

353.060 Objections to location of well -- Hearing.

If the drilling of a well on any tract underlaid with coal-bearing strata will endanger the present or future use or operation of a workable coal bed, the owner or coal operator affected may, within fifteen (15) days from the receipt of the plat by him and by the department, file with the department specific objections in writing to the proposed location, and, if the objections are so filed, the department shall notify the well operator of the character of the objections and shall fix a time and place for a hearing, to be conducted in accordance with KRS Chapter 13B, at which hearing the objections shall be considered. At the hearing, the well operator and the coal operator or owner, in person or by a representative, shall consider the objections and either agree upon the location as proposed or change it so as to satisfy all objections and meet the approval of the department. Any new location thus selected and agreed upon shall be indicated on a plat in accordance with KRS 353.050 and thereupon the department shall issue to the well operator a drilling permit approving the new location and authorizing the well operator to drill at the location. If the coal operator and well operator, or the owner and well operator, are unable to agree, the department shall by final order, in view of the purposes and intent of this chapter and in compliance therewith, fix a location on the tract as near the proposed location as possible and shall issue to the well operator a permit to drill at the new location. If no objections are filed within the fifteen (15) day period, the department shall immediately issue to the well operator a drilling permit approving the location and authorizing the well operator to proceed to drill there.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 318, sec. 338, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 348, sec. 5, effective July 14, 1992. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3766b-7.