

350.553 Certification of achievement of priorities -- Effect of concurrence in certification.

- (1) The Governor may certify to the Secretary of the Interior that all of the priorities stated in Section 403(a) of P.L. 95-87 and KRS 350.555 for eligible lands and waters pursuant to Section 404 of P.L. 95-87 and KRS 350.560(1), (2), and (3) have been achieved.
- (2) If the Secretary of the Interior concurs with the Governor's certification under subsection (1), for purposes of determining the eligibility of lands and waters for annual grants under KRS 350.550(3), KRS 350.560(1), (2), and (3) shall not apply. Rather, eligible lands, waters, and facilities shall be those:
 - (a) Which were mined or processed for minerals or which were affected by the mining or processing, and abandoned or left in inadequate reclamation status prior to August 3, 1977; and
 - (b) For which there is no continuing responsibility under state or other federal laws.
- (3) Expenditures of moneys for lands, waters, and facilities referred to in subsection (2), above, shall reflect the following objectives and priorities in the order stated, in lieu of the priorities stated in KRS 350.555:
 - (a) The protection of public health, safety, general welfare, and property from extreme danger of adverse effects of mineral mining and processing practices.
 - (b) The protection of public health, safety, and general welfare from adverse effects of mineral mining and processing practices.
 - (c) The restoration of land and water resources and the environment previously degraded by the adverse effects of mineral mining and processing practices.
- (4) Sites and areas designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. secs. 7901 et seq.) or which have been listed for remedial action pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. secs. 9601 et seq.) shall not be eligible for expenditures from the fund under this section.
- (5) Reclamation projects involving the protection, repair, replacement, construction, or enhancement of utilities such as those relating to water supply, roads, or other facilities serving the public adversely affected by mineral mining and processing, and the construction of public facilities in communities impacted by coal or other mineral mining and processing practices, shall be deemed part of the objectives set forth, and undertaken as they relate to, the priorities stated in subsection (3) above.
- (6) Notwithstanding subsection (5), above, if the Secretary of the Interior has concurred in the certification referenced in subsection (1), above, and the Governor determines that there is a need for activities or construction of specific public facilities related to the coal or minerals industry and if the Secretary of the Interior concurs in the need, then the Commonwealth of Kentucky may use annual grants made available under KRS 350.550(3) to carry out the activities or construction.

- (7) The provisions of KRS 350.570 and 350.575 shall apply to subsections (1) through (5) of this section, except that for purposes of this section, the references to coal in KRS 350.570 and 350.575 shall not apply.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 207, sec. 3, effective July 14, 1992.