350.020 Declaration of legislative policy and finding of fact.

The General Assembly finds that the Commonwealth is the leading producer of coal and that the production of coal in Kentucky contributes significantly to the nation's energy needs. The General Assembly further finds that unregulated surface coal mining operations cause soil erosion, damage from rolling stones and overburden, landslides, stream pollution, the accumulation of stagnant water and the seepage of contaminated water, increase the likelihood of floods, destroy the value of land for agricultural purposes, destroy aesthetic values, counteract efforts for the conservation of soil, water and other natural resources, destroy or impair the property rights of citizens, create fire hazards, and in general create hazards dangerous to life and property, so as to constitute an imminent and inordinate peril to the welfare of the Commonwealth. The General Assembly further finds that lands that have been subjected to surface coal mining operations and have not been reclaimed and rehabilitated in accordance with modern standards constitute the aforementioned perils to the welfare of the Commonwealth. The General Assembly further finds that there are wide variations in the circumstances and conditions surrounding and arising out of surface coal mining operations due primarily to difference in topographical and geological conditions, and by reason thereof it is necessary, in order to provide the most effective, beneficial and equitable solution to the problem, that a broad discretion be vested in the authority designated to administer and enforce the regulatory provisions enacted by the General Assembly. The General Assembly further finds that governmental responsibility for regulating surface coal mining operations rests with state government and hereby directs the Energy and Environment Cabinet to take all actions necessary to preserve and exercise the Commonwealth's authority, to the exclusion of all other governmental entities except the Commonwealth and agencies thereof and except as provided in KRS Chapter 100, and any county surface mining regulation contained within a zoning ordinance adopted prior to April 1, 1988, in regulating surface coal mining operations. Therefore, it is the purpose of this chapter to provide such regulation and control of surface coal mining operations as to minimize or prevent injurious effects on the people and resources of the Commonwealth. To that end, the cabinet is directed to rigidly enforce this chapter and to adopt whatever administrative regulations are found necessary to accomplish the purpose of this chapter.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1874, effective July 15, 2010. -- Amended 1988 Ky. Acts ch. 253, sec. 1 and ch. 374, sec. 1, effective July 15, 1988. -- Amended 1980 Ky. Acts ch. 62, sec. 2. -- Amended 1978 Ky. Acts ch. 332, sec. 1, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. III, sec. 13(7). -- Amended 1972 (1st Extra. Sess.) Ky. Acts ch. 3, sec. 59. -- Amended 1966 Ky. Acts ch. 4, sec. 2. -- Amended 1964 Ky. Acts ch. 61, sec. 2. -- Created 1954 Ky. Acts ch. 8, sec. 2.