

### **350.430 Explosives.**

The permittee or operator shall:

- (1) Provide adequate advance written notice to local governments and residents who might be affected by the use of such explosives by publication of the planned blasting schedule in a newspaper of general circulation in the locality and by mailing a copy of the proposed blasting schedule to every resident living within one-half (1/2) mile of the proposed blasting site and by providing daily notice to resident/occupiers in the areas prior to any blasting;
- (2) Maintain for a period of at least three (3) years and make available for public inspection upon request a log detailing the location of the blasts, the pattern and depth of the drill holes, the amount of explosives used per hole, and the order and length of delay in the blasts;
- (3) Limit the type of explosives and detonating equipment, the size, the timing and frequency of blasts based upon the physical conditions of the site so as to prevent injury to persons, damage to public and private property outside the permit area, adverse impacts on any underground mine, and change in the course, channel, or availability of ground or surface water outside the permit area;
- (4) Require that all blasting operations be conducted by trained and competent persons as certified by the Department for Natural Resources; and
- (5) Provide that upon the request of a resident or owner of a man-made dwelling or structure within one-half (1/2) mile of any portion of the permitted area the applicant or permittee shall conduct a preblasting survey of the structures and submit the survey to the cabinet and a copy to the resident or owner making the request. The area of the survey shall be decided by the cabinet and shall include such provisions as the cabinet shall promulgate.
- (6) Penalties for violations of this section are those set forth in KRS 350.990.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 123, sec. 55, effective June 20, 2005. -- Amended 1992 Ky. Acts ch. 429, sec. 29, effective July 14, 1992. -- Created 1978 Ky. Acts ch. 330, sec. 7, effective May 3, 1978.