

Builder fined for pollution of creek

Citation by LCRA for debris latest woe for western Travis subdivision

By Kevin Carmody

AMERICAN-STATESMAN STAFF

The Lower Colorado River Authority has imposed a relatively rare \$5,000 fine and threatened identical daily fines on the developer of a Hill Country subdivision whose dam has been deemed responsible for polluting Lick Creek.

The penalty, for exceeding pollution limits at the West Cypress Hills development after a mid-September rainstorm, was levied this week. And after heavy rains on Saturday again overwhelmed the additional pollution control measures the developer had installed, LCRA officials said they will fine him the maximum \$5,000 a day unless he fixes the problem quickly.

"I haven't seen the lab results, but it's a no-brainer that they will have surpassed the (pollution) limits again" after Saturday's rains, said Vic Ramirez, the LCRA's associate general counsel.

However, the river authority probably will not automatically fine developer Rusty Parker for Saturday's violation or collect the daily fines for failing to stem pollution of the once-pristine creek in western Travis County unless Parker fails to meet new, more aggressive deadlines this month to fix the problems, Ramirez said.

During the Saturday morning storms, about 5 inches of rain washed soil and debris off newly cleared home sites and filled the detention pond behind the development's controversial dam, officials and witnesses said. The water then overflowed the dam's spillway and went directly into

FINE: Developer says crew is fixing problems

Continued from B1

the creek, dumping perhaps tons of sediment there, they said.

Still, Tom Hegemier, the LCRA engineer who previously had ordered work stopped on the development because of pollution concerns, said Parker has continued to push hard to stem pollution.

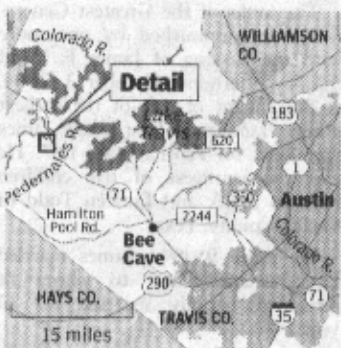
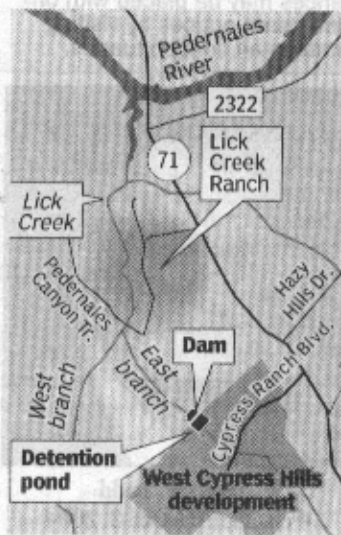
"On Saturday, they had workers everywhere, and have been really dedicated in taking the corrective action we've required," he said.

Parker said Tuesday that he was confident he could meet the new deadlines. He said he has mobilized a crew of about 30 workers to triple erosion control structures, such as silt fences, and does not plan to challenge the fine. The cost of the corrective work has easily surpassed tens of thousands of dollars, he said.

The LCRA last issued such a large fine for water pollution violations at a development about 18 months ago, and the project that was fined appears to have been abandoned, Ramirez said.

The news last spring of Lick Creek's pollution woes helped focus public attention on the risks of rapidly expanding development in the Hill Country, where steep slopes magnify the environmental damage caused by erosion from clearing land.

Phillip Popin, the Austin lawyer representing downstream residents of Lick Creek Ranch in a federal pollution lawsuit against West Cypress Hills, said the latest failure of



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erosion and pollution controls should raise a question about whether the creek will ever be protected.

"It's a lesson that you can't just rip up the land and expect to be able to do the same old development practices, use the same engineering controls you do on flat land, and hope to be able to protect water quality," Poplin said.