



RAILROAD COMMISSION OF TEXAS
SURFACE MINING AND RECLAMATION DIVISION

ADVISORY NOTICE

ADVISORY ID:
EN-PS-344(b)(5)

REVISION NO.:

EFFECTIVE DATE:
April 16, 2010

SUBJECT: Release of Disturbed Areas from Surface-Water Control Requirements and Removal of Siltation Structures

APPROVAL

TITLE: Director

I. PURPOSE

This Advisory Notice provides guidance regarding interpretation of 16 TAC 12.344(b)(5) pertaining to the release of disturbed areas from surface-water control requirements and removal of siltation structures:

II. REGULATION REFERENCE

Title 16, Texas Administrative Code, Chapter 12, Section 344(b)(5), Hydrologic Balance: Siltation Structures

III. PERMIT DOCUMENTATION AND PERFORMANCE STANDARDS

- A. Disturbed areas may be released from surface-water control requirements and/or siltation structures can be reclaimed when the following criteria are met:
1. The area requested for release from sediment control requirements has been stabilized and revegetated in accordance with the approved reclamation plan,
 2. No temporary structures remain in the area requested for release from sediment control requirements,
 3. More than two years has passed since the last augmented seeding in the area requested for release from sediment control requirements, and
 4. The Surface Mining and Reclamation Division Director authorizes the release of an area from sediment control requirements.
- B. To obtain SMRD authorization for releasing an area from sediment control requirements, a permittee must provide the following
1. A map of the area to be released from sediment control requirements, in paper and digital formats. The map must identify the boundary of the watershed area proposed for release, the location where any water samples that are obtained, approved postmine land uses for the area, and the last vegetation planting dates by area.
 2. If the siltation structure is going to be reclaimed, a sample of concentrated runoff from the inlet of the siltation structure must be obtained. If the siltation structure is permanent, then the sample may be obtained either from the concentrated inflow or discharge. There may be conditions where the watershed area requested for release does not terminate at a siltation structure. In this case, the water sample must be obtained from concentrated flow at the terminus of the watershed requested for release from sediment control requirements. The sample must be analyzed for pH and settleable

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solids and the results, along with available laboratory sheets provided with the request for release. The laboratory sheets must contain information regarding the date of the sample, location of the sample (inflow, discharge or terminus of watershed), approximate flow rate at the sampling location and rainfall amount of the rainfall event that produced the runoff. The sample analysis for pH and settleable solids must comply with the applicable discharge standards described in the discharge permit issued by the Texas Commission on Environmental Quality under the Texas Pollutant Discharge Elimination System.

- C. Temporary siltation structures must be reclaimed once their drainage areas are released from sediment control requirements. The information listed below must be provided with the request for release from sediment control requirements if it is not included in the permit.
1. The permittee must reference the location of or provide a reclamation plan for removal of the siltation structure. This plan must describe the work involved in abandonment of the pond as specified in §12.139(2) of the Regulations. The plan must describe whether the siltation structure acts in series with other structures or if the pond is a final discharge pond. The proposal must be specific and detailed with regard to the work required to completely and successfully abandon the siltation structure and any associated structures such as diversions, and excess excavated material removal or replacement.
 2. All land disturbed in the reclamation of the affected structures must be identified on a map included in the request for release from sediment control requirements.
 3. The permittee must provide or reference a reclamation plan explicitly for reclamation of the land occupied by the pond as specified in §12.145 of the Regulations including the following details:
 - a. A timetable for the major steps of the pond abandonment. Report the amount of time to be allotted for each major phase for reclamation of the siltation and associated structures.
 - b. A grading plan for the areas to be disturbed. The grading plan must address the disposition of the embankment material and accumulated sediment in the pond. If the pond is located in an intermittent or perennial stream channel, the grading plan must describe how the stream channel will be restored to its premine condition in accordance with §12.341(a)(3). Supporting data for the premine stream channel configuration must be provided if it is not included in the coal mining permit.
 - c. The plan for replacement of topsoil and subsoil or approved topsoil and subsoil substitute for all areas disturbed in the reclamation of the siltation and associated structures.
 - d. Revegetation must be addressed as it relates to restoration of areas disturbed by reclamation.
 4. The permittee must provide a site-specific plan for prevention of additional contributions of suspended solids to stream flow that satisfies the requirements of §12.146(a)(5) of the Regulations.
- D. A perennial or intermittent stream affected by the abandonment of a siltation structure must be designed and constructed so as to restore or approximate premine characteristics of the original stream channel. A revision application must be filed in accordance with §12.226 of the Regulations to address restoration of perennial or intermittent streams as specified in §12.341, unless restoration of the affected perennial or intermittent stream is addressed in the coal mining permit.