M E M O R A N D U M

**TO:** John E. Caudle, P.E., Director

**THRU:** Travis L. Wootton, Manager, Applications and Permits

Team Coordinator Name, Team Coordinator Title

**FROM:** Reviewer Name, Title

**SUBJECT:** Permittee

 Mine Name, Permit No. <number>, Revision No. <number>

 Structure Name

**DATE:** Date

<Insert general summary of application here> The required $500 revision application-filing fee was included with the application. My technical review and a summary of the proposal follows:

# PROPOSAL SUMMARY

<Summary of the application to be inserted here. Include general description of the application and the maps/figures/tables included.>

Specific details regarding the design of Pond <pond name> are provided on the attached structure summary sheet.

# PROPOSAL EVALUATION

This submittal is considered a revision to the permit because the detailed design plans for the proposed permanent Pond <structure name> differ from the approved general design plans contained in Permit No. <Permit Number>. The table below shows the differences between the detailed design plans and the approved general design plans:

|  |  |  |  |
| --- | --- | --- | --- |
|   | **Watershed Area (ac)** | **Volume (ac-ft)** | **Surface Area (ac)** |
|
| Proposed detailed design plans |  |  |  |
| General design plans (include location of general design plans here) |  |  |  |

As directed by Title 16, Texas Admin. Code, Chapter 12, the proposed permanent impoundment must comply with the following sections:

| **Regulation** | **Location** | **Meets Requirements** |
| --- | --- | --- |
| §12.71 |  | Yes or No |
| Notes/Comments:  |
| §12.108 |  | Yes or No |
| Notes/Comments: A $500 revision application-filing fee was provided.  |
| §12.117 |  | Yes or No |
| Notes/Comments: The pond will be located on Tract Nos. <tract numbers>, all of which are surface-owned by <describe ownership>.  |
| §12.125(2) |  | Yes or No |
| Notes/Comments: <describe impacts to sites listed, or eligible for listing, on the National Register of Historic Places>  |
| §12.142(2)(C)§12.145(b)(2) |  | Yes or No |
| Notes/Comments: <describe bonding>  |
| §12.145(b)(3) |  | Yes or No |
| Notes/Comments: <describe whether changes to the approved postmine topography are necessary>  |
| §12.146(d) |  | Yes or No |
| Notes/Comments: The pond will occupy <pond acreage> acres. Approved and pending permanent ponds will have a cumulative surface area of <insert total here> acres, which is less than the <number of acres considered in the PHC> acres of developed water resources considered in the approved probable hydrologic consequences determination.  |
| §12.147 |  | Yes or No |
| Notes/Comments: <describe land use for the pond and surrounding area and whether changes to the postmine land use plan are proposed or necessary> |
| §12.148 |  | Yes or No |
| Notes/Comments: <describe how the detailed design plans compare to the approved general design plans, if applicable><if new general design plans are proposed, described who certified the schedule for submittal of detailed design plans> |
| §12.344 |  | Yes or No |
| Notes/Comments: Existing sedimentation Pond <structure name> controls all runoff from the area affected by construction of the pond.  |
| §12.347(a)(1) |  | Yes or No |
| Notes/Comments: The pond will be completely incised, as defined by NRCS standards, and is not subject to the requirements of TR-60 <modify as necessary>. |
| §12.347(a)(2) |  | Yes or No |
| Notes/Comments: The pond does not meet the criteria of 30 CFR 77.216(a), and is not subject to the requirements of 30 CFR 77.216(a) <modify as necessary>. |
| §12.347(a)(3) |  | Yes or No |
| Notes/Comments: The pond design, as supplemented, is signed and sealed by <engineer name>, P.E., a licensed professional engineer in the State of Texas. The design appears to be in accordance with prudent engineering practices and methods. |
| §12.347(a)(4) |  | Yes or No |
| Notes/Comments: <describe the actual (wetted) embankment height of the pond and whether an embankment slope stability analysis is required>  |
| §12.347(a)(5) |  | Yes or No |
| Notes/Comments: The pond will safely pass the peak flow from the 25-year/6-hour storm event without eroding the impoundment’s spillway or overtopping <modify as necessary>.  |
| §12.347(a)(6) |  | Yes or No |
| Notes/Comments: The pond is not classified as a NRCS TR-60 Type B or C impoundment; a foundation stability analysis is not required and none was provided <modify as necessary>. |
| §12.347(a)(7) |  | Yes or No |
| Notes/Comments: <describe slopes of pond basin and how spillway will affect drawdown rates> |
| §12.347(a)(8) |  | Yes or No |
| Notes/Comments: <describe vegetation of pond embankment and disturbed areas and whether this is in accordance with the approved reclamation plan> |
| §12.347(a)(9) |  | Yes or No |
| Notes/Comments: The pond spillway will safely pass the peak flow produced by a 25-year/6-hour design storm <modify as necessary>.  |
| §12.347(a)(10) |  | Yes or No |
| Notes/Comments: <describe whether highwalls currently exist in the pond or surrounding slopes> |
| §12.347(a)(11) |  | Yes or No |
| Notes/Comments: Permanent Pond \_\_\_\_\_\_\_\_ is completely incised below the existing ground surface and will not have an embankment that impounds water. Also, <Mining Company> has indicated that the pond will not have a monitoring system. Advisory Notice EN-PS-347(a)(11), *Inspection and Certification of Impoundments*, states in paragraph IV.B.3.b that impoundments may be exempted from annual inspection and certification if the pond is not used for sediment control, does not contain an embankment, and has no monitoring system. Staff’s evaluation indicates that Pond \_\_\_\_\_\_\_\_ is in accordance with the requirements for exemption from annual inspection and certification.  |
| §12.347(b)(1) |  | Yes or No |
| Notes/Comments: The pond is adequately sized and configured for use as a developed water resource <modify as necessary>.  |
| §12.347(b)(2) |  | Yes or No |
| Notes/Comments: The grab sample analysis provided documents acceptable water quality that meets the criteria for the affected stream segment <modify as necessary>.  |
| §12.347(b)(3) |  | Yes or No |
| Notes/Comments: The one-year water mass-balance shows that the pond will remain sufficiently full for its intended use <describe any anomalies here>.  |
| §12.347(b)(4) |  | Yes or No |
| Notes/Comments: Minimum side slopes of <slopes> will provide adequate safety and access. |
| §12.347(b)(5) |  | Yes or No |
| Notes/Comments: The pond will not result in the diminution of the quality and quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses <modify as necessary>. |
| §12.347(b)(6)  |  | Yes or No |
| Notes/Comments: Use of the pond as <pond usage> is suitable for the approved postmine land use surrounding the pond and is desirable to the owner <describe> of the affected lands. |
| §12.399 |  | Yes or No |
| Notes/Comments: <describe whether the pond is designed to support the surrounding postmine land uses and if it is acceptable to the landowner> |

