

405 KAR 20:030. Auger mining.

RELATES TO: KRS 350.010, 350.028, 350.090, 350.410, 350.420, 350.465

STATUTORY AUTHORITY: KRS Chapter 13A, 350.028, 350.465

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 350 in pertinent part requires the cabinet to promulgate environmental protection performance standards for surface coal mining operations, including auger mining. This administrative regulation sets forth additional performance standards for auger mining. This administrative regulation specifies certain distances between auger holes, criteria for plugging auger holes, and situations in which an auger hole need not be plugged.

Section 1. Additional Performance Standards.

(1) All auger mining operations shall be conducted so as to maximize the utilization and conservation of coal in accordance with 405 KAR 16:010 and shall be planned and conducted to maximize recoverability of mineral reserves remaining after the mining and reclamation activities are completed. Each permittee who conducts auger mining operations shall leave areas of undisturbed coal to provide access for removal of coal reserves by future underground mining activities unless the cabinet determines that the coal reserves have been depleted or are limited in thickness or extent to the point that it will not be practicable to recover the remaining coal reserves. The cabinet shall make such a determination only upon presentation of appropriate technical evidence by the permittee. Except where the applicant designates specific areas where the applicant plans to develop future entryways for underground mining, undisturbed areas of coal shall be left in unmined sections which:

- (a) Are a minimum of 250 feet wide at any point between each group of auger openings to the full depth of the auger hole;
- (b) Are no more than 2,500 feet apart measured from the center of one (1) section to the center of the next section unless a greater distance is set forth in the permit application under 405 KAR 8:050, Section 2; and
- (c) For multiple seam mining, have a width of at least 250 feet plus fifty (50) feet for each subjacent workable coal seam. The centers of all unmined sections shall be aligned vertically.

(2) No auger hole shall be made closer than 500 feet in horizontal distance to any abandoned or active underground mine workings except as approved in accordance with 405 KAR 16:010, Section 3.

(3) In order to prevent pollution of surface and groundwater and to reduce fire hazards, each auger hole, except as provided in subsection (4) of this section, shall be plugged so as to prevent the discharge of water from the hole and access of air to the coal as follows:

- (a) Each auger hole discharging water containing toxic-forming or acid-forming material shall be plugged within seventy-two (72) hours after completion by backfilling and compacting noncombustible and impervious material into the hole to a depth sufficient to form a watertight seal. All discharges shall be treated as necessary to meet the requirements of 405 KAR 16:070, Section 1(1)(g) until the hole is properly sealed; and
- (b) Each auger hole not discharging water containing acid-forming or toxic-forming material shall be sealed as in paragraph (a) of this subsection to close the opening within thirty (30) days following completion.

(4) An auger hole need not be plugged if the cabinet finds that:

- (a) Impoundment of the water which would result from plugging the hole may create a hazard to the environment or public health or safety;

(b) Drainage from the auger hole will not pose a threat of pollution to surface water and will comply with the requirements of 405 KAR 16:060, Section 1 and 405 KAR 16:070; and

(c) Drainage from the auger hole will not result in instability of the backfill.

(5) The cabinet shall prohibit auger mining if it determines that:

(a) Adverse water quality impacts cannot be prevented or corrected;

(b) Fill stability cannot be achieved; or

(c) The prohibition is necessary to maximize the utilization, recoverability, or conservation of the solid fuel resources.

(6) Auger mining shall comply with the performance standards for subsidence at 405 KAR 18:210.

(405 KAR 020:030. 8 Ky.R. 1589; eff. 1-6-1983; 11 Ky.R. 1865; eff. 8-13-1985; Crt eff. 7-3-2018; Crt eff. 6-30-2025.)