



RAILROAD COMMISSION OF TEXAS

SURFACE MINING AND RECLAMATION DIVISION

ADVISORY NOTICE

ADVISORY ID:
EN-PS-341

REVISION NO.:
1

EFFECTIVE DATE:
April 4, 2016

SUBJECT: Diversions of Miscellaneous Flows

APPROVAL

TITLE: Director

I. PURPOSE

This Advisory Notice provides guidance regarding interpretation of 16 TAC 12.341(c) pertaining to permit documentation and demonstrating compliance with the performance standards for diversions of miscellaneous flows within areas where surface-water control has been established.

II. REGULATION REFERENCE

Title 16, Texas Administrative Code, Chapter 12, Section 341, Hydrologic Balance: Diversions

III. PERMIT DOCUMENTATION AND PERFORMANCE STANDARDS

A. The design criteria in this Advisory Notice applies to diversions of miscellaneous flow which meet the following criteria:

1. The diversion must be contained entirely within an area where surface-water control has been established,
2. The diversion itself must not act as a boundary of surface-water control by altering the watershed of an approved sedimentation pond,
3. The diversion must be temporary and be removed or approved as permanent prior to acceptance into the Extended Responsibility Period or submittal of an application for Phase I bond release, and
4. The diversion must not divert a stream which would be classified as intermittent or perennial and limits the diversion to a watershed of less than 640 acres.
5. The reclamation cost estimate approved at the time of construction must include the material volume necessary to reclaim the diversion.

B. Diversion of miscellaneous flows must comply with §12.341(c). The following design information must be provided in the permit application for diversions meeting the above criteria.

1. Hydrologic analyses for typical watersheds within the mine area must be provided. The analyses would be performed based on the size, morphology, and vegetative cover of watersheds for the precipitation event specified in §12.341(c)(3). To simplify preparation of the analyses, the applicant may report the peak flows from watersheds for various size ranges.
2. Typical cross-sections for diversions proposed to be constructed for each computed peak flow must be provided to show design parameters (channel width, depth and side slopes) and to ensure peak flows from each watershed size range will be contained within the diversion.

3. The permit application must contain a statement that a map with an approximate location for the diversion (minimum scale of 1"=400" feet) will be provided within 5 days of initiating construction of diversions meeting the above criteria.

IV. NOTIFICATION REQUIREMENTS

- A. The information must be provided with each notification of diversion construction.
 1. A map depicting the constructed diversion alignment and watershed;
 2. Listing of the property tract(s) affected by the diversion construction;
 3. Copies of the tables and/or figures identifying the maximum peak flow in the diversion, based on watershed size, and demonstrating compliance with acceptable diversion configurations described in the approved permit; and
 4. A table itemizing all miscellaneous flow diversions existing within the permit area at the time of submittal to allow for verification that the approved reclamation cost estimate includes sufficient monies for reclamation of the diversion.

V. AREAS WHERE MINING IS PROHIBITED OR LIMITED

Construction of temporary diversions of miscellaneous flow in accordance with the criteria described in this Advisory Notice does not absolve the permittee from ensuring that such diversions are not located in areas where mining is prohibited or limited in accordance with §12.71.