

Original amendment submission date	Date of final publication	Citation/description
October 3, 1994 April 29, 1994	February 15, 1995 .. June 27, 1995	405 KAR 7:080 §§ 5(2), (a), (b), 6, 8(2)(a)(11), (b)(11), 11(1), (e). KRS 42.470(1)(c); 132; 136; 138; 139; 177.977; 211.390(1), .392(1), (2), (5), (6), (8); 350.010 (1), (2), (9), (16), (22), (23), .0285, .0301(1), (4), .0305, .032(2), (4), .070(1), .085(1), (7), .095(1), (2), .421, (1), (2), .560(1); 351.070(13), (14); 352.420(3).
August 2, 1994 August 15, 1996	December 7, 1995 .. August 29, 1997	405 KAR 16:010 §§ 1, 6, 7, 8; 18:010 §§ 4, 5, 6. KRS 350.131(3), 350.150(1), Chapter 350 Section 3, KRS 350.0301(1), 350.990(1).
November 3, 1997 June 28, 1991 April 23, 1998	July 31, 1998 August 4, 1998 May 10, 2000	Staffing and budget levels. 405 KAR 16:200 § 1(7)(b) and 18:200 § 1(7)(b). KRS 350.060(16) [partial approval]; 350.131(2); 350.139(1); 350.990 (1), (3), (4), (9), and (11).

(b) The Director is deferring his decision on the enforcement provisions of section 720 of the Act from its effective date (October 24, 1992), to the effective date of KRS 350.421(1) and (2) (July 15, 1994).

[62 FR 9942, Mar. 5, 1997, as amended at 62 FR 45717, Aug. 29, 1997; 63 FR 40827, July 31, 1998; 63 FR 41427, Aug. 4, 1998; 65 FR 29953, May 10, 2000]

§917.16 Required regulatory program amendments.

(a)-(b) [Reserved]

(c) Pursuant to 30 CFR 732.17, Kentucky is required, prior to implementation of the following statutory amendments, to submit to the Director proposed regulations to implement the amendments, and to receive the Director's approval of the regulations:

(1) [Reserved]

(2) Statutory amendments contained in Senate Bill 374, submitted to OSMRE on April 29, 1986.

(3) Statutory amendments contained in House Bill 839, submitted to OSMRE on April 29, 1986.

(d) Pursuant to 30 CFR 732.17, Kentucky is required to submit for OSM's approval the following proposed amendments by the dates specified:

(1) By January 30, 1991, Kentucky shall submit a proposed amendment to 405 KAR 7:090 section 3(4)(a) to remove the word "abated" or otherwise propose to amend its program to clarify that the rule applies to abated and unabated violations.

(2) By January 30, 1991, Kentucky shall submit a proposed amendment to 405 KAR 8:010 section 8(2) or otherwise propose to amend its program to require that public notice shall not be initiated until the cabinet has deter-

mined that an application is administratively complete.

(3) [Reserved]

(4) By January 30, 1991, Kentucky shall submit a proposed amendment to 405 KAR 16:100 section 1(3)(a) and 405 KAR 18:100 section 1(3)(a) or otherwise propose to amend its program to require that all C class impoundments shall have a minimum static safety factor of 1.5 since, as defined at 405 KAR 7:040 section 5(2)(c), such impoundments could cause loss of life or serious property damage and to require that all other impoundments have a minimum static safety factor of 1.3 or meet specific design criteria no less effective than that standard.

(5) By January 30, 1991, Kentucky shall submit a proposed amendment to 405 KAR 20.060 section 3(3)(b) or otherwise propose to amend its program to clarify that the total volume of flow from the proposed permit area, during every season of the year, will not vary in a way that adversely affects the ecology of any surface water or any existing or planned use of surface or ground water; and to require the appropriate state environmental agency to approve the plan.

(e) By March 23, 1992, Kentucky shall amend its rules at 405 KAR 8:010 section 13(4)(c) to include violations of Federal regulatory programs and other State regulatory programs, not just violations of KRS chapter 350 and regulations adopted pursuant thereto.

