**TCEQ Report Findings:**

1. “The dam was found to be in an overall **poor condition**, primarily due to erosion of the spillway's control section and discharge channel and rust-through and undermining of the siphon.”
2. “Please note that the hazard classification for Glass Club Dam has changed. Glass Club Dam is classified as a small-size, **significant-hazard dam**.”

**Additional Items Include:**

* Excessive vegetation, brush, trees, and wood debris on the dam embankment, spillway, and discharge area.
* Undermining and/or wave action created erosion scarps on the right and left ends of the embankment's upstream slope.
* Erosion gullies on the downstream slope.
* Undermining and partial collapse of the concrete slab on the spillway control section.
* Severe erosion in the spillway discharge channel.
* Seepage from the downstream slope and toe.
* The presence of animal burrows on the upstream and downstream slopes of the embankment.

**Actions Required / Potential Penalties:**

“It is understood that certain proposed corrective actions will require a Licensed Texas Professional Engineer (LTPE) and your written response for these specific recommendations may be limited to notifying us of your time frame for addressing the issues of concern. Please be aware that any engineering reports or plans regarding the dam should be reviewed and approved by the TCEQ Dam Safety Section prior to initiating construction.”

“The owner should address the recommendations made in this report as soon as possible. It should be noted that it is the owner's responsibility to maintain the dam in a safe condition in order to prevent loss of life and limit the potential for property loss. In doing so, the owner will reduce liability exposure and, with regular maintenance, will minimize costs. “

 “You are now required to provide an **Emergency Action Plan** to the TCEQ Dam Safety Section by September 1, 2013.” “You are now required to provide an **Operation and Maintenance Plan.”**

The TCEQ has directed Glass Club Lake, Inc. to take immediate and appropriate action to remedy situations posing serious threat to human life, health and/or property (299.61).

The TCEQ has also ordered that Glass Club Lake, Inc. provide sufficient data to plan for potential effects of failure or malfunction of a dam and/or appurtenant facilities (299.17).

Nothing in the rules or orders made by the TCEQ shall be construed to relieve an owner of a dam of the legal duties, obligations or liabilities incident to ownership or operation (299.3).

If the owner fails to comply with the directive the TCEQ may take appropriate action to assure compliance. Failure to comply with approved plans and specifications will be grounds for revocation of the permit and/or civil penalty as provided by law.

The commission may order the structure removed to eliminate any safety hazard to life and property (299.28).

An owner who willfully fails or refuses to take appropriate action is liable for a penalty of not more than $5,000 a day for each day the violation continues (TWC 12.052(c)).

**Is this an Emergency? These repairs are mandated by the State.**

**Order of precedence for rules**: U.S. Constitution, federal laws, state constitutions, state laws, the club’s articles of incorporation and the bylaws and then rules and regulations.

**As joint owners of a 90+ year old dam, what are we going to do?**

There have been questions raised that the bylaws state that the board “in no event, (shall) create any new liability to be charged upon the Club to amount in excess of $5,000 except when specially authorized to do so by a meeting of the Stockholders, held in the manner provided by these bylaws, or except in situations deemed an emergency by the Board of Directors”

As you will see in the timeline below on March 23, 2013 the motion was raised at the board of directors meeting and passed by a majority vote of the board members present.

**Timeline of Actions of the Board of Directors since receipt of the TCEQ Report:**

1. October 25, 2011 The TCEQ-Texas Commission on Environmental Quality conducted an inspection of the Glass Club Lake Dam.
2. August 29, 2012 - Letter received from TCEQ outlining deficiencies in the structure of the dam.
3. September 2012-Review of TCEQ report, develop presentation for October meeting.
4. October 6, 2012 - Board of Directors Meeting Presentation of TCEQ report. Open forum with shareholders for questions and comments.
5. October 8, 2012 - Glass Club Lake Board of Directors responded by certified mail that TCEQ’s letter had been received and that it was the intention of the club to address the outlined deficiencies.
6. November 2012-January 2013 - Gaylon Moreland conducted research and interviews of various engineering firms for proposals.
7. February 2, 2013 – Board of Directors approved obtaining requests for proposals for the scope of work outlined in the TCEQ report.
8. March 2, 2013 - Board of Directors Meeting / Engineering proposals are presented. The proposals are to be reviewed by board members prior to the next meeting.
9. March 23, 2013 – President Rod Holbrook presents Dam Owners Presentation and physical walk of the dam by shareholders.
10. March 23, 2013 – Special Board of Directors meeting was called. A motion to declare the dam/spillway repairs as a “State of Emergency” was made in order to appropriate funding needed for retention of the engineering firm of Johnson and Pace to begin study and design in preparation for annual meeting discussion. The motion passed by a majority vote of the board members present.
11. April 6, 2013 – An initial site visit of the lead engineer, Justin Seal, was made on April 1, 2013. A preliminary report is expected from Johnson & Pace at the next board meeting. Clearing of brush and vegetation on the Dam by club volunteers has begun, $1000.00 approved by the Board of Directors for hiring additional tree and brush removal, work to be scheduled and overseen by John Thomas and Mike Holman
12. May 4, 2013 – Justin Seal, lead project engineer with Johnson and Pace, presents proposal to Board of Directors with two options for the Dam and Spillway renovation. Mr. Seal stated the pros of Option B provides for a shorter outfall channel, best access for construction, utilizes existing material to reclaim the existing channel all at a lower cost. Mr. Holman made the motion to accept “Option B”; the construction of a new 30’ wide by 5’ deep spillway with new outfall channel on the east side of the Dam, remove the old spillway, and reclaim existing outfall channel with spoil material, Mr. Martin seconded the motion. The motion passed by a unanimous vote of the board members present.
13. June 1, 2013 – Johnson and Pace completes initial engineering studies and submits proposal for continuation through completion of construction documents in preparation of contractor bid process and commencement of work. Mr. Moreland reported the Preliminary Analysis Phase I has been completed and then presented the Phase II of the Glass Lake Dam Evaluation and Analysis proposal. The scope of services from Johnson & Pace Engineering will finalize the preliminary design including the detailed design, and accompanying report to the TCEQ for review. The board approved by a unanimous vote of those present to give Johnson & Pace a “Notice to Proceed” on the project. Mr. Holman made the motion, and Mr. Fix seconded. Mr. Holbrook signed the letter of agreement to proceed.
14. June 8, 2013 – Annual Shareholders Meeting, a presentation is made to update the membership on the repair/renovation of the Dam and Spillway and to provide an open forum for any membership input.

**Dam/Spillway Renovation Project Checklist:**

* Respond to August 29, 2012 TCEQ Dam Evaluation Report / October 8, 2012
* Operations and Maintenance Plan – Due September 1, 2013
* Emergency Action Plan- Due September 1, 2013
* Retain Selected Engineer / Begin proposals for repairs.
* Approve proposal
* Begin Design and Construction Documents
* Submit to TCEQ for Approval
* Bidding process for construction.
* Removal and repair of damage siphon pipe
* Repair of spillway and downstream slope to Village Creek
* Repair of erosion scarps on the right and left ends of the embankment's upstream slope.
* Repair of erosion gullies on the downstream slope.
* In Progress…Repair and/or removal of animals/insects; their burrows on upstream/downstream slope of the embankment.
* In Progress…Removal of excessive vegetation, brush, trees, and wood debris on the dam embankment, spillway, and discharge area.

**Notes:**