

**805 KAR 1:120. Operating or deepening existing wells and drilling deeper than the permitted depth.**

RELATES TO: KRS 353.520

STATUTORY AUTHORITY: KRS 349.015, 353.540, 353.550, 353.560, 353.570, 353.590

NECESSITY, FUNCTION, AND CONFORMITY: KRS 353.550 and 349.015 requires the Department for Natural Resources to regulate the drilling and operation of all wells, while KRS 353.590 and 349.015 require the department to regulate the drilling of a well past the permitted depth. This administrative regulation establishes the requirements to operate a well and drill a well deeper than the permitted depth.

Section 1. New Permit Required. The applicant shall obtain a permit, in accordance with 805 KAR 1:010, to operate any well previously in violation of KRS Chapter 349 or 353, 805 KAR Chapter 1 or 9, and whose bond the division has forfeited for noncompliance. Before a new permit is granted the applicant shall comply with:

- (1) 805 KAR Chapter 1 for all wells; and
- (2) KRS Chapter 353 for oil and gas wells; or
- (3) KRS Chapter 349 for coalbed methane wells.

Section 2. New Permit Not Required. An operator may operate an existing well if the operator submits a completed and notarized Well Transfer, Form OG-13, incorporated by reference in 805 KAR 1:170 and bonding as required in KRS 353.590(7) and 349.120 if either of the conditions in paragraphs (a) and (b) of this subsection apply.

- (1) The well is producing or capable of producing, not abandoned, and not in violation of KRS Chapter 353 or 349 or 805 KAR Chapter 1; or
- (2) The well has been abandoned by the previous operator, but the current operator's sole intent is to reenter the well for the purpose of properly plugging and abandoning it.

Section 3. New Permit Required for Deepening. The operator:

- (1) Shall obtain a new permit, in accordance with 805 KAR 1:010, prior to deepening any well if:
  - (a) The original permit is more than one (1) year old; or
  - (b) The original well was drilled prior to the permitting requirements of the department; and
- (2) Shall not drill until the permit is issued.

Section 4. (1) New Permit Not Required for Deepening. The permitted operator may deepen an existing well if the permit is not more than one (1) year old and if the well has not been drilled past the permitted and bonded depth.

(2) For coalbed methane wells, an operator shall not drill deeper than the permitted depth if the drilling causes the well to be in noncompliance with the well spacing standards established in KRS 349.075 or the notice requirements established in KRS 349.015.

Section 5. Drilling Deeper Than the Permitted Depth. An operator may drill deeper than the permitted depth of the well if the operator brings the permit into compliance within the time and conditions established in subsections (1) through (4) of this section.

- (1) The operator shall notify division personnel that the operator has drilled deeper than the permitted depth the next department work day.
- (2) The operator shall, within ten (10) days of drilling deeper than the permitted depth, amend the permit to the depth to which it was drilled drilled.

(3) The operator shall, within ten (10) days of drilling deeper than the permitted depth, submit additional bonding required to comply with KRS 353.590(7) and 349.120.

(4) The operator shall not drill deeper than the permitted depth if the drilling causes the well to be in noncompliance with the well spacing standards established in KRS 353.610 or 349.075.

Section 6. A directional or horizontal well or a deep well shall not be deepened without submitting to the director a revised plat and permit application prior approval of the director or a permit therefor being issued.

Section 7. Operator Noncompliance. An operator noncompliant with the requirements of this administrative regulation shall be subject to penalties pursuant to KRS 353.991 for oil and gas wells and KRS 349.155 for coalbed methane wells. (18 Ky.R. 233; 1021; eff. 9-25-1991; TAm eff. 8-9-2007; Crt eff. 6-27-2018; 46 Ky.R. 681, 2064; eff. 2-3-02020.)