

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 13, 2016

Mr. Ken Levine, Director  
Sunset Advisory Commission  
P.O. Box 13066  
Austin, Texas 78711-3066

Re: Sunset Staff Report on Sulphur River Basin Authority, Central Colorado River Authority, Upper Colorado River Authority, and Palo Duro River Authority

Dear Mr. Levine:

Thank you for the opportunity to review the above-mentioned report. In response, I would like to address the recommendation in Issue 2.

The staff recommendation in Issue 2 calls for the Texas Commission on Environmental Quality (TCEQ) Dam Safety Program to inspect and report on three dams located on the Colorado River and owned by the Central Colorado River Authority (CCRA).

The TCEQ has no objections to the recommendation. Please know however, that pursuant to 30 TEX. ADMIN. CODE chapter 299, the classification of a dam is based on the potential impact on human life or property and not the physical condition of the dam. Accordingly, the inspections may or may not result in a hazard classification change; however, such a change will not be based on the physical condition of the dam. With regard to these particular structures, the regulatory standards imposed cannot be increased unless the classification(s) are changed from "low hazard" to either "significant hazard" or "high hazard".

Regardless of classification, the reports will include recommendations that should be addressed for each item noted on each dam during the inspections. If the classification of a particular dam changes to "significant hazard" or "high hazard", the owners of the dam(s) may be required to take appropriate action to address any deficiencies to mitigate enforcement.

Please feel free to contact us if there are questions.

Sincerely,

A handwritten signature in black ink that reads "Richard A. Hyde".

Richard A. Hyde, P.E.  
Executive Director