



Larry Kolwood AMERICAN-STATESMAN

The Lower Colorado River Authority likely will seek authority over such projects as West Cypress Hills subdivision dam, blamed for pollution.

LCRA reworking anti-pollution laws on Highland Lakes

By Kevin Carmody

AMERICAN-STATESMAN STAFF

Amid the buzz about development moratoriums and regional plans in fast-growing, environmentally sensitive areas west of Austin, a potentially far more significant anti-pollution effort has been moving forward out of the spotlight.

For two years, the Lower Colorado River Authority staff has evaluated gaps in its two ordinances that limit water pollution coming off new subdivisions and commercial projects in much of the Hill Country.

Just the names of the jargon-heavy laws — the 1990 Lake Travis and 1992 Upper Highland Lakes Non-Point Source ordinances — make the eyes of all but

West Cypress Hills dam silt filter repaired, but more pollution reported, **A8**.

the most committed ecologists glaze over.

The agency has solicited critiques of the two ordinances from citizen and business groups, developers and local officials. Changes in the ordinances are likely, said Lisa Hatzenbuehler, who is overseeing the review process at the LCRA.

Any amendments, which will need the approval of the

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LCRA unlikely to limit density but could seek to protect waterways

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15-member LCRA board, probably won't directly limit the density of developments, a key element in Austin's Save Our Springs Ordinance.

But Hatzenbuehler said the staff probably will recommend that the agency take more authority to stop developers from building stormwater control structures in waterways or wetlands in the northwest corner of Travis County and in Burnet and Llano counties.

Such authority might control projects such as the illegally built dam for the West Cypress Hills subdivision that's now blamed for polluting once-pristine Lick Creek.

"We also permitted that dam," Hatzenbuehler acknowledged. "We had no way to say, 'You can't do that. You can't put a stormwater control structure right on a creek.' We need a way to do that ... before the damage is done."

Recent controversies over proposed developments along Texas 71 west of Bee Cave have reinforced that community's impression that the LCRA — despite its limited enforcement powers and its role in proposing water lines that promote development — is the lone state or federal environmental agency willing to take action when developments violate water pollution standards.

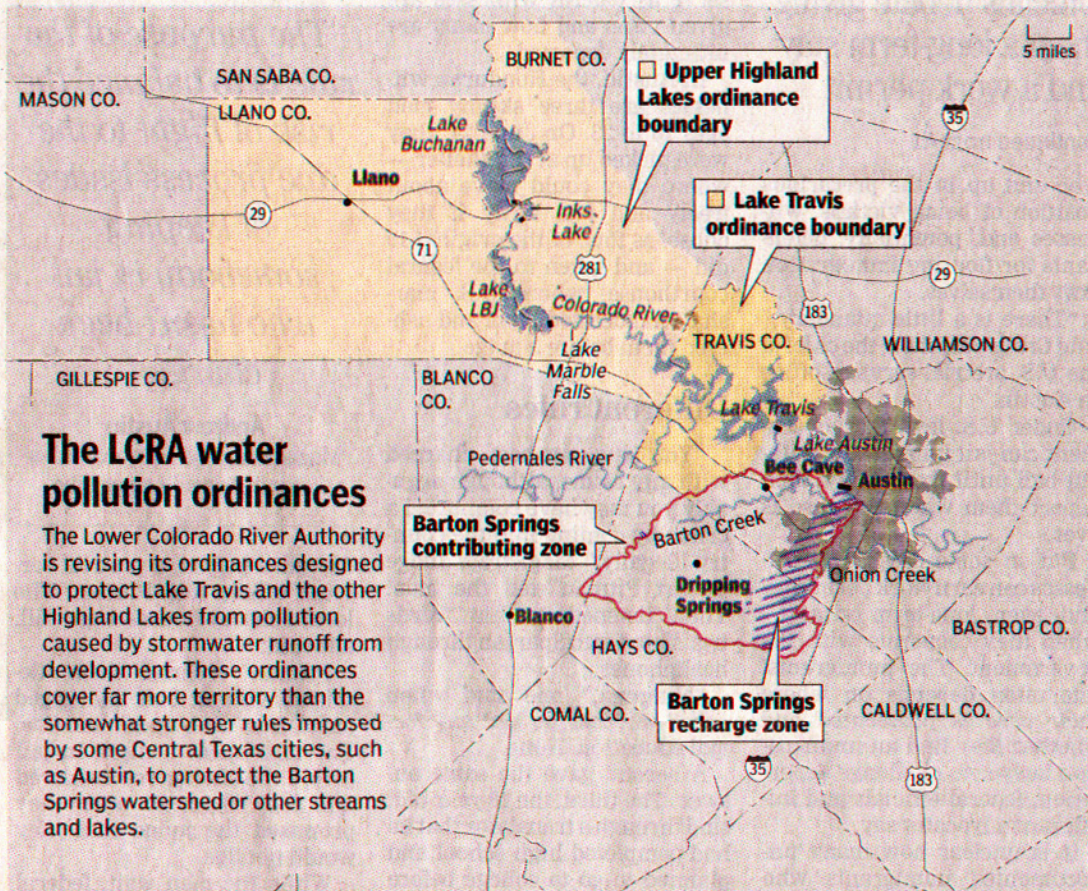
Spearheaded by engineer Tom Hegemeir, the agency's three-man inspection team — responsible for inspections over about 2,000 square miles — demanded that the West Cypress Hills developer fix the dam problems.