|  |  |
| --- | --- |
| Recommend approval of the application? | Yes or No |
| Conditions to approval? (if Yes, describe) | Yes or No |

<reviewer name>

<reviewer initials>/

Attachment

File Ref. No. <file ref. number>

# Permanent Impoundment Summary

|  |
| --- |
| Reviewer name:  |
| Mine name:  |
| Permit No.:  | Revision No.:  |
| File Reference No.:  |
| Structure name:  |
|  |
| Embankment? Yes or No Regulated by MSHA? Yes or No | If not incised, impounded depth: Embankment safety factor:  |
| Surface area:  |
| Impounded capacity:  |
| Total capacity:  |
| Watershed area (ac):  |
| Design rainfall event: 25-year/6-hour (insert rainfall amount here) |
| Peak inflow:  |
| Peak outflow:  |
| Normal pool elevation:  |
| Peak water surface elevation:  |
|  |
| Primary spillway type: Lining material: Side slopes: Bottom width: Peak discharge: Maximum velocity: Flow depth: Spillway Elevation:  | Emergency spillway type: Lining material:Side slopes:Bottom width:Peak discharge:Maximum velocity:Spillway elevation: |
|  |
| Inlets or drop structures? Yes or NoHow many?Channel material?Maximum velocity: |
|  |
| Receiving Stream Segment: (insert stream segment name here)Stream Segment pH standard (s.u.): Stream Segment TDS standard (mg/L):  | Water sample provided? Yes or NoSample location: pH (s.u.): TDS (mg/L):  |
|  |
| Notes: <if the pond has an embankment that impounds less than three feet of water (considered to be incised for hazard classification and stability analysis requirements), include a note that the pond is still subject to the annual certification requirements of Advisory Notice EN-PS-347(a)(11), unless a request for exemption is submitted and approved.> |

Date

# Sent by Email and First-Class Mail

<Permit Contact>

<Permit Contact Title>

<Permit Contact Company Name>

<Address>

<City>, Texas <zip code>

RE: Permittee

Mine Name, Permit No. <number>, Revision No. <number>

 Structure Name

Dear <contact name>:

Review of Revision No. <revision number>, submitted by letter dated <date>, has been completed. Revision No. <revision number> includes a request for approval of detailed design plans for permanent Pond <structure name>. <Permittee> provided the required $500 revision application-filing fee with the application. A copy of the Staff technical review memorandum is enclosed. The revision application is considered complete and is accepted for filing.

This submittal is considered a revision to the reclamation plan because general design plans for the proposed permanent Pond <structure name> were different from the detailed design plans. I find that the proposed permanent Pond <structure name> has been designed in accordance with specifications detailed in 16 Texas Admin. Code §12.347 and is hereby approved. Permit No. <permit number> is revised accordingly.

Should there be any questions, please do not hesitate to call me or <reviewer name>, technical coordinator for review of this application.

Sincerely,

John E. Caudle, Director

Surface Mining and Reclamation Division

JEC/<reviewer initials>/

Enclosure

File Ref. No <file reference number>