

### **350.415 Soil segregation.**

The permittee or operator shall remove the topsoil from the land in a separate layer, replace it on the backfill area, or if not utilized immediately, segregate it in a separate pile from other spoil and when the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick growing plant or other means thereafter so that the topsoil is preserved from wind and water erosion, remains free of any contamination by other acid or toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation, except if topsoil is of insufficient quantity or of poor quality for sustaining vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, and preserve in a like manner such other strata which are best able to support vegetation. Or where topsoil is of insufficient quantity or of poor quality for sustaining vegetation, the permittee or operator may, with the approval of the cabinet, employ the technology required to utilize alternative soil materials approved by the cabinet or soil amendments necessary to sustain vegetation in accordance with the requirements of this chapter.

**Effective:** July 14, 1992

**History:** Amended 1992 Ky. Acts ch. 429, sec. 25, effective July 14, 1992. --  
Created 1978 Ky. Acts ch. 330, sec. 4, effective May 3, 1978.