

1 AN ACT relating to natural resources.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 350.028 is amended to read as follows:

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

- 6 (1) To adopt administrative regulations after a hearing pertaining to surface coal  
7 mining operations including strip mining and the surface effects of underground  
8 mining to accomplish the purposes of this chapter;
- 9 (2) To conduct investigations and hearings under provisions of this chapter or  
10 regulations adopted pursuant thereto;
- 11 (3) To issue, after an opportunity for a hearing, suspension orders or show cause orders  
12 requiring an operator, permittee, or person to adopt remedial measures that are  
13 necessary to comply with this chapter and administrative regulations adopted  
14 pursuant thereto. Failure to attend a hearing shall be excused for good cause shown;
- 15 (4) To issue, after an opportunity for a hearing, a final order imposing civil penalties  
16 for violations of this chapter or directing the Department for Natural Resources to  
17 revoke a permit, when the requirements set forth by the notice of noncompliance,  
18 order of cessation, or an order of the cabinet requiring remedial measures have not  
19 been complied with according to the terms therein. When the secretary or his ***or her***  
20 authorized representatives determines that a pattern of violations of any  
21 requirements of this chapter or any permit conditions required by this chapter exists  
22 or has existed, and if the secretary or his ***or her*** authorized representatives also find  
23 that the violations are caused by the unwarranted failure of the permittee to comply  
24 with any requirements of this chapter or any permit conditions or that the violations  
25 are willfully caused by the permittee, the secretary or his ***or her*** authorized  
26 representative shall forthwith issue an order to the permittee to show cause as to  
27 why the permit should not be suspended or revoked and shall provide an

1 opportunity for a hearing. Failure to attend a hearing shall be excused for good  
2 cause shown; and

3 (5) To adopt administrative regulations to allow the state to administer and enforce the  
4 initial and permanent regulatory programs of Public Law 95-87, "Surface Mining  
5 Control and Reclamation Act of 1977." Administrative regulations shall be no more  
6 stringent than required by that law. Nothing in this chapter shall be construed as  
7 superseding, amending, modifying, or repealing any of the acts listed in Section  
8 702(a) of Public Law 95-87, or any administrative regulation promulgated  
9 thereunder.