(f) By July 25, 1994 Kentucky shall submit either an amendment or a description of a proposed amendment with a timetable for adoption, that would amend its rules at 405 KAR 8:010 section 5(1) (c) and (d) to require that information required by sections 2 and

§917.17

30 CFR Ch. VII (7-1-00 Edition)

3 of 405 KAR 8:030 and 8:040 shall be submitted on any format prescribed by OSM as well as any format prescribed by the Cabinet.

(g) By April 1, 1993, Kentucky shall submit proposed revisions to its regulations at 405 KAR 16:210/18:220 Section 2(1) to provide that in determining premining uses of land not previously mined, the land must have been properly managed.

(h) By June 14, 1993, Kentucky shall amend its rules at 405 KAR 8:010 section 20(6)(h) by including OSM as one of the parties to be notified of the cabinet's decision to approve or deny the application for an operator change and to require that the regulatory authority be notified when the approved change is consummated.

(i) By December 17, 1996, Kentucky shall submit to the Director either a proposed written amendment or a description of an amendment to be proposed which revises 405 KAR 16:200 and 405 KAR 18:200, sections 1(7)(a) 1 through 5, 1(7)(b) and 1(7)(d), in accordance with the Director's findings published in the June 9, 1993, FEDERAL REGISTER (58 FR 32283), and a timetable for enactment which is consistent with established administrative and legislative procedures in the State.

(j) [Reserved]

(k) By October 1, 1993, Kentucky shall submit to OSM either proposed amendments or a schedule for the submission of proposed amendments to Kentucky Administrative Regulations to require that the assessment conference officer's report mentioned in 405 KAR 7:092 section 4(5) be served in a manner consistent with 405 KAR 7:091 section 5, and to specify that the time allowed under 405 KAR 7:092 section 6(1)(b) to file a petition for administrative review of the proposed penalty set forth in the conference officer's report does not begin to run until service is obtained in this manner.

(l) [Reserved]

(m) By August 28, 1995, Kentucky shall submit either a proposed amendment or a description of an amendment to be proposed, together with a timetable for adoption of proposed revisions to its program to specify that Kentucky's program provide for the prompt replacement of water supplies.

(n) By October 5, 1998, Kentucky shall amend the Kentucky program, or provide a written description of an amendment together with a timetable for enactment which is consistent with established administrative or legislative procedures in the State, to delete the term "haul roads" at sections 1(7)(b) of 405 KAR 16:200 and 18:200.

(o) By July 10, 2000, Kentucky must submit either a proposed amendment or a description of an amendment to be proposed, together with a timetable for adoption, to:

(1) Clarify that a person may not continue to conduct surface coal mining operations under an expired permit unless the permittee filed a complete application for renewal at least 120 days before the permit expired and the regulatory authority had not yet approved or disapproved the application when the permit expired.

(2) Require the issuance of an imminent harm cessation order to any person conducting surface coal mining operations under an expired permit unless the permittee filed a complete application for renewal at least 120 days before the permit expired and the regulatory authority had not yet approved or disapproved the application when the permit expired.

[50 FR 23687, June 5, 1985, as amended at 52 FR 7136, Mar. 9, 1987; 55 FR 13133, Apr. 9, 1990; 55 FR 53510, Dec. 31, 1990; 56 FR 47911, Sept. 23, 1991; 57 FR 45307, Oct. 1, 1992; 58 FR 3838, Jan. 12, 1993; 58 FR 32291, June 9, 1993; 58 FR 42012, Aug. 6, 1993; 59 FR 27238, May 26, 1994; 60 FR 33115, June 27, 1995; 61 FR 66224, Dec. 17, 1996; 63 FR 40827, July 31, 1998; 63 FR 41427, Aug. 4, 1998; 65 FR 29953, May 10, 2000]

§917.17 State regulatory program amendments disapproved.

(a) [Reserved]

(b) The amendment at Kentucky Revised Statute 350.060(22) submitted by Kentucky on May 26, 1982, and the legal opinion (insofar as it relates to this amendment) and Reclamation Advisory Memorandum No. 33 submitted by Kentucky on October 28, 1983, are hereby disapproved effective September 17, 1985.

(c) [Reserved]

(d) The addition of the word "abated" to modify the term "violation" in paragraph (4)(a) of section 3 of Chapter