

350.070 Permit revisions.

- (1) Any extensions of the area covered by the permit, except incidental boundary revisions, shall be made by application for another permit or an amendment to the permit. However, extensions of the underground mining area that are not incidental boundary revisions and do not include planned subsidence or other new proposed surface disturbances may be made by application for a major revision to the permit.
- (2) For an amendment, the permittee shall file an application, map, and revised reclamation plan in the same form and with the same content as required for an original application under this chapter. He shall pay a basic fee set by regulation and bearing a reasonable relationship to the cost of processing the permit application, not to exceed one thousand seven hundred fifty dollars (\$1,750), plus a fee set by regulation, not to exceed seventy-five dollars (\$75), for each acre or fraction of an acre for the increase requested. He shall file with the cabinet a supplemental bond in the amount to be determined under the provisions of KRS 350.060(11) for each acre or fraction of an acre of the increase approved. This application shall be subject to all of the same requirements as an original application, including, but not limited to, the same public notice, review, and issuance or denial provisions.
- (3) If the cabinet approves a reduction in the acreage covered by the permit, it shall release the bond for each acre reduced, but the bond shall not be reduced below ten thousand dollars (\$10,000). If the cabinet approves a reduction in acreage, it shall transfer the acreage fee for each acre reduced to acreage fees for subsequent permit applications by the permittee.
- (4) The cabinet shall promulgate regulations specifying the permit application information requirements and procedures, including notice and hearing, which shall apply depending on the scale or extent of a permit revision. Any revision which proposes significant alterations in the reclamation plan shall be subject to the notice and hearing requirements as set forth in the regulations of the cabinet. The applicant for a revision shall pay a basic fee set by regulation, not to exceed seven hundred fifty dollars (\$750) for a minor revision and one thousand seven hundred fifty dollars (\$1,750) for a major revision, plus a fee set by regulation not to exceed seventy-five dollars (\$75), for each acre or fraction of an acre included in an incidental boundary revision.
- (5) Incidental boundary revisions shall be deemed minor revisions if they:
 - (a) Do not exceed ten percent (10%) of the initial permit acreage;
 - (b) Are contiguous with the permit acreage;
 - (c) Are within the same watershed as the initial permit acreage;
 - (d) Are required for an orderly continuation of the mining operation;
 - (e) Cover the same coal seam or seams as in the permit;
 - (f) Would only involve lands for which the hydrologic and geologic data and the probable hydrologic consequences analysis contained in the permit are applicable to the proposed incidental boundary revision;
 - (g) Would not involve properties designated as unsuitable for mining, or any properties eligible for listing on the National Register of Historic Places;

- (h) Would not involve any of the special categories of mining listed in 30 C.F.R. Part 785 including, but not limited to, prime farmland and coal preparation plants, unless the approved permit already includes the relevant category;
 - (i) Would not constitute a change in the method of mining; and
 - (j) Would be reclaimed in conformity with the initial reclamation plan.
- (6) For the purpose of this section, the maximum acreage allowed to be added by an incidental boundary revision shall be as follows:
- (a) Surface operations shall be allowed up to twenty (20) acres;
 - (b) Underground operations shall be allowed up to ten percent (10%) of the original permitted acreage of the underground workings or twenty (20) acres, whichever is less;
 - (c) Surface disturbances of underground mines including, but not limited to, face-up areas and haul roads, shall be allowed up to twenty (20) acres;
 - (d) The cumulative acreage added by successive revisions shall not exceed the above limitations.

Effective: April 8, 2010

History: Amended 2010 Ky. Acts ch. 103, sec. 2, effective April 8, 2010. -- Amended 1994 Ky. Acts ch. 301, sec. 1, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 429, sec. 8, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 210, sec. 2, effective July 13, 1990; and ch. 232, sec. 1, effective July 13, 1990; and ch. 308, sec. 1, effective July 13, 1990. -- Amended 1980 Ky. Acts ch. 62, sec. 7, -- Amended 1978 Ky. Acts ch. 330, sec. 24, effective May 3, 1978; and ch. 332, sec. 5, effective July 17, 1978. -- Amended 1974 Ky. Acts ch. 69, sec. 2 and ch. 74, Art. III, sec. 13(7). -- Amended 1972 Ky. Acts ch. 270, sec. 4. -- Amended 1966 Ky. Acts ch. 4, sec. 11. -- Amended 1962 Ky. Acts ch. 105, sec. 5. -- Created 1954 Ky. Acts ch. 8, sec. 7.