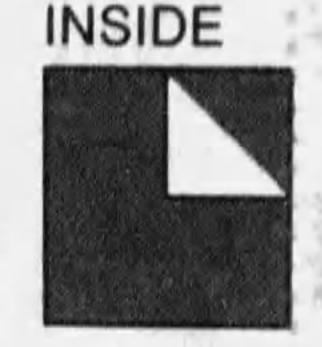
INSIGHT

Sunday, September 29, 1991 Austin American-Statesman

Editorials, C2,3 Congressional roll call, C8



TRIALS OVER TROUBLED WATERS

It began June 7, 1990.

Hundreds of banner-bearing, sign-waving, songsinging Austinites united behind a battle cry to "Save Barton Springs" and streamed into City Council Chambers to argue against a proposed 4,000-acre development on Barton Creek upstream from the springs.

Scores and scores of speakers urged the council to disallow the development. The meeting lasted 17 hours, until 6 the next morning.

The hearing was one of hyperbole — the longest, the loudest, the most emotional ever.

When it was over, the council responded. The Barton Creek Planned Unit Development was beaten back. The council vote was unanimous.

But the message from the army of citizens and

Developers, environmentalists square off over amendments to watersheds ordinance

environmentalists echoed with unmistakable clarity and gave then-Mayor Lee Cooke and the council a new mandate. The City Council directed the city staff to devise an ordinance to achieve "no degradation" of Barton Springs, a 68-degree natural swimming hole that is often referred to as Austin's crown jewel.

That 15½-month-old directive has rekindled the age-old Austin debate of growth vs. no-growth and business interests vs. environmentalists.

The debate reaches a fever pitch this week as Mayor Bruce Todd's City Council is scheduled to resume a public hearing that began Sept. 19 on proposed amendments to the 1986 Comprehensive Watersheds Ordinance. The issue has perhaps become more clouded by politics and recommendations from advisory panels.

Amendments by a task force appointed by Todd to strike a compromise on the ordinance has been embraced by the city staff. Amendments approved

Barton

Austin

5-mile ETJ

Springs

by the Planning Commission also will be sent to the council. Other amendments must be filed by 1 p.m.

The public hearing resumes at 5:30 p.m. Thursday. The council is scheduled to cast the first of three votes when the hearing culminates. The second and third votes are scheduled for Oct. 17, 10 days before an interim ordinance is to expire.

As a public service, the City of Austin staff, the Austin American-Statesman and representatives from both sides of the controversy present this package. It is information designed to give readers a better understanding of the technically complicated and emotionally charged issue.

Questions answered in this package were solicited from American-Statesman readers.

Comprehensive

What are the key features of

Each development covered

by the proposed ordinance

110 percent of the post-develop-

ment pollutant loads. At least 70

percent of this removal must occur

on-site, and the remainder may be

obtained by constructing a water-

quality structure off-site to remove

must provide for the removal of

the proposed non-degradation

Watersheds

Ordinance:

An overview

regulations?

Scope of watersheds ordinance effect

Austin

5-mile ETJ

The total area of watershed that contributes to the water quality of Barton Springs is 354 square miles. The City of Austin, through its regulatory authority, controls only 112 square miles — 31.6 percent — of the contributing watershed area. That is the portion that is within the city or its extraterritorial jurisdiction — a 5-mile-wide bordering strip of land surrounding the city. (On the map, this is the area east of the dashed line.) In all, the current Comprehensive Watersheds Ordinance applies to 700 square miles of Austin and its ETJ.

(inchudes milbutaries)

Barton Creek contributing zone

(Graduated shade of gray to the west of recharge zone) An area upstream of an aquifer recharge zone from which runoff and streamflow can eventually enter the recharge zone. For example, Barton Creek crosses the recharge zone, thereby providing recharge to the Edwards Aquifer, but the entire Barton Creek watershed upstream of the recharge zone "contributes" to this recharge.

