

353.572 Eligibility requirements for permit issuance or transfer under this chapter -- When operator ineligible to receive a permit or become a successor operator, factors considered -- Energy and Environment Cabinet to promulgate administrative regulations relating to compliance with eligibility requirements -- Restoration of eligibility for applicants, operators, and control persons.

- (1) The cabinet shall not issue a permit, or approve an application to transfer a well or wells to a successor operator pursuant to KRS 353.590(23), and an operator shall not be eligible to receive any permits or become a successor operator under this chapter, if:
 - (a) The applicant has falsified or otherwise misrepresented any information on or relating to the permit application;
 - (b) The applicant has failed to abate or reach an agreement with the cabinet regarding an unappealed violation of KRS 353.500 to 353.720 or the administrative regulations promulgated thereunder;
 - (c) A control person of the applicant has a forfeiture of a bond;
 - (d) The applicant is a control person for another operator that has a forfeiture of a bond;
 - (e) A control person for the applicant served as a control person for another operator when an unresolved bond forfeiture occurred; or
 - (f) The applicant is or has a control person who controls or is controlled by another operator that has a forfeiture of a bond.
- (2) The cabinet may promulgate administrative regulations to allow for the proper administration of the compliance review described in this section. The cabinet shall restore eligibility for applicants, operators, and control persons who are deemed permit-ineligible pursuant to subsection (1)(a) of this section upon the resubmission of the application correcting the false or misrepresented information. The cabinet shall restore eligibility for applicants, operators, or control persons who are deemed permit-ineligible pursuant to subsection (1)(b) of this section upon satisfactory abatement of the violation, including payment of any civil penalties. The cabinet shall restore eligibility for applicants, operators, or control persons who are deemed permit-ineligible pursuant to subsection (1)(c) to (f) of this section upon entry and satisfactory compliance of an agreed order between the operator and the cabinet that resolves all of the operator's outstanding violations, requires payment of any civil penalties, and provides restitution to the cabinet for any costs associated with the forfeiture, plugging, and proper abandonment of a well in excess of the bonded amount.

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