

#### **405 KAR 16:250. Other facilities.**

RELATES TO: KRS 350.020, 350.028, 350.151, 350.465

STATUTORY AUTHORITY: KRS 350.028, 350.465

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and administrative regulations establishing performance standards for protection of people and property, land, water and other natural resources, and aesthetic values, during surface mining activities and for restoration and reclamation of surface areas affected by mining activities. This administrative regulation sets forth general requirements for the design, construction, and maintenance of support facilities and transportation facilities other than roads, and the restoration of areas affected by such facilities.

Section 1. Other Transportation Facilities. Railroad loops, spurs, sidings, surface conveyor systems, chutes, aerial tramways, or other transportation facilities within the permit area shall be designed, constructed, and maintained, and the area restored, to:

- (1) Prevent, to the extent possible using the best technology currently available:
  - (a) Damage to fish, wildlife, and related environmental values; and
  - (b) Additional contributions of suspended solids to stream flow or run off outside the permit area. Any such contributions shall not be in excess of limitations of state and federal law.
- (2) Control and minimize diminution or degradation of water quality and quantity;
- (3) Control and minimize erosion and siltation;
- (4) Control and minimize air pollution; and
- (5) Prevent damage to public or private property.

Section 2. Support Facilities and Utility Installation.

(1) Support facilities required for, or used incidentally to, the operation of the mine, including, but not limited to, mine buildings, coal loading facilities at or near the mine site, coal storage facilities, equipment-storage facilities, fan buildings, hoist buildings, preparation plants, sheds, shops, and other buildings shall be designed, constructed, and located to prevent or control erosion and siltation, water pollution, and damage to public or private property. Support facilities shall be designed, constructed, maintained and used in a manner which prevents, to the extent possible using the best technology currently available:

- (a) Damage to fish, wildlife, and related environmental values; and
  - (b) Additional contributions of suspended solids to stream flow or run off outside the permit area. Any such contributions shall not be in excess of limitations of state or federal law.
- (2) All surface mining activities shall be conducted in a manner which minimizes damage, destruction, or disruption of services provided by oil, gas, and water wells; oil, gas, and coal-slurry pipelines; railroads; electric and telephone lines; and water and sewage lines which pass over, under, or through the permit area, unless otherwise approved by the owner of those facilities and the cabinet.

(405 KAR 016:220. 8 Ky.R. 1557; eff. 1-6-1983; Crt eff. 7-3-2018; Crt eff. 6-10-2025.)