Barton Creek recharge zone

(Lighter gray area with dark gray boundary) Land surface through which rainfall, runoff and streamflow percolate into an aquifer, thereby replenishing the water stored in the aquifer. An aquifer gets its water from a recharge zone, much as a creek gets its water from a watershed. To enter an aquifer, rainwater soaks through land formations such as loose soils, sand, gravel, sinkholes and caves.

Watersheds

(Defined by wavy black boundary lines) The entire land area that feeds rainwater into a specific creek or waterway — its drainage area. Each waterway has its own watershed and all land is in some watershed area. The larger the waterway, the larger watershed it has. Austin has many creeks that feed into the Colorado River. Shown are the two bigger creek watersheds in the Southwest Austin area -Barton Creek and Onion Creek. Both have smaller creeks that feed into them: Onion Creek is fed by — among others — Slaughter, Bear and Williamson creeks.

Aquifer

A natural geologic formation

through cracks and crevices in

the land surface. The aquifer

honeycombed formation of

limestone layered between

confine the water. Springs and

wells tap into water stored in

Staff graphics by Linda Scott and Mark Freistedt

that stores rainfall and

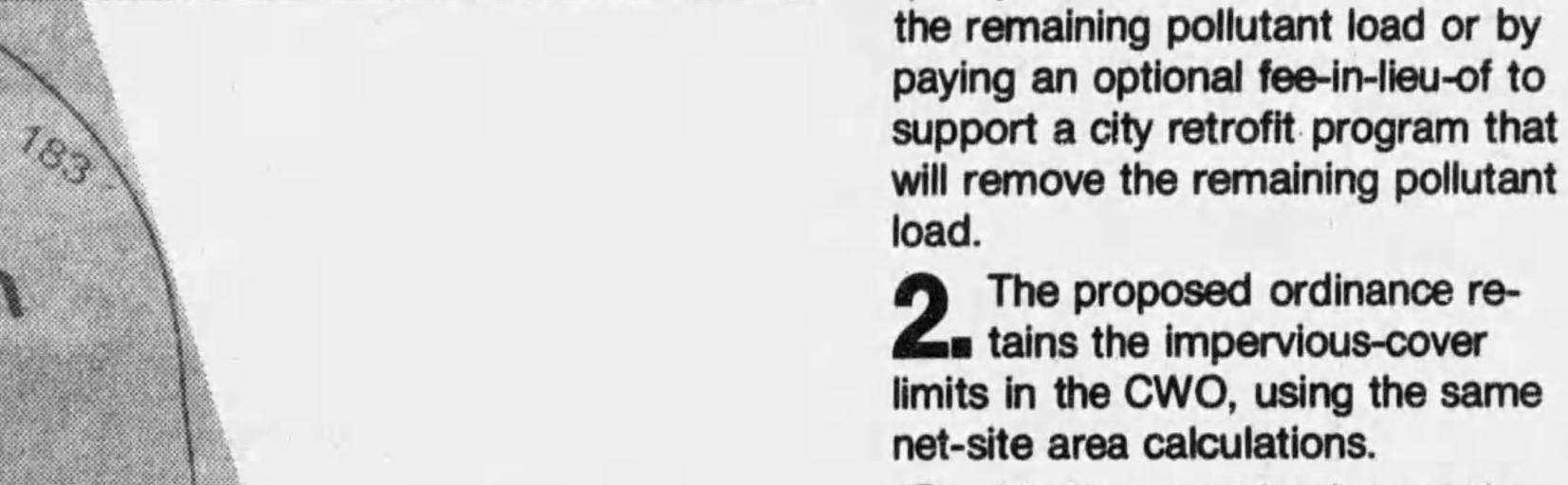
reservoir is a porous,

relatively impermeable

the aquifer.

geologic formations that

streamflow that percolate



All sites must implement the following pollution-reduction measures: A. No untreated runoff allowed

to enter critical-environment features. B. No untreated runoff in de-

fined channels. C. A detention facility to hold water equal to the average amount

of rainfall over a two-year period. Additionally, commercial sites must implement two of the following pollution-reduction measures:

A. Roof runoff must be segregated and discharged onto landscape.

B. A parking garage or street sweeping must be used.

C. All construction must occur on 0-10 percent slopes.

D. Pervious pavement will be

used. An annual inspection fee will fund the inspection of water-

quality controls to ensure they are working properly. The ordinance includes items from the July 24 draft of the

revised Interim Ordinance, including: A. Erosion and sedimentation controls are tightened.

