

405 KAR 30:270. Casing and sealing of drilled holes.

RELATES TO: KRS 350.600

STATUTORY AUTHORITY: KRS 151.125, 224.033, 350.028, 350.050, 350.600

NECESSITY, FUNCTION, AND CONFORMITY: KRS 350.600 requires the Environmental and Public Protection Cabinet to develop administrative regulations for oil shale operations to minimize and prevent their adverse effects on the citizens and the environment of the Commonwealth. This administrative regulation sets forth requirements for temporary and permanent casing, sealing or other management of drill holes, boreholes, wells, or other exposed underground openings.

Section 1. General Requirements. Each exploration hole, other drill hole or borehole, well, or other exposed underground opening shall be cased, sealed, or otherwise managed as approved by the cabinet, as necessary to prevent acid or other toxic drainage from entering ground or surface waters, to minimize disturbance to the prevailing hydrologic balance and to ensure the safety of people, livestock, fish and wildlife, and machinery in the permit area and adjacent area. If these openings are uncovered or exposed by mining activities within the permit area, they shall be permanently closed, unless approved for water monitoring, or otherwise managed in a manner approved by the cabinet. Use of a drilled hole or borehole or monitoring well as a water well must meet the provisions of Section 4 of this administrative regulation. This section does not apply to holes solely drilled and used for blasting.

Section 2. Temporary. Each exploration hole, other than drill or boreholes, wells and other openings approved by the cabinet used to monitor groundwater conditions, shall be temporarily sealed before use and protected during use by barricades, fences, or other protective devices approved by the cabinet. These devices shall be periodically inspected and maintained in good operating condition by the permittee or other person approved by the cabinet.

Section 3. Permanent. When no longer needed for monitoring or other use approved by the cabinet upon a finding of no adverse effects, or unless approved for transfer as a water well under Section 4 of this administrative regulation, each exploration hole, other drilled hole or borehole, well, and other exposed underground opening shall be capped, sealed, backfilled, or otherwise properly managed as required by the cabinet under Section 1 of this administrative regulation. Permanent closure measures shall be designed to prevent access to the workings by people, livestock, fish and wildlife, and machinery and to keep acid or other toxic drainage from affecting ground or surface waters.

Section 4. Transfer of Wells. (1) An exploratory or monitoring well may only be transferred by the permittee for further use as a water well with the prior approval of the cabinet. That person and the surface owner of the land where the well is located shall jointly submit a written request to the cabinet for that approval.

(2) Upon an approved transfer of a well, the transferrer shall:

(a) Assume primary liability for damage to persons or property from the well;

(b) Plug the well when necessary, but not later than abandonment of the well; and

(c) Assume primary responsibility for compliance with other requirements of this administrative regulation with respect to the well.

(3) Upon an approved transfer of a well, the transferrer shall be secondarily liable for the transferer's obligations under subsection (2) of this section, until release of the bond or other equivalent guarantee required by 405 KAR 30:070 for the area in which the well is located. (8 Ky.R. 118; eff. 3-1-1982; TAm eff. 8-9-2007; Crt eff. 7-3-2018.)