

405 KAR 16:040. Casing and sealing of drilled holes.

RELATES TO: KRS 350.420, 350.465

STATUTORY AUTHORITY: KRS 350.028, 350.465

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 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 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 surface 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 405 KAR 16:060, Section 7. This section does not apply to holes solely drilled and used for blasting.

Section 2. Temporary. Each exploration hole, other drill or boreholes, wells and other exposed underground openings which have been identified in the approved permit application for use to return coal processing waste or water to underground workings, or to be used to monitor ground water conditions, shall be temporarily sealed before use and protected during use by barricades, or fences, or other protective devices approved by the cabinet. These devices shall be periodically inspected and maintained in good operating condition by the person who conducts the surface mining activities.

Section 3. Permanent. When no longer needed for monitoring or other use approved by the cabinet upon a finding of no adverse effect, or unless approved for transfer as a water well under 405 KAR 16:060, Section 7, 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 and consistent with 30 CFR 75.1711. Permanent closure measures shall be designed to prevent access to the mine workings by people, livestock, fish and wildlife, and machinery, and to keep acid or other toxic drainage from entering ground or surface waters.

(8 Ky.R. 1529; eff. 1-6-1983; Crt eff. 7-3-2018.)