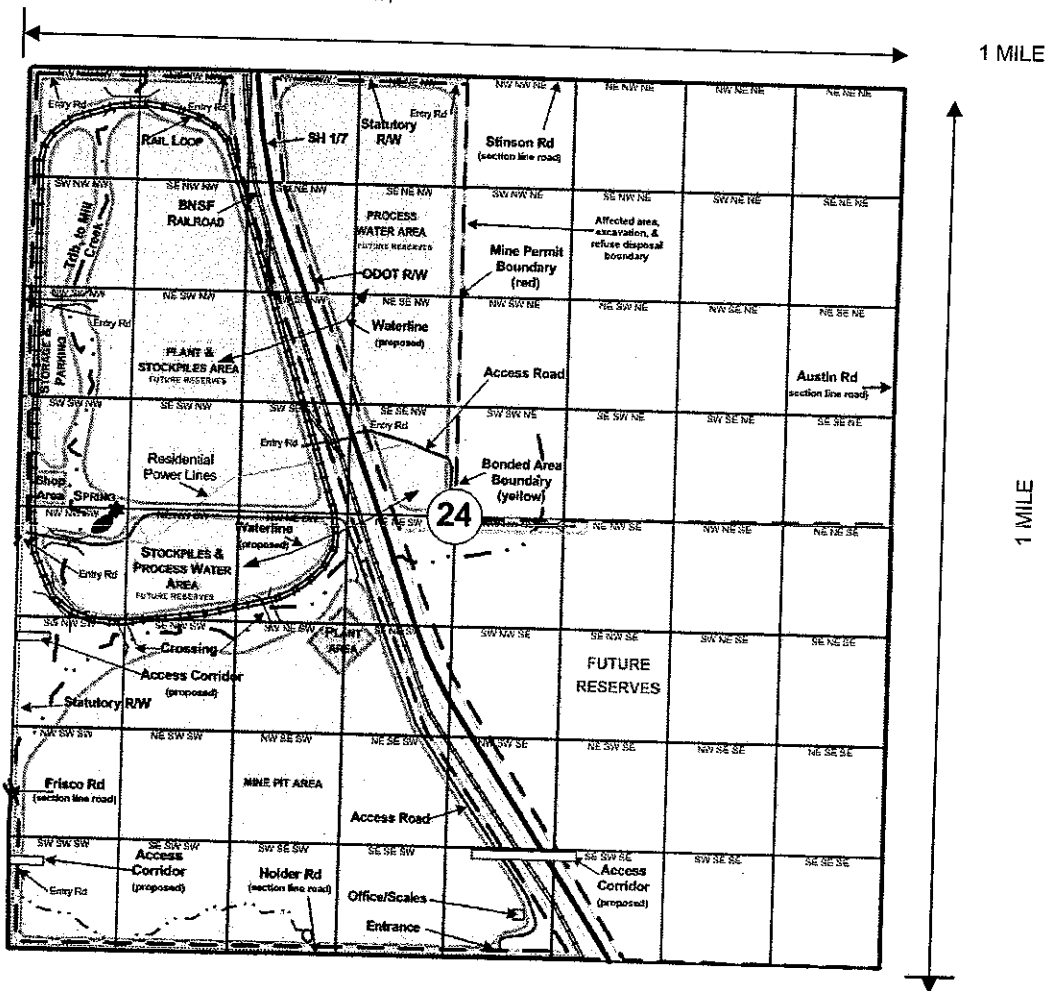
ACRES THIS SECTION TO BE COVERED BY PERMIT & BOND 447 Permit; 300 Bonded

TOTAL ACRES TO BE COVERED BY PERMIT 575

SECTION 24 TOWNSHIP 1S RANGE 4EIM COUNTY JOHNSTON

One Section divided into 10-acre tracts,

PLOT LOCATION as accurately as possible on map.



NOTE:  
 PLOT ALL TRANSMISSION LINES (gas, water, electric, etc.) in accordance with HB 1735 of 1982

Note: The mine permit area starts at the statutory right of way or as designated.

