

350.151 Permanent program administrative regulations for mining and reclamation -- Bond.

- (1) The Energy and Environment Cabinet shall promulgate permanent program administrative regulations for the mining and reclamation of land disturbed or removed by operations resulting from or incident to underground coal mining. The regulations shall recognize the distinct differences between underground mining and strip mining of coal, shall be promulgated pursuant to this chapter, and shall be enforced as provided in KRS 350.130 and 350.990. Those activities may include but not be limited to the construction of new roads or the improvement or use of existing roads to gain access to the site of the activities and all lands affected by haulage, excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or materials on the surface, but the regulations shall not be more stringent than those applied to strip mining of coal.
- (2) The permit applicant shall file with the cabinet a reclamation bond payable to the Commonwealth of Kentucky with surety satisfactory to the cabinet in the sum to be determined by the cabinet for each acre or fraction thereof of the area of land affected, with a minimum bond of ten thousand dollars (\$10,000) conditioned upon the faithful performance of the requirements set forth in this section and of the administrative regulations of the cabinet. The cabinet shall forfeit the entire amount of the bond for the permit area or increment in the event of forfeiture. The cabinet shall accept, in lieu of the surety provided in this subsection, the deposit by the operator of United States government securities, cash or its equivalent in a sum equal to the principal amount of the required bond, or a self-bond pursuant to administrative regulations promulgated by the cabinet.
- (3) In order to protect the stability of the land, the cabinet shall suspend underground mining activities under urbanized areas, and adjacent to industrial or commercial buildings, major impoundments, or permanent streams, if the cabinet finds imminent danger to inhabitants of the urbanized areas.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1880, effective July 15, 2010. -- Amended 1992 Ky. Acts ch. 429, sec. 20, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 210, sec. 8, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 417, sec. 3, effective July 15, 1988. -- Amended 1980 Ky. Acts ch. 62, sec. 17. -- Amended 1978 Ky. Acts ch. 330, sec. 22, effective May 3, 1978. -- Amended 1976 Ky. Acts ch. 291, sec. 3. -- Created 1974 Ky. Acts ch. 256, sec. 1.