



# Illinois Department of Natural Resources

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Rod R. Blagojevich, Governor

Joel Brunsvold, Director

## Land Reclamation Memorandum

2005-04

To: All Coal Mine Operators/Consultants

From: Scott Fowler, Supervisor  
Land Reclamation Division

Date: August 4, 2005

Re: Temporary and Permanent Diversions

The regulations at 62 Ill. Adm. Code 1816.43(b)(5) state that “The design and construction of all stream channel diversions of perennial and intermittent streams shall be sealed by a qualified registered professional engineer as meeting the performance standards of this Part.”

Section 1701.5 defines perennial streams as “a stream that flows continuously during all of the calendar year or part of a stream that flows continuously during all of the calendar year. The stream or part of a stream flows continuously as a result of groundwater discharge or surface runoff.”

An intermittent stream is defined as “a stream or reach of a stream that drains a watershed of at least one square mile; or a stream or reach of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface runoff and ground water discharge.”

To meet the requirements of Section 1816.43(b)(5) the Department is requiring that a qualified registered professional engineer shall submit a sealed report that the diversion has been constructed as designed and in accordance with the approved plan and the regulations. While the regulations do not specify a time for submitting the report, to be consistent with other reporting requirements found in the regulations, the report shall be submitted within 30 days after completion of the diversion.

A diversion is considered complete when grading is completed and the area mulched and seeded.