

350.750 Revocation of membership in bond pool.

- (1) Whenever a member of the bond pool becomes more than thirty (30) days in arrears with any tonnage fee payment, the bond pool administrator shall notify the member that he has thirty (30) days to become current on his payments. If the member fails to comply within the thirty (30) days, the bond pool administrator shall recommend to the commission that it revoke his membership. The commission shall revoke the membership unless the member has paid all tonnage fees due.
- (2) Whenever a member of the bond pool is issued an order for cessation and immediate compliance for failure to abate a violation of contemporaneous reclamation requirements, the bond pool administrator shall so inform the commission, which may revoke the membership in the bond pool. Whenever two (2) such orders are issued to a member of the bond pool, that membership shall be automatically revoked without further action on the part of the commission. Whenever the secretary has issued a final order finding that a member of the bond pool has committed a pattern of violations pursuant to KRS 350.028(4) or 350.465(3)(f), the bond pool administrator shall so inform the commission, and the commission may revoke the member's membership in the bond pool.
- (3) Whenever a member of the bond pool is issued an order for cessation and immediate compliance for failure to abate any violation, the bond pool administrator shall so inform the commission, and the commission may revoke the member's membership in the bond pool.
- (4) If a member of the bond pool transfers more than fifty percent (50%) of any class of stock or other ownership interest, whether by sale, gift, or otherwise, the member and the person to whom more than fifty percent (50%) of the interest is transferred shall notify the bond pool administrator, in writing, of the transfer within fifteen (15) days. The bond pool administrator shall review the eligibility of all persons who own or control, are owned or controlled by, or are under common ownership or control with the member after the transfer using criteria set forth in KRS 350.720, and shall report his findings to the commission. The commission shall revoke the membership if it determines that the member after the transfer does not meet the eligibility criteria.
- (5) Upon revocation of membership, the permittee shall be ordered by the cabinet to cease surface coal mining operations on all of his permits until he has obtained alternate bond coverage. In the meantime, the permittee shall comply with reclamation requirements established by cabinet regulations.
- (6) The bond pool fund shall remain liable for reclamation of the portions of permits disturbed prior to revocation of a membership.

Effective: July 13, 1990

History: Amended 1990 Ky. Acts ch. 389, sec. 5, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 397, sec. 10, effective July 15, 1988. -- Created 1986 Ky. Acts ch. 137, sec. 11, effective July 15, 1986.