

**350.600 Legislative findings and intent -- Commercial oil shale mining prohibited until adoption of rules and regulations.**

- (1) The General Assembly finds that there has been a recent interest in the Commonwealth in the mining and processing of oil shale due to the critical need for fossil fuel which has developed in this country. The General Assembly further finds that the development of this fossil fuel could be of significant long-range benefit to the Commonwealth and to the United States of America, but that the unregulated extraction and processing of oil shale within the Commonwealth could cause soil erosion, water pollution, and the destruction of aesthetic and agricultural values. The General Assembly further finds that, in order to effectively regulate the extraction and processing of oil shale, the Energy and Environment Cabinet shall conduct extensive research concerning the process, waste production, and potentially adverse environmental impacts of such recovery operations.
- (2) It is the intent of the General Assembly to provide such regulation and control of the mining and processing of oil shale as to minimize and prevent its adverse effects on the citizens and the environment of the Commonwealth. The General Assembly further finds that the Energy and Environment Cabinet is the most competent agency to regulate the extraction and processing of oil shale due to its expertise in the handling of the surface mining of other minerals and in the regulation of other sources of air and water pollution.
- (3) The Energy and Environment Cabinet shall file with the regulations compiler reasonable rules and regulations pertaining to oil shale mining operations, which shall include strip mining as defined by KRS 350.010, the surface effects of underground mining of oil shale, and the in situ mining of oil shale by June 30, 1981. No person shall engage in the commercial mining or processing of oil shale until such time as the cabinet promulgates rules and regulations to provide standards for such mining.
- (4) In promulgating regulations pursuant to subsection (3) of this section, the secretary shall make written finding that the regulations promulgated are based on sound scientific and engineering data and are reasonably necessary to protect the people and environment of the Commonwealth from the adverse effects of oil shale extraction. The secretary shall promulgate regulations consistent with existing standards for land, water, and air protection. The secretary may conduct a public hearing on the subject of the cabinet's regulation of the extraction and processing of oil shale for the purpose of collecting data and receiving public comments on this issue. The hearing will be held at a time and place to be determined by the secretary in accordance with the policy of the cabinet.
- (5) Prior to the adoption of the regulations required by this section, any person may conduct core drilling, experimentation, removal of samples, or a pilot and demonstration project which involves the mining of not more than five (5) acres for the production of oil shale in any one (1) county. Such core drilling, experimentation, removal of samples, or pilot and demonstration project involving the mining of not more than five (5) acres for the production of oil shale in any one (1) county shall not be initiated until written notification of the intent to perform

such operations shall be filed at least fifteen (15) days prior to commencement of such projects by registered mail by the mine operator with the secretary of the Energy and Environment Cabinet of the Commonwealth of Kentucky and with the person(s) holding title to the surface of the land to be utilized for such operations.

- (6) The secretary of the Energy and Environment Cabinet of the Commonwealth of Kentucky shall be granted the right to monitor such core drilling, experimentation, removal of samples, or pilot and demonstration project as it may deem necessary for the purpose of establishing sound and reasonable scientific and engineering data upon which rules and regulations pertaining to oil shale mining operations in the Commonwealth of Kentucky can be based.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 1894, effective July 15, 2010. -- Created 1980 Ky. Acts ch. 260, sec. 1, effective July 15, 1980.