Other federal and state agencies abdicated responsibility or dragged their feet, said Pepper Morris, an officer of Guardians of Lick Creek, a group of longtime creekside residents. The group has given legal notice that it will sue the project's developer, Rusty Parker.

Such a lawsuit might force the Environmental Protection Agency or the Texas Commission on Environmental Quality to impose penalties under the federal Clean Water Act.

Far-reaching potential

The effectiveness of the LCRA ordinances' changes, which should be ready for public debate early next year, could determine the ecological fate of a significant slice of fragile Hill Country landscape and streams, Morris and several scientists have said. The facts tend to back up that hypothesis.



The LCRA water pollution ordinances

The Lower Colorado River Authority is revising its ordinances designed to protect Lake Travis and the other Highland Lakes from pollution caused by stormwater runoff from development. These ordinances cover far more territory than the somewhat stronger rules imposed by some Central Texas cities, such as Austin, to protect the Barton Springs watershed or other streams and lakes.

The primary battlefield in Central Texas' development wars — which for two decades pitted many developers and their allies in the Texas Legislature against lovers of Barton Springs and, more recently, against the Austin City Council — is no longer limited to the Barton Springs watershed, which sweeps south and west from Austin past Bee Cave.

The second front is now open from the fringes of the Barton Springs watershed to Marble Falls and other fast-growing communities along the Highland Lakes.

In some ways, the stakes are just as great as they are for Barton Springs, save for the famous pool's iconic and recreational value.

The potential for damage to the shallow, limited aquifers west of Austin, such as the Trinity, is actually far greater than it is for the Barton Springs segment of the massive and prolific Edwards Aquifer.

Much of the Barton Springs recharge zone, though pockmarked with sinkholes and caves that allow polluted urban runoff to enter the aquifer, is relatively flat. Development that disturbs the shallow soils can send pollution to nearby creeks and cracks in the limestone bedrock.

But in western Travis County, including portions of the Barton Springs contributing zone, the terrain is steeper, the potential for silt-loaded runoff greater, and the creeks more pristine and picturesque than even much-beloved Barton Creek.

And while wells tapping the Barton Springs aquifer provide drinking water to more than 50,000 people, the Highland Lakes system fed by all those Hill Country creeks and groundwater is — via intake pipes on Lake Travis — the drinking water source for about 1 million people. That includes the residents of Austin, who rely on Lake Travis as their primary water source.

LCRA General Manager Joe Beal said the agency's Lake Travis regulations, which require developers to remove 70 percent to 90 percent of the additional pollution entering waterways, were progressive when adopted 14 years ago and helped keep Lake Travis among Texas'

clearest reservoirs. The Highland Lakes ordinance sets a 70 percent target.

But Beal said the reassessment is warranted in light of the denser development spiraling outward from Austin.

"The world around the lake has changed significantly in those 14 years, and more changes are coming because the lake is an attractive place to live," Beal said, noting that his goal is to make the rules as "effective, user-friendly and technically sound" as possible.

Can't do it alone

The LCRA took a public relations beating in recent months after residents learned about

proposed surface water lines that would serve new subdivisions along Hamilton Pool Road and Texas 71.

The plans came to light shortly before the LCRA board was scheduled to approve them. In response, Beal placed a seven-month moratorium on new lines, allowing time for the sporadic regional water quality planning effort.

Beal pledged that the LCRA would require any new developments in the Barton Springs watershed that are served by its water lines to meet the relatively strict density and water-quality guidelines recommend by the U.S. Fish and Wildlife Service. The agency also will follow any stricter rules if approved in a regional water plan.

But even some who praise the LCRA's recent efforts say it can't protect the Hill Country's water or character by itself.

It's perfectly acceptable for the state environmental commission and the EPA to defer to the LCRA on initial inspections of environmentally suspect developments, said Philip Poplin, the Austin lawyer representing the Lick Creek residents.

"I think it's great those agencies, with their limited manpower, work together. But after seeing the obvious violations of federal law at Lick Creek, it's inexcusable for the TCEQ not to step back in and take enforcement action," Poplin said.

He also noted that the LCRA lacks the authority to enforce the federal law's \$25,000-a-day fines.

And Bill Bunch of the SOS Alliance, while also praising recent LCRA actions, said the agency has "an obligation to expand its inspections and enforcement staff in light of all the additional development its water and wastewater utility projects are generating."

kcarmony@statesman.com; 912-2569

Mary Coppinger, Robert Calzada AMERICAN-STATESMAN