B. Variance provisions are

tightened.

C. Critical environmental feature protection is strengthened.

There is an ordinance-implementation section that retains the same exemptions in the CWO, with the provision that all development, even if it is exempt from the CWO, must remove 70 percent of post-development pollutants.

Answering questions on water quality, protection, regulation

n CreekiWatershed

What water-quality regulations does the city have now?

In 1986, the City Council consolidated several existing watershed ordinances into one Comprehensive Watersheds Ordinance (CWO) designed to reduce the volume of pollutants generated by new development. The ordinance contains several exemptions but otherwise applies to new development within the city and extraterritorial jurisdiction (ETJ).

In response to calls for more rigorous protection for Barton Springs and Barton Creek, the City Council passed the Interim Barton Springs Ordinance in February 1991. The council intended this ordinance to be temporary, allowing time for the development of permanent regulations that would achieve the goal of non-degradation within the watersheds that contribute to Barton Springs.

On Feb. 21, 1991, the City Council clarified that the goal of non-degradation must address development not only in the Barton Creek watershed

but also in all the watersheds contributing to Barton Springs.

5 miles

How have the existing regulations affected water quality?

The effects of regulatory protection are long-term. In the short term, field tests cannot measure the effectiveness of water-quality regulations for the entire area that affects Barton Springs. The city is working with "what-if" computer modeling techniques to project the effectiveness of the CWO and other approaches. Site-specific data, however, demonstrate that CWO controls have effectively removed 50 percent to 70 percent of the pollutant loads coming off developed property.

Why do we need new regulations?

When it first passed the CWO, the City Council expressed concern about the ability of the CWO controls to preserve water quality in Barton Springs. This was a legitimate concern, given that Austin was on the

leading edge of communities trying to protect water quality. Because few models existed as examples of what has worked in other communities, the City Council directed the staff to initiate a multi-year study of Barton Springs.

In June 1990, as a result of the public hearing on the Barton Creek Planned Unit Development (PUD), the City Council expressed continued concern about the ability of the CWO controls to protect Barton Creek and Barton Springs. The council then directed the staff to develop a non-degradation strategy to protect Barton Creek and Barton Springs. The proposed regulations under consideration represent the first element of the nondegradation strategy.

Where will the proposed regulations apply?

The current CWO applies to 700 square miles of Austin and its ETJ. The proposed regulations to protect Barton Springs and Barton Creek apply to 112 square miles within that territory.

The total area of watershed that contributes to Barton Springs is 354 square miles. The city, through its regulatory authority, controls only 112 square miles — 31.6 percent — of the contributing watershed area.

What policy decision has to be made?

It is: What approach does the community take to balance the need to protect the quality of Barton Creek and Barton Springs with the desire to allow for an appropriate level of development in the southwestern part of the community?

What is the difference between the proposed regulations developed by the mayor's task force and those recommended by the Planning Commission?

The regulations prepared by the mayor's task force and recommended by the city manager aim for non-degradation by requiring new develop-

ment to remove 110 percent of the pollutant load generated as a result of that development.

The task force proposal would not only prevent new development from adding to the pollutant load flowing into the creeks, but also would require developers to help pay for reducing the pollutant load generated by existing conditions.

In contrast, the Planning Commission recommendation measures the level of degradation using pollutant concentrations, instead of using pollution loading, as recommended by the task force.

The difference between the two approaches is significant.

The mayor's task force proposal uses pollutant load to define non-degradation, and the Planning Commission proposal uses pollution concentration.

What's the difference between concentration and load?

The difference is best explained by See Answering, C6

Answering questions on water quality, protection, regulation

Continued from C1

example. If you had an undeveloped site, the concentration could be represented by the pounds of pollution per gallon of runoff coming off the site.

