

350.440 Placement of excess spoil.

The permittee or operator shall place all excess spoil material resulting from surface coal mining and reclamation operations pursuant to this chapter in the following manner:

- (1) Spoil is transported and placed in a controlled manner in position for concurrent compaction (where advisable) and in such a way as to assure mass stability and to prevent mass movement;
- (2) The areas of disposal are within the bonded permit areas and all organic matter shall be removed immediately prior to spoil placement;
- (3) Appropriate surface and internal drainage systems and diversion ditches are used so as to prevent spoil erosion and movement;
- (4) The disposal area does not contain springs, natural watercourses, or wet-weather seeps unless lateral drains are constructed from the wet area to the main underdrains in such a manner that filtration of the water into the spoil pile will be prevented;
- (5) If placed on a slope, the spoil is placed upon the most moderate slope among those upon which, in the judgment of the cabinet, the spoil could be placed in compliance with all the requirements of this chapter and shall be placed, where possible, upon, or above, a natural terrace, bench, or berm, if the placement provides additional stability and prevents mass movement;
- (6) Where the toe of the spoil rests on a downslope, a rock toe buttress of sufficient size to prevent mass movement is constructed;
- (7) The final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses;
- (8) Design of the spoil disposal area is certified by a qualified registered professional engineer in conformance with professional standards; and
- (9) All other provisions of this chapter are met.

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History: Amended 1992 Ky. Acts ch. 429, sec. 31, effective July 14, 1992. -- Amended 1980 Ky. Acts ch. 62, sec. 32; and ch. 377, sec. 13. -- Created 1978 Ky. Acts ch. 330, sec. 10, effective May 3, 1978.