

DEC 17 2010

John G. Brittingham

December 14, 2010

Via First Class Mail and
Via e-mail: chloe.lieberknecht@sunset.state.tx.us
Chloe Lieberknecht
Project Manager
Sunset Advisory Commission
P. O. Box 13066
Austin, Texas 78711

Re: TCEQ Sunset Report – Dam Safety Regulatory Program

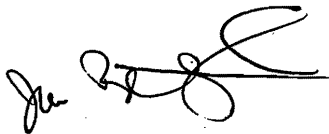
Dear Ms. Lieberknecht:

It was recently brought to my attention that Section 4.3 of the Sunset Advisory Commission Staff's report on the TCEQ contains a recommendation for statutory changes that would authorize the TCEQ to assess administrative penalties against land owners for violations of TCEQ dam safety regulations. This truly is a concern for each and every one of us here in the state of Texas who currently own property with a pre-existing dam. At the time of the construction all regulations were adhered to as required by law. To not grandfather pre-existing dams would be unethical.

The re-classifying dam risks based upon subsequent development and arbitrary flood projections is unfair as well as bad for land values, farmers, ranchers, and outdoorsmen. Dams that were previously deemed acceptable should not be subject to the new dam safety regulations implemented by TCEQ.

If changes must be made I would support TCEQ be required to grandfather pre-existing dams from the retroactive imposition of these new rules.

Regards,

A handwritten signature in black ink, appearing to read "John Brittingham", with a stylized flourish at the end.

John "Jack" Brittingham