For our example, we'll say our concentration is 4 pounds per gallon. To determine the pollutant load, or the pounds of pollution leaving the site, you must multiply the volume of runoff coming off the site times the concentration.

For our example, we'll say we have 10 gallons of runoff coming off our undeveloped site. To determine pollutant load, we multiply the volume (10 gallons) by the concentration (4 pounds per gallon) and get a load of 40 pounds of pollutants leaving the site.

As the site is developed, the Planning Commission proposal would require the pollutant concentration to be reduced by 25 percent. Therefore, the developer would have to treat the runoff to reduce the concentration from 4 pounds per gallon to 3 pounds.

To determine the load from the developed site, we have to multiply the volume of runoff by our improved concentration. But for a developed site, we no longer have only 10 gallons of runoff. The impervious cover that development brings will substantially increase the amount of runoff.

For our example, we'll say we now have 50 gallons of runoff. Our load would then be volume (50 gallons) times concentration (3 pounds per gallon) to equal 150 pounds of pollutants.

So, in our example, while we improved our concentration by 25 percent with post-development treatment, we still increased the pollutant load coming off the site because impervious cover increases volume.

4 lbs/gallon . 10 gallons
-
. 40 pounds

Developed site Pollution concentration 3 lbs/gallon Volume 50 gallons Pollutant load 150 pounds

Will this ordinance clean up **Barton Springs and Barton** Creek?

The CWO and the proposed amendments will not clean up the creek or the springs. Their purpose is to ensure that new development does not add to existing pollution in Barton Creek.

To preserve or improve existing water quality, a comprehensive retrofit program for existing and exempted development must also be implemented. A retrofit program would examine existing developments and how much pollution they generate. It would then provide for after-the-fact controls such as filtration ponds and wet ponds - to reduce pollution loads.

Is there a difference between protecting Barton Creek and protecting Barton Springs?

Yes. We can help water quality within Barton Creek with regulations that address the 125 square miles of the Barton Creek watershed. The Barton Springs recharge and contributing zones encompass 354 square miles of not only the Barton Creek watershed, but also the five additional watersheds that make up the Barton Springs contributing zone. Those watersheds are Bear, Little Bear, Onion, Williamson and Slaughter creeks.

Because the city can regulate only 31.6 percent of the 354 square miles that contribute to Barton Springs, what good will the ordinance do?

The proposed amendments will affect the watershed areas most likely to be developed in the short term those within the city's ETJ. Ultimate success, however, lies in the ability of the city to work with federal agencies, the state, the Lower Colorado River Authority, the Barton Springs-Edwards Aquifer Conservation District



Staff file photo by Ralph Barrera During the five-hour public hearing, 104 of 476 people who

Sept. 19, 1991: A City Council public hearing on amendments to the 1986 Comprehensive Watersheds Ordinance.

Protection of the Barton Springs watershed: A chronology

June 7, 1990 - More than 800 people - most of them opposed to a 4,000-acre planned unit development proposed by Barton Creek Properties — signed up to address the City Council during an all-night marathon meeting. The outpouring sparked the movement to strengthen the 1986 Comprehensive Watersheds Ordinance.

Oct. 4, 1990 - The Lee Cooke City Council adopted a resolution directing city environmental staff to draft a new ordinance incorporating its desire that development of land in the Barton Creek watershed be accomplished with "no degradation" to the water quality of the watershed.

Nov. 30, 1990 - The City Council passed a four-month moratorium on new development while the non-degradation proposal was being developed.

Dec. 31, 1990 - City environmental staff delivered to the council a draft version of the ordinance that applied to all watersheds that contribute to the recharge of Barton Springs, known as the contributing zone.

