

**Effective January 1, 2009**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
Permanent Rule Changes

Chapter 299  
Dams and Reservoirs  
Subchapters A, B, C, D, E, F, G

1. Purpose. This change transmittal provides the pages that reflect changes and additions to the Texas Commission on Environmental Quality Volume of Permanent Rules.
2. Explanation of Change. On December 10, 2008, the commission adopted the repeal of §§299.1 - 299.5, 299.11 - 299.18, 299.21 - 299.31, 299.51, and 299.61; and new §§299.1 - 299.7, 299.11 - 299.17, 299.21 - 299.33, 299.41 - 299.46, 299.51, 299.52, 299.61, 299.62, 299.71, and 299.72

New §§299.1, 299.2, 299.6, 299.13 - 299.16, 299.21 - 299.24, 299.27, 299.42 - 299.45, 299.51, 299.52, 299.61 and 299.62 were adopted *with changes* to the proposed text as published in the July 25, 2008, issue of the *Texas Register* (33 TexReg 5859). New §§299.3 - 299.5, 299.7, 299.11, 299.12, 299.17, 299.25, 299.26, 299.28 - 299.33, 299.41, 299.46, 299.71 and 299.72 and the repealed sections were adopted *without changes* to the proposed text and were not republished.

3. Effective of Change. The adopted rule repeals and replaces the existing rule. The adopted rule relates to dam; design; construction plans and specifications; construction; operation and maintenance; inspections; removal; emergency management; and site security. The adopted rule updates existing criteria to make them more consistent with current engineering practices. The adopted rule adds requirements for emergency action plans, gate operating plans, security plans, and better defines dam owner responsibilities. The adopted rule requires new dams to meet certain design standards and requires additional nonstructural requirements of existing dams.

The adopted rule removes small and intermediate-size, low-hazard dams from the periodic inspection schedule, and establishes an inspection frequency of five years for high and significant-hazard dams and large, low-hazard dams. The adopted rule allows inspections by the owner or the owner's representative in lieu of agency inspections.

The adopted rule changes the definition of "dam", thus reducing the number of small, low-hazard dams subject to regulation. The adopted rule updates all relevant cross-references and citations.