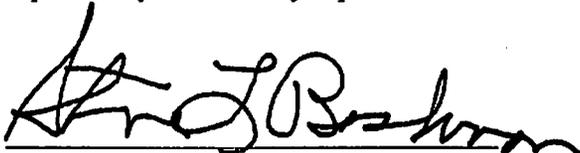


FILED WITH LRC  
TIME: 2 p.m.  
MAY 04 2012  
Donna Little  
REGULATIONS COMPILER

STATEMENT OF EMERGENCY

405 KAR 10:011E

KRS 350.028 authorizes the cabinet to promulgate administrative regulations in order to accomplish the purposes of KRS Chapter 350. As part of this regulatory package the cabinet is repealing two administrative regulations 405 KAR 10:010 and 10:020 and is filing an emergency regulation (405 KAR10:015E) which will contain the provisions in the two repealed regulations. This emergency regulation is necessary to avoid overlapping regulatory provisions. The emergency regulation will not be replaced by an ordinary repealer administrative regulation.



STEVEN L. BESHEAR, Governor

5/4/12  
Date



LEONARD K. PETERS, Secretary  
Energy and Environment Cabinet

5/4/12  
Date

REGULATIONS COMPLIER  
Domen Little  
MAY 04 2012  
TIME:  
FILED WITH LRC

STATE OF CALIFORNIA

DEPARTMENT OF

REGULATIONS COMPLIER  
Domen Little  
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1 ENERGY AND ENVIRONMENT CABINET

2 Department for Natural Resources

3 Division of Mine Permits

4 (Emergency Repealer)

5 405 KAR 10:011E. Repeal of 405 KAR 10:010 and 405 KAR 10:020.

6 RELATES TO: KRS 350.020, 350.060, 350.062, 350.064, 350.151, 350.465, 30 C.F.R.

7 Parts 730-733, 735, 800.11, 800.60, 917, 30 U.S.C. 1253, 1255

8 STATUTORY AUTHORITY: KRS 350.028

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 350.028 authorizes the cabinet  
10 to promulgate administrative regulations in order to accomplish the purposes of KRS Chapter  
11 350. The department is promulgating a new administrative regulation related to bonding surface  
12 disturbances on mine sites. As part of this new administrative regulation the department intends  
13 on moving the information previously in these administrative regulations into the new  
14 administrative regulation, 405 KAR 10:015.

15 Section 1. The following administrative regulations are hereby repealed:

16 (1) 405 KAR 10:010, General requirements for performance bond and liability insurance;

17 and

18 (2) 405 KAR 10:020, Amount and duration of performance bond.

405 KAR 10:011E approved for filing.

5/4/12

Date



Leonard K. Peters, Secretary  
Energy and Environment Cabinet

REGULATORY IMPACT ANALYSIS  
AND TIERING STATEMENT

Administrative Regulation No.: 405 KAR 10:011E  
Contact Person: Michael Mullins, Regulation Coordinator

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:** This administrative regulation repeals two administrative regulations, 405 KAR 10:010 and 10:020, whose contents are being moved into a new administrative regulation 405 KAR 10:015.

**(b) The necessity of this administrative regulation:** This administrative regulation is necessary to repeal 405 KAR 10:010 and 10:020.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:** KRS 13A.310 directs administrative bodies to repeal administrative regulations that are no longer necessary or required. This administrative regulation repeals two administrative regulations whose contents are being relocated into a new administrative regulation which will contain all information on bonding surface mine disturbances.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:** This administrative regulation repeals two administrative regulations whose contents are being relocated into a new administrative regulation which will contain all information on bonding surface mine disturbances.

**(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:**

**(a) How the amendment will change this existing administrative regulation:** NA

**(b) The necessity of the amendment to this administrative regulation:** NA

**(c) How the amendment conforms to the content of the authorizing statutes:** NA

**(d) How the amendment will assist in the effective administration of the statutes:** NA

**(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:** This administrative regulation will impact all surface coal mine permit holders. There are approximately 1844 total permits currently under bond.

**(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:**

**(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:** This administrative regulation repeals 405 KAR 10:010 and 10:020.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):** There will be no cost associated with this administrative regulation.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):** All information related to bonding on mines with a surface disturbance have been moved to one administrative regulation 10:015. Therefore all the information will be located in one location.

**(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:** This new administrative regulation will not increase costs to the administrative body.

**(b) On a continuing basis:** There will be no continuing costs to the agency.

**(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:** General fund and federal fund dollars will be used to fund the provisions of the administrative regulations which will be repealed and relocated into another regulation.

**(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:** There will not be a need to increase fees or funding to administer this administrative regulation.

**(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:** This administrative regulation will not increase nor does it establish any fees.

**(9) TIERING: Is tiering applied? (Explain why or why not)** No. This administrative regulation repeals two other administrative regulations.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Admin. Regulation No. 405 KAR 10:011E

Contact Person: Michael Mullins, Regulation Coordinator

**1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?**

Yes  X  No

If yes, complete questions 2-4.

**2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Division of Mine Permits and Division of Mine Reclamation and Enforcement.**

**3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.310.**

**4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.**

**(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This new administrative regulation will not generate any funds for use by the cabinet.**

**(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This new administrative regulation will not generate any funds for use by the cabinet on a continuing basis.**

**(c) How much will it cost to administer this program for the first year? There are no additional costs associated with this amendment.**

**(d) How much will it cost to administer this program for subsequent years? There are no additional costs associated with this amendment.**

**Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.**

Revenues (+/-): NA

Expenditures (+/-): NA

Other Explanation: NA