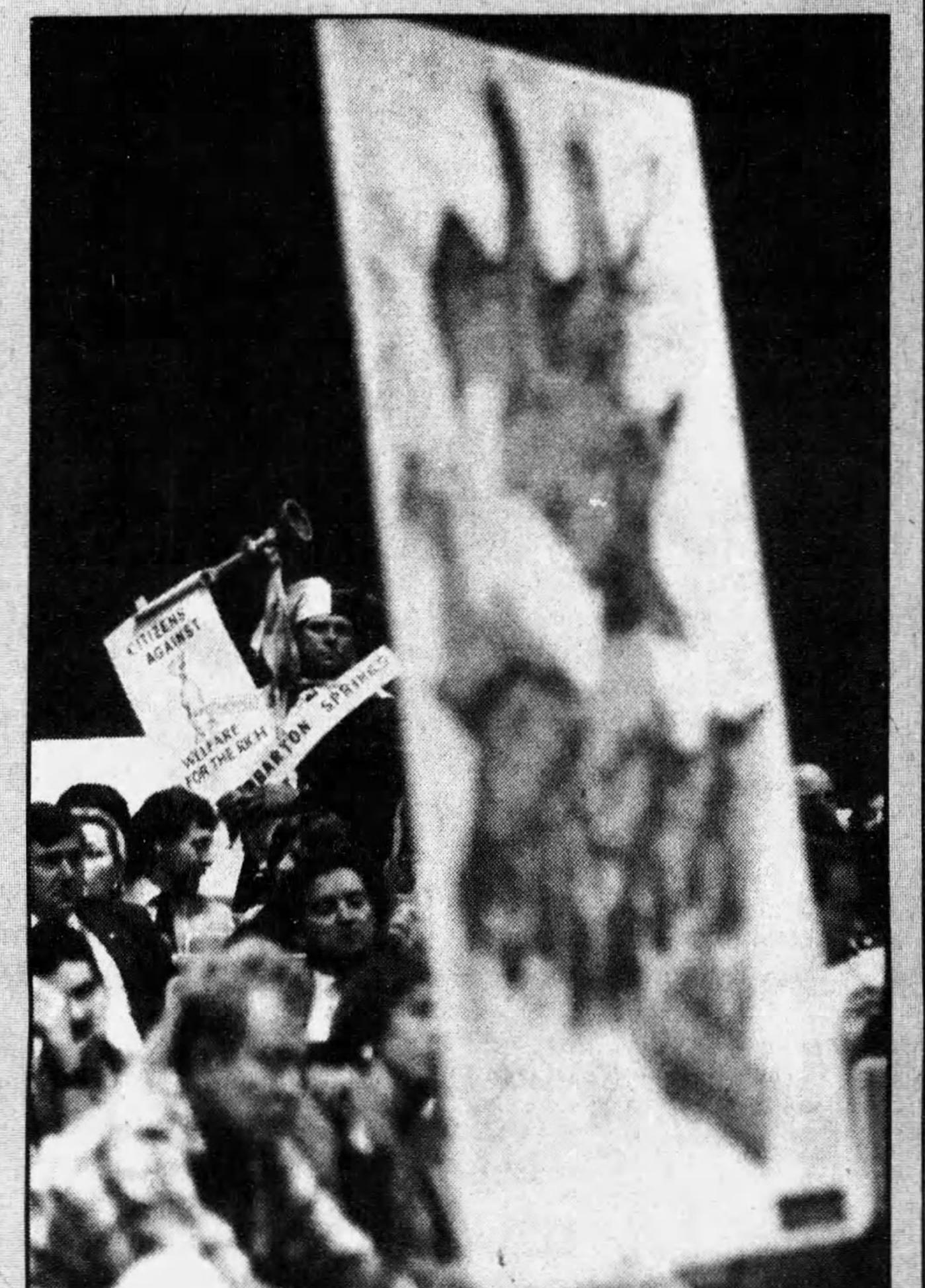
Feb. 21, 1991 — The council clarified in a resolution that the ordinance should apply to development not only in the Barton Creek watershed, but also in the watersheds contributing to Barton Springs. Council members passed the ordinance as an interim measure, to expire Aug. 23.

July 25, 1991 — At the request of Council Member Ronney Reynolds, the Bruce Todd council extended the interim ordinance two months, until Oct. 27. Amendments to the Comprehensive Watersheds Ordinance were distributed to boards and commissions.

Aug. 8, 1991 — A seven-member task force appointed by Mayor Todd and representatives of factions on both sides of the issue started meeting to hammer out a compromise on the ordinance.

