

350.135 Requirements for transfer of surface coal mining permit -- Release of bond -- Regulations -- Approval by cabinet.

- (1) No surface coal mining permit issued pursuant to this chapter shall be transferred by sale, assignment, lease, or otherwise except upon the written approval by the cabinet of a joint application submitted by both the transferor and the transferee. A basic fee set by regulation, and bearing a reasonable relationship to the cost of processing the transfer, but not to exceed seven hundred fifty dollars (\$750) shall accompany the application and no acreage fee will be assessed. The transferee shall file with the application a bond satisfactory to the cabinet which shall ensure reclamation of the entire area of land affected under the permit, including areas previously affected by the transferor. All rights and liabilities under the permit shall pass to the transferee upon written approval of the transfer by the cabinet, except that the transferor shall remain liable for any civil penalties resulting from violations occurring prior to the date of approval of the transfer. The cabinet shall not approve transfer of a surface coal mining permit to any person who would be ineligible to receive a new permit under this chapter.
- (2) After the cabinet has given its written approval to the transfer, the transferee may conduct surface coal mining and reclamation operations according to the approved mining and reclamation plan of the original permittee. Any transferee seeking to change the conditions of mining or reclamation operations, or any of the terms or conditions of the original permit, shall apply for a new or revised permit pursuant to the requirements of the cabinet.
- (3) The cabinet shall not release the first permittee from bond liability under this chapter as to that particular operation until the transferee, having filed a bond satisfactory to the cabinet, receives written approval from the cabinet for the transfer, and otherwise complies with the requirements of this chapter, and provided further that the transferee shall assume as part of his obligation under this chapter, all liability for the reclamation of the area of land affected by the former permittee.
- (4) The cabinet may promulgate reasonable regulations and administrative procedures to implement this section.
- (5) The cabinet shall approve the transfer application if:
 - (a) A joint agreement or sale has been executed;
 - (b) The transferee has posted bond satisfactory to the cabinet which insures reclamation of the entire area of land affected under the permit;
 - (c) The transferee has paid the fee pursuant to subsection (1) of this section;
 - (d) The transferee has agreed to operate under provisions of the approved permit being transferred.

Effective: April 8, 2010

History: Amended 2010 Ky. Acts ch. 103, sec. 3, effective April 8, 2010. -- Amended 1992 Ky. Acts ch. 429, sec. 18, effective July 14, 1992. -- Amended 1984 Ky. Acts ch. 392, sec. 1, effective July 13, 1984. -- Amended 1980 Ky. Acts ch. 62, sec. 15. -- Amended 1978 Ky. Acts ch. 330, sec. 27, effective May 3, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. III, sec. 13(7). -- Created 1962 Ky. Acts ch. 105, sec. 7.