

405 KAR 18:040. Casing and sealing of underground openings.

RELATES TO: KRS 350.151, 350.420, 350.465

STATUTORY AUTHORITY: KRS 350.028, 350.151, 350.465

CERTIFICATION STATEMENT:

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 establishes requirements for temporary and permanent casing, sealing, or other management of drill holes, boreholes, shafts, wells, or other exposed underground openings.

Section 1. General Requirements.

- (1) Each exploration hole, other drill hole or borehole, shaft, well, or other exposed underground opening shall be cased, lined, or otherwise managed as approved by the cabinet, as necessary to prevent acid or other toxic drainage from entering ground and 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, shadow area, and adjacent area.
- (2) Each exploration hole, drill hole or borehole or well that is uncovered or exposed by mining activities within the permit area or shadow area shall be permanently closed, unless approved for water monitoring or otherwise managed in a manner approved by the cabinet in accordance with 405 KAR Chapters 7 through 24.
- (3) Use of a drilled hole or monitoring well as a water well shall comply with 405 KAR 18:060, Section 6.
- (4) This section shall not apply to holes drilled and used for blasting, in the area affected by surface operations.

Section 2. Temporary.

- (1) Each mine entry that is temporarily inactive, but has a further projected useful service under the approved permit application, shall be protected by barricades or other covering devices, fenced, and posted with signs, to prevent access into the entry and to identify the hazardous nature of the opening. These devices shall be periodically inspected and maintained in good operating condition by the person who conducts the underground mining activities.
- (2) Each exploration hole, other drill hole or borehole, shaft, well, or other exposed underground opening that has been identified in the approved permit application for use to return underground development waste, coal processing waste or water to underground workings, or to be used to monitor ground water conditions, shall be temporarily sealed until actual use.

Section 3. Permanent.

- (1) If no longer needed for monitoring or other use approved by the cabinet upon a finding of no adverse effects, or unless approved for transfer as a water well pursuant to 405 KAR 18:060, Section 6, each shaft, drift, adit, tunnel, exploratory hole, entryway, or other opening to the surface from underground shall be capped, sealed, backfilled, or otherwise properly managed, as required by the cabinet in accordance with Section 1 of this administrative regulation and 405 KAR 18:060, Section 5 and consistent with 30 C.F.R. 75.1711.
- (2) Permanent closure measures shall be designed to prevent access to the mine workings by people, livestock, fish and wildlife, machinery, and to keep acid or other toxic drainage from entering ground or surface waters.

(405 KAR 018:040. 8 Ky.R. 1559; eff. 1-6-1983; 44 Ky.R. 646, 1322; eff. 1-5-2018; Crt eff. 7-3-2018; Crt eff. 6-26-2025.)