Sept. 19, 1991 — The council held a five-hour public hearing on the amendments during which 104 of 476 people who signed up to speak addressed the council. The public hearing was recessed until Thursday. Recommendations from boards and commissions were due. Two of three boards - the Environmental Board and the Economic Development Commission - voted against the proposed amendments. The mayor's task force and the Planning Commission missed the deadline.

Thursday - The mayor's task force presented to the Plan-



signed up to speak addressed the council.

Staff photo by Smiley N. Pool June 7, 1990: A marathon City Council meeting sparks the movement to strengthen the watersheds ordinance.

ning Commission a compromise proposal, which the commission rejected in favor of a second set of amendments proposed by a planning commissioner. The city staff embraces the task force recommendation and that's what will be posted for City Council action Thursday.

to see a negative trend because less and surrounding communities to dethan 10 percent of the 354 square velop a comprehensive approach to miles that contribute to Barton the protection of water quality in Bar-

ditions can trigger a pool closing:

Rainfall of 1 inch or more in the Barton Creek watershed. Pool-water samples produce a fe-

cal coliform measurement of 200 colonies per milliliter or higher. ■ The pool water is cloudy, and

lifeguards cannot see below 4½ feet. Water from Barton Creek flows

over the dam and floods the pool. Lightning is present.

Why does the pool close when it rains an inch or more?

City and U.S. Geological Survey data consistently show that after a significant rainfall, bacteria levels in the pool water rise and remain elevated for about 24 hours.

Because the pool is fed by the springs - not Barton Creek - pollution in storm water anywhere in the contributing drainage area can flow down to the recharge zone, into the Edwards Aquifer and out through the

springs into the pool.

The nature of the Edwards Aquifer also increases the odds that storm water that makes its way to the pool will contain significantly high bacteria levels. Water flows swiftly through the aquifer's fractures and faults. Bacteria that would die in a slower-moving aquifer make their way to the pool. Additionally, studies have shown that the dark, cool conditions in the aquifer increase the lifespan of some bacteria.

What is fecal coliform and how does it affect people?

Fecal coliform bacteria do not harm people. They are always present in warm-blooded animals, including human beings.

The city measures fecal coliform levels at Barton Springs Pool because the presence of coliform organisms indicates that disease-causing organisms - such as salmonella and streptococcus — may be present.

The city measures the fecal coliform level in pool-water samples three times a week. Additionally, the water quality is always measured immediately after a rainfall of 1 inch or more.

The city-county health department has established conservative waterquality standards at the pool because there are no state or national standards for measuring when it is "safe" to swim in natural, unchlorinated bodies of water.

What is turbidity and how does it affect pool closings?

The pool closes when it is too cloudy - or turbid - for lifeguards to see below 41/2 feet into the water and ensure the protection of swimmers.

Concerns about sediments in Barton Creek water polluting and clouding the pool led to the 1975 construction of a bypass that diverts the creek water around the pool. Pollutants still contribute to cloudiness at the pool.

How many times has the pool closed this season and

The pool closed 37 times between April 5 and Sept. 19. It closed:

■ 19 times because of rainfall; ■ 15 times for fecal coliform levels above 200 colonies per milliliter;

two times because of turbidity; once when Barton Creek flowed over the dam and flooded the pool.

Does pollution of Barton Springs affect the odor or taste of Austin drinking water?

When you detect a different taste and odor in Austin drinking water, it's due to the way the city treats water during occasional algae blooms in Town Lake. Pollutants in Barton Creek and Barton Springs flow into Town Lake and can promote algae growth.

What data support the ordinance?

The USGS and the City of Austin have been monitoring water quality and control methods since 1980. Few other communities have such data for reference and comparison. Although the findings are nationally recognized as among the most comprehensive, they are not sufficient to answer all questions about the best way to protect water quality.

Only continued data collection and analysis will provide lessons to reinforce the validity of methods now under consideration and provide alternative methods to address waterquality concerns.

