

CHAPTER 140

(HB 336)

AN ACT relating to removal of electrical distribution installations on surface mine sites.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 350.090 is amended to read as follows:

- (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. ***The reclamation plan shall include a requirement to permanently remove all electrical distribution installations on the surface owned by the permittee, including poles, wires, attachments, and other appurtenances related to the delivery of electric service in the permit area, except where:***
 - (a) ***The electrical distribution installations are being used or will be used by a local distribution entity to provide electrical service to persons other than the permittee at the permit area; or***
 - (b) ***The cabinet specifically has approved the retention of the electrical distribution installations to facilitate the approved post-mining land use for the permit in the reclamation plan.***
- (2) In developing a method of operation, and the plans of backfilling, grading, ***removing electric distribution poles and wires***, and reclamation, all measures shall be taken to eliminate damages to members of the public, ***potential hazards from electrical distribution poles and wires to low-flying aircraft***, 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 ***the permit application***~~fit~~ 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 ***or she*** 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.
- ~~(3)(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.
- ~~(4)(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.
- (5) ***The provisions of subsection (1) and (2) of this section pertaining to the removal of electric installations from the permit area shall not apply to electrical transmission lines, poles, wires, attachments, or other appurtenances related to electrical transmission.***

Signed by Governor April 25, 2014.