

Division Permit Reviews and Transfers Approval Process

Frequent Permit Application Errors

- Incomplete Packages: Not all required documents and/or fees are submitted with the package. For example, the fee or bond is not submitted, the Operations & Reclamation plan is missing, coal notifications missing, etc.
- Plat Errors: Wrong operator name, wrong farm name, wrong Carter Coordinates, property lines not shown, no adjacent mineral owners listed, wrong plat symbols used.
- Non-Compliant Well Spacing: Does not meeting KRS spacing, other wells spotting too close to the proposed well. Usually older wells that require field inspection to determine status.
- Operator has active violations or is delinquent in operator's license.
- The Operations & Reclamation Plan not signed, does not state the tanks will be bermed and/or the flowlines will be buried, or does not describe any revegetation plan. The reclamation map does not show all required components.

Permit Transfer Process eff. 6/27/2019

- Operator to submit a Well Transfer request with bond and fee.
- Division shall print a Well Records Report for said well(s) and provide to both current and successor operators.
- If any active violations or missing records are reflected in that report, the successor may decline to accept transfer of specific wells; or may agree to accept responsibility for the deficiencies.
- Based upon the successor's response, the Division shall approve the transfer of any wells not declined by the successor (assuming necessary bond, fees, etc. are provided.)
- The Division may not hold successor responsible for missing records not disclosed or for those which information is not reasonably available.

KRS 353.590 (23) WELL TRANSFERS

(b) 1. Upon receipt of a request for a well records report made by an operator seeking to become a successor operator and approved by the current operator, **the department shall print a well records report of the wells requested and provide the report to both the current operator and the operator seeking to become a successor operator.**

2. If the report indicates the existence of outstanding violations or of missing records required to be filed pursuant to this chapter, on any application to transfer a well or wells filed within thirty (30) days of the date of the well report, the successor operator may decline to accept transfer of any wells with outstanding violations or with missing records, or may agree to accept responsibility for abatement of the violations or the filing of the missing records.

3. **Based upon the successor operator's response to the well record report** and subject to bonding requirements and the provisions of KRS 353.572, the department shall approve the transfer of the requested well or wells or any portion thereof not declined by the successor operator.

4. **The department may not hold a successor operator responsible or liable for missing records not disclosed on the well record report** provided by the department prior to transfer, or for missing records that were not filed or completed by a previous operator and for which information necessary to complete the records is not reasonably available.

(c) ... **It shall be the responsibility of the current operator to ensure that the successor operator has complied with the requirements of this subsection before relinquishing operations to the successor operator and before relief of responsibility under this chapter is granted to the current operator.**