§ 784.28 Surface activities in or adjacent to perennial or intermittent streams.

(a) Applicability—(1) In general. Except as otherwise provided in paragraph (a)(2) of this section, this section applies to underground mining permit applications that propose to conduct surface activities in perennial or intermittent streams or on the surface of lands within 100 feet, measured horizontally, of perennial or intermittent streams.

(2) Exceptions. (i) Coal preparation plants not located within the permit area of a mine. This section does not apply to applications under §785.21 of this chapter for coal preparation plants that are not located within the permit area of a mine.

(ii) Stream-channel diversions. Paragraphs (b) through (e) of this section do not apply to diversions of perennial or intermittent streams.

(b) Each plan shall describe the source of the hydraulic transport medium, method of dewatering the placed backfill, harmful effects of water underground, treatment of water if released to surface streams, and the effect on the hydrologic regime.

(c) The applicant shall describe the source and quality of waste to be stowed, area to be backfilled, percent of the mine void to be filled, method of constructing underground retaining walls, influence of the backfilling operation on active underground mine operations, effects on underground mining areas, and the anticipated occurrence of surface effects following backfilling.

(d) The plan shall describe each permanent monitoring well to be located in the backfilled area, the stratum underlying the mined coal, and gradient from the backfilled area.

(e) The requirements of paragraphs (a), (b), (c), and (d) of this section shall also apply to pneumatic backfilling operations, except where the operations are exempted by the regulatory authority from requirements specifying hydrologic monitoring.