

**353.060 Petition to object to location of well -- Notice -- Hearing -- Drilling permit.**

- (1) 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 Energy and Environment Cabinet's Office of Administrative Hearings a petition in accordance with KRS 353.700 and any administrative regulations promulgated thereunder, listing the specific objections in writing to the proposed location. The Energy and Environment Cabinet's Office of Administrative Hearings shall provide notice of receipt of the petition to the well operator and the department, and shall schedule a hearing, at which the objections shall be considered.
- (2)
  - (a) 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.
  - (b) 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 location and authorizing the well operator to drill at the location.
  - (c) If the coal operator and well operator, or the owner and well operator, are unable to agree, the hearing officer shall make a recommendation to the secretary, in view of the purposes and intent of this chapter and in compliance therewith, to fix a location on the tract as near the proposed location as possible and upon final order of the secretary, the department shall issue to the well operator a permit to drill at the new location.
- (3) 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 14, 2018

**History:** Amended 2018 Ky. Acts ch. 94, sec. 2, effective July 14, 2018. -- 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.

**Legislative Research Commission Note** (7/14/2018). Under the authority of KRS 7.136(1), the Reviser of Statutes has altered the format of the text in this statute during codification. The words in the text were not changed.