

349.020 Filing of objections to drilling -- Filing of real property interest claims -- Issuance of drilling permit -- Department to notify Division of Mine Permits of applications to drill -- Appeal to review board.

- (1) If the drilling of a coalbed methane well could adversely affect the present or future use or operation of a workable coalbed, any coal interest holder may object to a proposed coalbed methane well, the well's location, the proposed stimulation in the workable coalbed, or the proposed completion in the workable coalbed. Any coal interest holder, within twenty (20) days of receipt of the plat by him or her and by the department, may file specific objections in writing with the department. The filed objections shall provide sufficient detail for the applicant to identify the nature and substance of the objection. The department shall notify the applicant of the objections and fix a time and place for a hearing before the review board to be conducted in accordance with KRS Chapter 13B and this chapter.
- (2) If any coal interest holder, notified pursuant to KRS 349.015, or any other person, claims to have a valid real property interest in, or the current legal right to produce, coalbed methane, the person claiming the real property interest or right shall notify the applicant and the department, in writing, within twenty (20) days from the receipt of the plat by him or her and by the department. The person also shall request that a pooling order be entered pursuant to KRS 349.080(1).
- (3) If the record oil and gas lessor, lessee, or well operator notified pursuant to KRS 349.015, or any other person, claims to have a valid real property interest in, or the current legal right to produce, coalbed methane, the person claiming the real property interest or right shall notify the applicant and the department, in writing, within twenty (20) days from the receipt of the plat by him. The person shall request that a pooling order be entered pursuant to KRS 349.080(1).
- (4) If no objections are filed within the twenty (20) day period, the department shall immediately issue a drilling permit to the well operator approving the location of the well and authorizing the well operator to proceed to drill at that location, provided all other preconditions to issuance of a permit, as contained in this chapter, have been met.
- (5) Upon receipt of an application to drill a coalbed methane well, the department shall provide a copy of the required plat and permit application to the division. Within fifteen (15) days of receipt by the division, notification shall be sent to the department by the division as to whether the proposed coalbed methane well will be located within the boundaries of any coal mine for which a permit has been issued or has been applied for pursuant to KRS Chapter 350. If the proposed coalbed methane well is to penetrate a workable coalbed that is within the area of an existing permit for an underground mine issued by the division, or the proposed permitted area of a pending application or permit modification for an underground mine before the division, the written authorization of the mine permittee shall be required prior to issuance by the department of a permit to stimulate, complete, or horizontally drill the coalbed methane well in the workable coalbed that is within the area of an existing permit for an underground mine issued by the division or within the proposed permitted area of a pending application or permit modification

for an underground mine before the division. If the proposed coalbed methane well is to be located within a surface area permitted, or proposed in a pending application or permit modification to be issued by the division, the written authorization of the mine permittee shall be required prior to issuance by the department of a permit to drill the coalbed methane well. In the absence of the written authorization of the mine permittee, the applicant may file an appeal with the review board requesting approval to drill the proposed coalbed methane well if:

- (a) Authorization has been denied by the mine permittee; and
- (b) The proposed location and area to be disturbed by the proposed coalbed methane well has achieved either a partial bond release status or the bond for the area has been forfeited.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 123, sec. 46, effective June 20, 2005. -- Created 2004 Ky. Acts ch. 65, sec. 4, effective July 13, 2004.