

350.028 Powers of cabinet.

The Energy and Environment Cabinet shall have and exercise the following authority and powers:

- (1) To adopt administrative regulations after a hearing pertaining to surface coal mining operations including strip mining and the surface effects of underground mining to accomplish the purposes of this chapter;
- (2) To conduct investigations and hearings under provisions of this chapter or regulations adopted pursuant thereto;
- (3) To issue, after an opportunity for a hearing, suspension orders or show cause orders requiring an operator, permittee, or person to adopt remedial measures that are necessary to comply with this chapter and administrative regulations adopted pursuant thereto. Failure to attend a hearing shall be excused for good cause shown;
- (4) To issue, after an opportunity for a hearing, a final order imposing civil penalties for violations of this chapter or directing the Department for Natural Resources to revoke a permit, when the requirements set forth by the notice of noncompliance, order of cessation, or an order of the cabinet requiring remedial measures have not been complied with according to the terms therein. When the secretary or his authorized representatives determines that a pattern of violations of any requirements of this chapter or any permit conditions required by this chapter exists or has existed, and if the secretary or his authorized representatives also find that the violations are caused by the unwarranted failure of the permittee to comply with any requirements of this chapter or any permit conditions or that the violations are willfully caused by the permittee, the secretary or his authorized representative shall forthwith issue an order to the permittee to show cause as to why the permit should not be suspended or revoked and shall provide an opportunity for a hearing. Failure to attend a hearing shall be excused for good cause shown; and
- (5) To adopt administrative regulations to allow the state to administer and enforce the initial and permanent regulatory programs of Public Law 95-87, "Surface Mining Control and Reclamation Act of 1977." Administrative regulations shall be no more stringent than required by that law. Nothing in this chapter shall be construed as superseding, amending, modifying, or repealing any of the acts listed in Section 702(a) of Public Law 95-87, or any administrative regulation promulgated thereunder.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1875, effective July 15, 2010. -- Amended 2005 Ky. Acts ch. 123, sec. 50, effective June 20, 2005. -- Amended 1992 Ky. Acts ch. 304, sec. 3, effective July 14, 1992; and ch. 429, sec. 2, effective July 14, 1992. -- Amended 1982 Ky. Acts ch. 283, sec. 2, effective April 2, 1982. -- Amended 1980 Ky. Acts ch. 62, sec. 3, effective March 21, 1980. -- Amended 1978 Ky. Acts ch. 330, sec. 15, effective May 3, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. III, sec. 13(2), (7). -- Amended 1972 (1st Extra. Sess.) Ky. Acts ch. 3, sec. 60. -- Amended 1966 Ky. Acts ch. 4, sec. 4. -- Created 1962 Ky. Acts ch. 105, sec. 2 (1), (2), (3), and (5).