Continued on next page

Comprehensive Watersheds Ordinance: A glossary of terms

ton Creek and Barton Springs.

of the water quality of

Barton Springs?

Has there been degradation

Current data do not indicate a nega-

tive trend, but a number of manufac-

during water-quality testing. There

has been no evidence of any signifi-

cant change in water quality since the

first recorded testing in 1922. The city

environmental staff has not expected

tured substances — such as pesticides

and cleaning fluids - have been found

Terms to watch for in the ongoing debate over proposed changes in the Comprehensive Watersheds Ordinance: Aquifer — A natural underground

geologic formation that stores rainfall and streamflow that percolate through the land surface. Springs and wells tap into water stored in aquifers. ■ Watershed — The entire land area

that feeds rainwater into a specific creek or waterway. Each waterway has its own watershed, and all land is in some watershed area. The larger the waterway, the larger the watershed it has.

Recharge zone — Land surface through which rainfall, runoff and streamflow percolate into an aquifer, thereby replenishing the water stored in the aquifer. An aquifer gets its water from a recharge zone, much as a creek gets its water from a watershed. To enter an aquifer, rainwater soaks through land formations such as loose soils, sand, gravel, sinkholes and caves.

Contributing zone — Area upstream of an aquifer recharge zone from which runoff and streamflow can eventually enter the recharge zone. For example, Barton Creek crosses the recharge zone and helps replenish the Edwards Aquifer. As a result, the entire Barton Creek watershed upstream of the recharge zone contributes to that effort.

■ ETJ — Short for "extraterritorial jurisdiction." Under Texas law, incorporated cities with more than 5,000 people may claim an ETJ beyond their annexed areas (city limits), with the extent of the ETJ proportional to the size of the city. For example, Manor claims a ½-mile ETJ, and Austin a 5-mile ETJ. A city cannot exercise zoning authority in the ETJ, but it may regulate subdivision activity and protect its water supply in the ETJ.

Impervious cover — Surfaces that do not allow water to soak through them. Roofs, buildings, paved roads and parking lots are examples of impervious

Urban runoff — Rainfall that runs off impervious cover in urbanized areas and can carry pollutants. Urban runoff can carry dust, dirt and trash; oil, exhaust products and other automobile wastes; lawn fertilizers and pesticides; and other pollutants of the urban environment into stormwater drains, creeks and finally into Lake Austin and Town

Springs is developed.

Degradation of water quality is a

stances, seems to be accelerated by de-

long-term process that, in most in-

velopment. No certain methods can

anticipate what level of development

will result in a significant — and po-

water quality in Barton Springs.

Barton Springs Pool?

tentially irreparable — degradation of

What causes the closings at

A city policy governs the closing of

Barton Springs Pool. One of five con-

Non-point source pollution — Pollutants that are associated with general sources, such as urban runoff, rather than specific sources. Compared to a point source of water pollution, such as an outfall of a wastewater treatment plant, non-point source pollution is not readily traceable to a particular source.

Municipal Utility District — A taxing governmental body formed by a developer under the Texas Water Code to finance water, sewer and drainage improvements in a development. The money borrowed through the sale of low-interest MUD bonds is repaid by property owners through taxes and fees within the district. In Austin, some MUDs contracted with the city to sell additional bonds to finance expansion of city utilities.

Pollutant load - The total amount of pollutants generated from a particular site or activity, expressed in pounds per acre per year.

Pre-development/post-develop-

water-quality conditions on a site before and after development. Given that undeveloped sites produce a low level of pollutants, under a non-degradation strategy the runoff from a developed site should not contain more pollutant load than the runoff before development.

Non-degradation — A requirement that the amount of pollution discharged from a site after it has been developed does not exceed the pollution load discharged before the development.

Zero-degradation — A requirement that would prevent any pollution from being discharged from a site.

Runoff coefficient — Commonly referred to as the RV factor, the coefficient is the fraction of rainfall that runs off a site. The amount of runoff varies with the severity of rainfall or storm. In the case of the Barton Creek Watershed Ordinance, the city is using all the rainfall in a 12-month period to calculate the runoff coefficient.

