

405 KAR 30:260. Access roads, haul roads, overland conveyor systems, pipelines, and other transport facilities.

RELATES TO: KRS 350.600

STATUTORY AUTHORITY: KRS 224.033, 350.028, 350.050, 350.600

CERTIFICATION STATEMENT:

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 the requirements for design, construction, maintenance and reclamation of access roads, haul roads, overland conveyor systems, pipelines, and other transport facilities.

Section 1. General.

- (1) Access, haul roads and associated bridges, culverts, ditches, and road rights-of-way shall be constructed, maintained, and reclaimed to prevent additional contributions of suspended solids to stream flow or to run off outside the permit area to the extent possible, using the best technology currently available. In no event shall the contributions be in excess of requirements set by state or federal law.
- (2) The effluent limitations of 405 KAR 30:320 shall not apply to drainage from access and haul roads located outside the disturbed area, as defined in 405 KAR 30:320, unless otherwise specified by the cabinet.

Section 2. Construction. All access and haul roads shall be constructed in accordance with the requirements of this section.

- (1) Roads shall not be constructed or maintained in a manner that increases erosion or causes significant sedimentation or flooding.
- (2) All roads, insofar as possible, shall be located on ridges or on the available flatter and more stable slopes to minimize erosion.
- (3) Roads shall not be located in active stream channels.
- (4) Stream fords are prohibited unless they are specifically approved by the cabinet as temporary routes across dry streams that will not adversely affect sedimentation and will not be used for haulage.
- (5) Other stream crossings shall be made using bridges, culverts, or other structures designed and constructed to meet the requirements of this administrative regulation.
- (6) In order to minimize erosion and subsequent disturbances of the hydrologic balance, roads shall be constructed in compliance with the grade restrictions of this subsection or other grades determined by the cabinet to be necessary to control erosion.
 - (a) The overall sustained grade shall not exceed 1v:10h (ten (10) percent).
 - (b) The maximum grade greater than ten (10) percent shall not exceed 1v:5h (twenty (20) percent) for more than 300 feet.
 - (c) There shall not be more than 300 feet of grade exceeding ten (10) percent within each 1,000 feet.
- (7) Access and haul roads shall be surfaced with durable material. Toxic-forming or acid-forming materials shall not be used.
- (8) Vegetation may be cleared only for the essential width necessary for road and associated ditch construction and to serve traffic needs.
- (9) All fill slopes and earth cut slopes shall be seeded in accordance with this chapter.

Section 3. Drainage.

- (1) All access and haul roads shall be adequately drained using structures such as, but not limited to, ditches, water barriers, pipes, culverts, cross drains, and ditch relief drains.

(2) For access and haul roads that are to be maintained for more than one (1) year, water-control structures shall be designed with a discharge capacity capable of passing the peak run-off from a ten (10) year, twenty-four (24) hour precipitation event.

(3) Ditch-relief and cross drains shall be spaced according to grade in order to minimize erosion.

(4) Drainage pipes and culverts shall be constructed to avoid plugging or collapse and erosion at inlets and outlets.

(5) Drainage ditches shall be provided at the toe of all cut slopes formed by the construction of roads.

(6) Trash racks and debris basins shall be installed in the drainage ditches wherever debris from the drainage area could impair the functions of drainage and sediment control structures.

Section 4. Maintenance.

(1) Access and haul roads shall be routinely maintained by means such as, but not limited to, wetting, scraping, or surfacing.

(2) Ditches, culverts, drains, trash racks, debris basins and other structures serving to drain access and haul roads shall not be restricted or blocked in any manner that impedes drainage or adversely affects the intended purpose of the structure.

Section 5. Removal and Reclamation. All access and haul roads shall be removed and the land affected shall be regraded and revegetated consistent with the requirements of 405 KAR 30:390 and 405 KAR 30:400, unless retention of a road is approved as part of a postmining land use under 405 KAR 30:220 as being necessary to support the postmining land use or necessary to adequately control erosion and the necessary maintenance is assured.

Section 6. Overland Conveyor Systems. All overland conveyor systems shall be designed, constructed, and maintained in a manner to control degradation of the air, water, vegetation and other natural resources of the surrounding area. Such protection shall be provided using the best control technology currently available. All such systems shall be completely removed and disposed of and the area reclaimed in accordance with this chapter.

Section 7. Pipelines. All pipelines shall be designed, constructed, and maintained in a manner to minimize effects on the environmental resources of the surrounding area. Such protection shall be provided using the best control technology currently available. All pipelines shall be completely removed and disposed of unless otherwise approved by the cabinet and the area reclaimed in accordance with this chapter.

Section 8. Other Transport Facilities. Railroad loops, spurs, sidings and other transport facilities shall be constructed, maintained and reclaimed to control diminution or degradation of water quality and quantity and to prevent additional contributions of suspended solids to stream flow or to run off outside the permit area to the extent possible, using the best technology currently available. In no event shall contributions be in excess of requirements set by applicable state or federal law.

Section 9. The cabinet may at any time develop standards to achieve the requirements of this administrative regulation.

(405 KAR 030:260. 8 Ky.R. 117; eff. 3-1-1982; TAm eff. 8-9-2007; Crt eff. 7-3-2018; Crt eff. 6-30-2025.)