**NON-COAL LOCATION MAP**  
 The Mining Lands Reclamation Act, 45 O.S. 1981 §721-728

Period Of: 2011 to Life of Mine

If, for any reason whatever, you stop operating at the location you show here, notify the Department of Mines immediately as your liability continues in effect until; the Department is notified and/or completed reclamation is approved.

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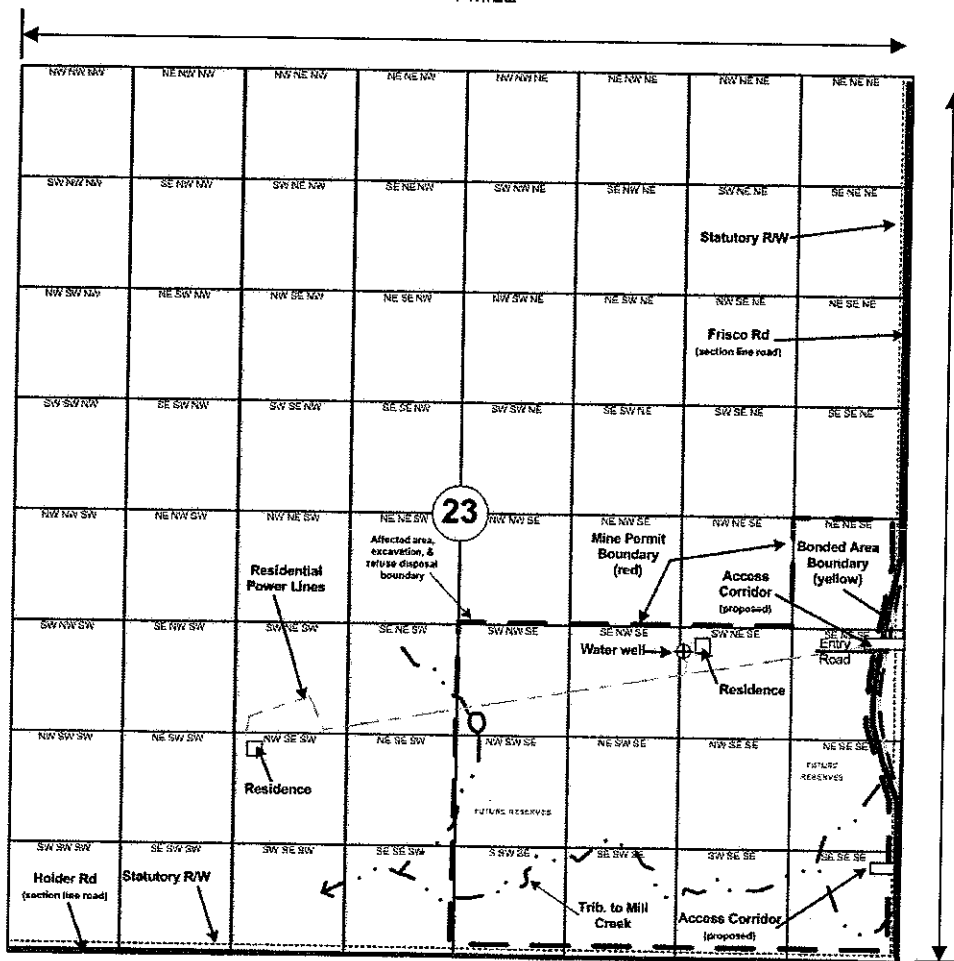
ACRES THIS SECTION TO BE COVERED BY PERMIT & BOND 128 Permit; 5 Bonded

TOTAL ACRES TO BE COVERED BY PERMIT 575

SECTION 23 TOWNSHIP 1S RANGE 4EIM COUNTY JOHNSTON

One Section divided into 10-acre tracts, 1 MILE

PLOT LOCATION as accurately as possible on map.



NOTE:  
 PLOT ALL  
 TRANSMISSION  
 LINES (gas,  
 water, electric,  
 etc.) in  
 accordance with  
 HB 1735 of 1982

Note: The mine permit area starts at the statutory right of way or as designated.