the design and construction of all div-
ersions of perennial and intermittent
streams and all stream restorations. The
design certification must certify that the
design meets the design re-
quirements of this section and any de-
sign criteria set by the regulatory au-
thority. The construction certification
must certify that the stream-channel
diversion or stream restoration meets
all construction requirements of this
section and is in accordance with the
approved design.

(c) Diversion of miscellaneous flows. (1) Miscellaneous flows, which consist of all
flows except for perennial and inter-
mittent streams, may be diverted away
from disturbed areas if required or ap-
proved by the regulatory authority. Mi-
scellaneous flows shall include
ground-water discharges and ephemeral
streams.
(2) The design, location, construc-
tion, maintenance, and removal of di-
versions of miscellaneous flows shall
meet all of the performance standards
set forth in paragraph (a) of this sec-
tion.
(3) The requirements of paragraph
(a)(2)(ii) of this section shall be met
when the temporary and permanent di-
versions for miscellaneous flows are de-
digned so that the combination of
channel, bank and flood-plain configu-
rati-}
ration is adequate to pass safely the
peak runoff of a 2-year, 6-hour precipi-
tation event for a temporary diversion
and a 10-year, 6-hour precipitation
event for a permanent diversion.

§ 817.45 Hydrologic balance: Sediment
control measures.
(a) Appropriate sediment control
measures shall be designed, con-
structed, and maintained using the
best technology currently available to:
(1) Prevent, to the extent possible,
additional contributions of sediment to
stream flow or to runoff outside the
permit area,
(2) Meet the more stringent of appli-
cable State or Federal effluent limita-
tions,
(3) Minimize erosion to the extent
possible.
(b) Sediment control measures in-
clude practices carried out within and
adjacent to the disturbed area. The
sedimentation storage capacity of prac-
tices in and downstream from the
disturbed areas shall reflect the degree
to which successful mining and re-
clamation techniques are applied to re-
duce erosion and control sediment.
Sediment control measures consist of
the utilization of proper mining and
reclamation methods and sediment
control practices, singly or in combina-
tion. Sediment control methods in-
clude but are not limited to—
(1) Disturbing the smallest prac-
ticable area at any one time during the
mining operation through progressive
backfilling, grading, and prompt re-
vegetation as required in § 817.111(b);
(2) Stabilizing the backfilled mate-
rial to promote a reduction of the rate
and volume of runoff in accordance
with the requirements of § 817.102;
(3) Retaining sediment within dis-
turbed areas;
(4) Diverting runoff away from dis-
turbed areas;
(5) Diverting runoff using protected
channels or pipes through disturbed
areas so as not to cause additional ero-
sion;
(6) Using straw dikes, riprap, check
dams, mulches, vegetative sediment
filters, dugout ponds, and other meas-
ures that reduce overland flow velocity,
reduce runoff volume, or trap sedi-
ment;
(7) Treating with chemicals; and
(8) Treating mine drainage in under-
ground sumps.

§ 817.46 Hydrologic balance: Siltation
structures.
(a) For the purposes of this section
only, disturbed areas shall not include
those areas—
(1) In which the only surface mining
activities include diversion ditches, silt-
tation structures, or roads that are de-
dsigned, constructed and maintained in
accordance with this part; and
(2) For which the upstream area is
not otherwise distributed by the oper-
ator.
§ 817.47 Hydrologic balance: Discharge structures.

Discharge from sedimentation ponds, permanent and temporary impoundments, coal processing waste dams and embankments, and diversions shall be controlled, by energy dissipators, riprap channels, and other devices, where necessary, to reduce erosion, to

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