

**350.090 Method of operation, grading, backfilling, and reclamation plans -- Funding from reclamation development fund -- Waste materials in permit area only.**

- (1) Under the provisions of this chapter and administrative regulations adopted by the cabinet, a permittee shall prepare and the permittee or operator shall carry out a method of operation, plan of grading and backfilling, and a reclamation plan for the area of land affected by his operation. In developing a method of operation, and the plans of backfilling, grading, and reclamation, all measures shall be taken to eliminate damages to members of the public, their real and personal property, public roads, streams, and all other public property from soil erosion, rolling stones and overburden, water pollution, and hazards dangerous to life and property. The permit application containing the required plans and other information as required shall be submitted to the cabinet and the cabinet shall notify the applicant by certified mail, return receipt requested, within sixty-five (65) cumulative working days after receipt of a complete application whether it is acceptable. If applicable notice, hearing, and conference procedures prevent a decision from being issued within the sixty-five (65) cumulative working day period, the cabinet shall have additional reasonable time to issue its decision, not to exceed twenty (20) days from the completion of the notice, hearing, and conference procedures. If the permit application is not acceptable, the cabinet shall set forth the reasons for which the application or plans are not acceptable and it may propose modifications, delete areas, or reject the entire application. If the applicant disagrees with the decision of the cabinet, he may, by written notice, request a hearing conducted by the cabinet in the manner provided by KRS 350.0305. The cabinet shall notify the applicant by certified mail, return receipt requested, within twenty (20) days after the hearing of its decision. Any person aggrieved by a final order of the cabinet may appeal through the courts as set forth in KRS 350.0305.
- (2) If the permittee desires to seek funds from the reclamation development fund to develop an economic development unit during reclamation, the permittee shall submit, along with the reclamation plan, a reclamation development plan outlining the reclamation development project and showing how it will conform with the reclamation standards of this chapter.
- (3) No permittee, operator, or person shall throw, dump, pile, or permit the dumping, piling, or throwing, or otherwise placing any overburden, stones, rocks, coal, particles of coal, earth, soil, dirt, debris, trees, wood, logs, or any other materials or substances of any kind or nature beyond or outside of the area of land which is under permit and for which bond has been posted under KRS 350.060 or place these materials in such a way that normal erosion or slides brought about by natural physical causes will permit the materials to go beyond or outside of the area of land which is under permit and for which bond has been posted under KRS 350.060.

**Effective:** July 12, 2006

**History:** Amended 2006 Ky. Acts ch. 37, sec. 3, effective July 12, 2006. -- Amended 1992 Ky. Acts ch. 304, sec. 4, effective July 14, 1992; and ch. 429, sec. 10, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 206, sec. 1, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 383, sec. 19, effective July 15, 1988. -- Amended 1984 Ky. Acts ch. 145, sec. 6, effective March 28,

1984. -- Amended 1980 Ky. Acts ch. 62, sec. 9 and ch. 114, sec. 98, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 330, sec. 17, effective May 3, 1978. -- Amended 1976 Ky. Acts ch. 341, sec. 1. -- Amended 1974 Ky. Acts ch. 315, sec. 74. -- Amended 1974 Ky. Acts ch. 74, Art. III, sec. 13(7); and ch. 315, sec. 74. -- Amended 1972 (1st Extra. Sess.) Ky. Acts ch. 3, sec. 68. -- Amended 1966 Ky. Acts ch. 4, sec. 12. -- Amended 1964 Ky. Acts ch. 61, sec. 4. -- Amended 1960 Ky. Acts ch. 143, sec. 5. -- Created 1954 Ky. Acts ch. 8, sec. 9.

**Legislative Research Commission Note** (7/14/92). This section was amended by two 1992 Acts. Where those Acts are not in conflict, they have been compiled together. Where a conflict exists, the Act which was last enacted by the General Assembly prevails, pursuant to KRS 446.250.