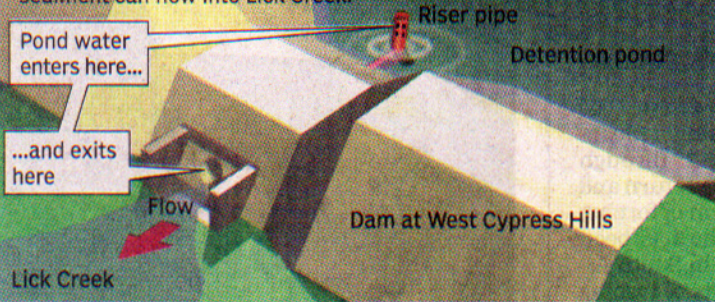


New dam debacle halts west Travis project

A catastrophic failure at Hill Country creek

Rains June 7-9 destroyed a riser pipe seated over the drain at the bottom of the pond. The riser pipe, wrapped in fabric, filtered pond water as it entered the drain. With the riser pipe destroyed, unfiltered storm water sediment can flow into Lick Creek.



By Kevin Carmody

AMERICAN-STATESMAN STAFF

The subdivision that some western Travis Country residents consider a poster child for improperly designed Hill Country developments, West Cypress Hills, is in more hot water over dirty water.

Lower Colorado River Authority officials on Friday ordered the shutdown of nearly all construction work at the 800-home project after an inspection Thursday revealed the "catastrophic failure" of a sediment filter device in a storm water

detention pond. That device, a perforated pipe covered with a fabric filter, was the only means of keeping storm water runoff laden with sediment from surging through the developer's illegally constructed dam and more seriously polluting once-pristine Lick Creek, river authority officials said.

The pipe filter was destroyed during moderately heavy rains June 7-9, officials said.

"Adequate progress has not been made since we first started working with the developer to

See **CREEK**, A12

Source: LCRA

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CREEK: Neighbors fume over latest failure

Group had filed suit even before pollution safeguard gave way

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resolve the water quality issues, and that is just not acceptable," said LCRA General Manager Joe Beal, who issued the stop-work order.

Such orders, enforceable by a \$10,000 daily fine, are rarely issued for large construction projects, with the most recent comparable case involving the expansion of the Two River Canyon amphitheater on Texas 71 in Spicewood. That order is still in effect.

West Cypress Hills had been ordered in March to stop work on the pond after river authority engineers determined that the pond and dam were illegally polluting Lick Creek, even with the filter in place.

The creek rivals Barton Creek in size and beauty, and its banks contain one of the oldest Native American archaeological sites in Texas. The new order halts all construction that disturbs soil, such as building roads and laying house foundations, which could send more pollutant-laden sediment flowing into the creek.

Scores of property owners near Hamilton Pool Road, several miles south of Lick Creek, have pointed to the pollution problems at West Cypress Hills as an example of why they oppose three other planned developments, projects that would become more feasible with a water pipeline the river authority has proposed. They note that the river authority, Travis County and the state environmental commission approved the West Cypress Hills development or dam design. But no agency except the LCRA has taken any action, and no agency has proposed a fine.

In response to that outcry, Beal last month authorized a seven-month moratorium on new water pipelines in the Barton Creek and Lake Travis watersheds while his staff prepares a regional water service plan and elected officials within the Barton Springs watershed work on a regional development plan.

The lead partner in West Cypress Hills, Russell Parker, could not be reached Friday afternoon or evening.

It was unclear how many homes would be delayed. Workers will be allowed to complete several model homes because no additional soil will be disturbed at those sites, LCRA engineer Tom Hegemier said.

The latest engineering failure



A drain pipe and filter, foreground left, in the detention pond at the West Cypress Hills development once kept runoff from getting into Lick

drawn incredulous condemnation from the downstream residents who, on June 9, notified Parker that they intended to sue him for 10 alleged violations of the federal Clean Water Act if state and federal regulatory agencies continued to balk on imposing fines of up to \$25,000 a day. The river authority's order Friday was greeted with praise but was tempered by those residents' frustration at seeing the ecological health of their beloved creek further endangered.

"Even before this new order, the LCRA has been the only government agency that has admitted it made a mistake in approving the dam or has worked to try to minimize the damage," said Pepper Morris, one of the officers of Guardians of Lick Creek, a group of downstream homeowners in the Lick Creek Ranch community.

Morris said the filter drain appeared to fail June 9, resulting in a sudden torrent of chocolate brown water flowing through the creek. The three-day rain totaled less than 4 inches, an event that occurs about three times a year and far less than the 9.2 inches that fell in November

2001, said resident Dicky Streety.

The group's lawsuit notice letter, required in cases in which citizens bring action under federal environmental laws, gives the U.S. Environmental Protection Agency, the Texas Commission on Environmental Quality or the U.S. Army Corps of Engineers 60 days to pre-empt the lawsuit by initiating enforcement action, said Phillip Poplin, one of the Austin lawyers the group hired. Even if the agencies step in, the residents may still seek to recover damages for loss of property value, he said.

Thus far, no federal or state agency has taken any sustained enforcement action, instead letting the LCRA work with Parker and his engineers to find a fix for the pollution problems.

Texas environmental commission spokesman Andy Saenz said an agency inspector visited the site again Thursday and has discussed developments with the river authority, but he did not know late Friday what the inspector determined.

Earlier inspections in response to citizen complaints

Creek. But it was crumpled in storms earlier this month. Now polluted storm water flows freely into the western Travis County creek.

resulted in two notices of violation, but those cases were dismissed without enforcement action as of June 4, commission documents show. That was three days before the start of the rains that destroyed the filter.

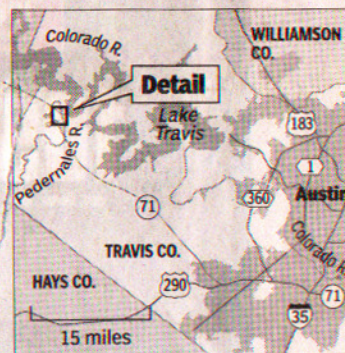
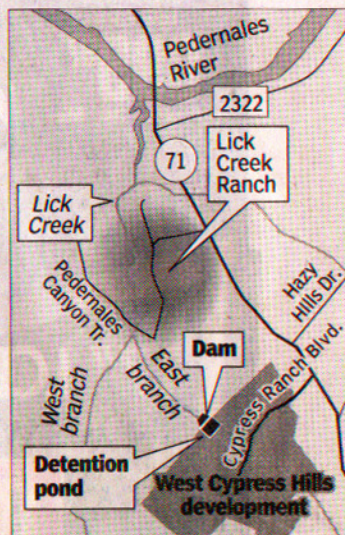
A spokesman for the Army Corps of Engineers said Thursday that the agency has not completed a separate investigation launched after the Corps determined that the development illegally filled a branch of Lick Creek to construct the dam and detention pond.

"We haven't yet received the information requested from the developer, so we haven't determined whether we will issue a permit" after the fact, said Clay Church of the Corps' Fort Worth district office.

Hegemier, of the LCRA, said the developer's contractor has promised to complete repairs to the sediment filter drain and construct a bypass system to correct the pre-existing pollution problems within two weeks, weather permitting. If all that is done successfully, the LCRA would lift the work ban.

"I think they're living in a fantasy world," Morris said.

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