

**May 7, 2015**

Dear Mr. Hodges – thanks for your reply, but the TCEQ seems to be missing some key issues entirely. Please consider the following.

First, regarding reference to TCEQ Dam Safety Rules:

*“In the case of oil and gas activity near a dam, the rules (30 TAC Chapter 299.16(d)(4)) are very clear in that an evaluation to determine if the integrity of the dam would be compromised should be performed by a professional engineer.”*

These rules require an evaluation **in advance** of any proposed drilling activity on or near a dam and require prior approval from the TCEQ **before** any modification of a dam structure. This of course would include the modification of a dam in connection with the construction of a pad site, drilling of 10 gas wells, installation of a gas gathering system and construction of a spillway. XTO completed all of these activities on the Pappy Elkins Dam, **without** a proper evaluation of the dam structure by an independent engineering firm and **without** the approval of the TCEQ.

Your email implies that the dam is completely safe even though proper TCEQ protocols were ignored and inspections by TCEQ and Freese and Nichols have been only visual. As you know, the west side of the dam has lost whatever embankment may have been there and the severe slope (inverted in places) now clearly exposes (because of severe erosion in a number of places) the fact that the dam itself was constructed using large chunks of dumped concrete and asphalt.

XTO’s gas wells have penetrated this structure and their gas gathering lines run through the top of it’s western bank where significant erosion has occurred that will only worsen over time. XTO is aware of the erosion problem on the western portion of the dam and attempted a remedy in 2012 — **after the gas wells and gathering lines were in place** — by bringing in more fill dirt and installing a thin layer of material that now has several complete cracks exposing visible erosion of the underlying ground.

Truth is, the pad site resides on a partial landfill, the structural integrity of which is unknown. The dam is leaking water but the flow is not clear (as you indicated) as there is an orange substance present, the origin of which has not been identified. The TCEQ is evaluating the orange substance FYI.

Your email makes no mention of the possible impact to the integrity of the gas wells from a continuous flow of water through the dam. **But since this is the only dam in Texas with gas wells flowing through it**, we conclude that it is a high-risk situation by definition. To argue otherwise would be to assert that it is absolutely safe to drill gas wells through dams – **an absurd argument contrary to the laws of our state that the TCEQ has been commissioned to oversee and enforce.**

Second, your email stated:

*“The hazard with any dam is primarily the area downstream of the structure (behind the dam as water would flow). The residences upstream of the Elkins Lake Dam (or in the City of Dalworthington Gardens along Elkins Drive) would have little to no potential risk in the event of a **dam failure**.”*

We who live on Elkins Drive are not concerned of a flood event resulting from a **dam failure**. This risk, however, is critical to the 200+ Arlington residents living directly behind the dam. As you know, the proximity of these Arlington residents has resulted in the Pappy Elkins Dam meeting the definition of a “High Hazard Dam” by the TCEQ.

However, our neighborhood is gravely concerned about a more serious potential catastrophe in the event of a **dam failure** – a catastrophe your email did not address at all but one that state law and TCEQ regulations are designed to avoid. Our dam is not typical because of XTO’s imbedded gas operations. Should a **dam failure** occur at Pappy Elkins Dam, we are concerned that ruptured gas lines could result in a catastrophic explosion and fire.

The TCEQ has **never** approved the drilling of gas wells through a dam because of the possibility of such a catastrophe. To suggest that the Pappy Elkins Dam is safe based upon a “walk around” – as though it is a normal dam – seems irresponsible and does not satisfy our concerns. As you know, a thorough visual inspection is not even possible because of the thick underbrush on the western slope now thriving because of leaking water.

If the TCEQ has a suggested protocol for citizens living in close proximity to a technically unevaluated dam with 10 gas wells running through it please let us know.

Kind regards,

Pappy Elkins Restoration Group