

405 KAR 18:010. General provisions.

RELATES TO: KRS 350.020, 350.090, 350.093, 350.151, 350.410, 350.440, 350.465, 30 C.F.R. Parts 730-733, 735, 817.59, 817.99, 817.131-.132, 917, 30 U.S.C. 1253, 1255, 1266

STATUTORY AUTHORITY: KRS 350.020, 350.028, 350.151, 350.465, 30 C.F.R. Parts 730-733, 735, 817.59, 817.99, 817.131-.132, 917, 30 U.S.C. 1253, 1255, 1266

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 350 requires the cabinet to promulgate administrative regulations establishing performance standards for protection of people and property, land, water and other natural resources, and aesthetic values, during underground mining activities and for restoration and reclamation of surface areas affected by underground mining activities. This administrative regulation contains general performance standards for maximizing coal recovery, prevention, and correction of landslides, temporary cessation of operations, permanent abandonment of operations, and protection against the sudden release of water accumulated in underground workings to the land surface.

Section 1. Applicability. The provisions of this chapter shall be applicable to all underground mining activities including coal processing plants, conducted pursuant to 405 KAR Chapters 7 through 24. The requirements of 405 KAR Chapter 18 shall also apply to those special categories of underground mining activities for which performance standards are established in 405 KAR 20:020 through 405 KAR 20:080, except to the extent that a provision of those administrative regulations specifically exempts a particular category from a particular requirement of 405 KAR Chapter 18.

Section 2. Coal Recovery. Underground mining activities shall be conducted so as to maximize the utilization and conservation of the coal, while utilizing the best appropriate technology currently available to maintain environmental integrity, so that re-affecting the land in the future through surface coal operations shall be minimized.

Section 3. Slides. At any time a slide occurs that may have a potential adverse effect on property, health, safety, or the environment, the permittee shall notify the cabinet by the fastest available means and comply with any remedial measures required by the cabinet pursuant to 405 KAR Chapters 7 through 24.

Section 4. Permanent Abandonment of Operations.

(1) Notice required. On or before the date of permanent abandonment of operations, the permittee shall provide written notice to the cabinet that permanent abandonment is intended.

(2) Prior to permanent abandonment, and prior to removal of necessary equipment from the site, all affected areas shall be closed, backfilled, and otherwise permanently reclaimed in accordance with the requirements of KRS Chapter 350, KAR Title 405, and the permit.

(3) All equipment, underground openings, structures, or other facilities not required for monitoring shall be removed and the affected areas reclaimed unless the cabinet approves the retention of the equipment, openings, structures, or other facilities as compatible with the postmining land use or as beneficial to environmental monitoring.

Section 5. Temporary Cessation of Operations.

(1) Notice required. Prior to a temporary cessation of operations that the permittee intends to last for thirty (30) days or more, or as soon as it is known to the permittee that an existing temporary cessation will last beyond thirty (30) days, the permittee shall provide written notice to the cabinet that temporary cessation is anticipated. The notice shall state to what extent equipment will be removed from the site during the temporary

cessation, and shall state the approximate date on which the permittee intends that operations will be resumed.

(2) Temporary cessation shall not relieve a permittee of the obligation to comply with 405 KAR 18:070, Section 1(1)(g), the surface and groundwater monitoring requirements of 405 KAR 18:110, and the obligation to comply with all applicable conditions of the permit during the cessation.

(3) During temporary cessations, equipment and facilities necessary to environmental monitoring or to compliance with performance standards shall be made secure to the extent practicable.

Section 6. Protection Against Sudden Release of Water Accumulated in Underground Workings to the Land Surface.

(1) Except where surface openings are approved in the permit, an unmined barrier of coal shall be left where the underground workings dip toward and approach the land surface. The cabinet shall waive this requirement if the proposed operation complies with all other applicable requirements of 405 KAR Chapters 7 through 24, KRS Chapter 350, and either:

(a) The applicant has demonstrated in the permit application to the satisfaction of the cabinet, based upon the geologic and hydrologic conditions in the permit area and shadow area, that accumulation of water in the underground workings cannot reasonably be expected to occur; or

(b) Adequate measures to prevent accumulation of water in the underground workings have been included in the permit application and have been approved by the cabinet.

(2) If an unmined barrier of coal is required pursuant to subsection (1) of this section, it shall be of sufficient width to prevent failure and sudden release of water accumulated in underground workings to the land surface.

(a) The cabinet shall determine on a case-by-case basis the width of the unmined barrier of coal that shall be required to comply with this subsection in accordance with paragraph (b) of this subsection.

(b)

1. The width of the unmined barrier of coal shall not be less than the width given by the following formula: $W = 50 + H$, where W is the minimum width in feet and H is the maximum hydrostatic head in feet that can build up on the unmined barrier of coal.

2. The cabinet shall approve, for the purpose of protecting against the sudden release of water accumulated in underground workings to the land surface, a width less than the minimum width determined by this formula if the applicant has demonstrated in the permit application to the satisfaction of the cabinet that the lesser width shall achieve the purpose of this subsection.

(8 Ky.R. 1557; eff. 1-6-1983; Am. 15 Ky.R. 478; eff. 12-13-1988; 21 Ky.R. 539; 1351; 1497; eff. 12-12-1994; 44 Ky.R. 644, 1321; eff. 1-5-2018; Crt eff. 7-3-2018.)