Stormwater treatment controls - Engineered, structural controls that capture urban runoff and remove cerment loads — These terms pertain to | tain pollutants to some degree before

the runoff is released to streams and lakes. Sediment/filtration ponds are a common type of stormwater treatment. These ponds allow suspended sediments to settle out. In addition, media such as sand and gravel are used to filter out certain pollutants.

■ Wet pond — A type of stormwater treatment control that relies on retained moisture in a pool to support microorganisms and plants that naturally aid in the removal of certain pollutants. Wet ponds may be used in combination with other types of controls to enhance overall removal efficiency.

Retrofit - The installation of control measures in developed areas where controls were not previously required. To reduce water pollution more effectively, it may be necessary to systematically add controls to developed areas.

■ Vegetative filter strip — A buffer of vegetated land between a developed site and a waterway. Runoff from the site flows overland through the buffer, allowing vegetation to naturally remove

some pollutants. Source: City environmental staff

List of concerns focuses on environment, growth, economy

From previous page

Will this ordinance be more complicated and costly to implement than the current regulations?

Yes. Developers in the affected area will have to perform more sophisticated engineering to meet the higher policy goal of non-degradation.

Additionally, the city will need more time and possibly more staff to review the more complicated proposals.

What is the effect of the proposed regulations on the MUDs?

The proposed regulations contain the same impervious-cover limitations that currently exist in the CWO. They would not, therefore, reduce the planned development of the Municipal Utility Districts. The proposal requires 70 percent removal of post-development pollutants, and will require more effective controls. But no substantial cost impact is anticipated.

In contrast, the interim regulations, if extended, would have significantly reduced the final development a MUD could achieve. This would have a significant effect on the MUDs.

If my home is in the regulated area, how does that affect my ability to improve my property, such as building a deck?

Owners of existing single-family houses are not prevented from making additions to their properties. The proposed regulations would not alter what improvements a homeowner could make.

If you increase impervious cover, don't you in turn increase the runoff that flushes the creeks and streams?

Yes. If you increase the amount of impervious cover on a site you will, if no steps are taken, increase the amount of runoff leaving the site.

What effect will this ordinance have on the water and wastewater utility?

Based on a projected redirection of growth caused by the proposed regulations, the utility does not foresee any major effect on total revenue requirements. Therefore, the proposed regulations are unlikely to cause future rate adjustments.

What effect will this ordinance have on low-income housing?

There has been no effort to construct low-income housing in Southwest Austin for more than 10 years. Because of high land costs in the area, low-income housing is practical only with high subsidies and exemptions from regulations that add cost. While these proposed regulations are not the cause, they certainly will not change



Crowds of protesters on the sidewalk outside Council Chambers during the June 7, 1990, hearing were only part of the groundswell

for stronger protection of Barton Springs. More than 800 people signed up to speak at the hearing.

the pattern, which has a significant history.

What is the effect of the proposed regulations on the economy?

The interim regulations would have limited the amount and type of development in Southwest Austin. The regulations recommended to the City Council by the mayor's task force and the city manager will require developments to treat runoff to non-degradation levels, but they use the same impervious-cover limitations that exist in the CWO and will not prevent any planned development.

There should, therefore, be no redirection of growth and no effect on the economy.

A concern expressed by many business owners is that the regulations may inadvertently stop growth, which can then lead to government deficits, higher taxes and less desirable public services, which can run job-producing businesses away.

Why do developers, engineers and some City Council members insist on performance standards or structural controls instead of impervious-cover limits,

What's ahead

Monday — Amendments to the Comprehensive Watersheds Ordinance must be filed by 1 p.m. to be considered at Thursday's City Council meeting.

Thursday — A public hearing that began Sept. 19 will continue from 5:30 to 11:30 p.m. at City Council Chambers, 307 W. Second St. Approximately 100 speakers will be heard.

Friday — The public hearing continues from 4-10 p.m. at Council Chambers. About 100 speakers will be heard.

Saturday — The public hearing continues from 9:30 a.m. to 3:30 p.m. at Council Chambers. About 100 speakers will be heard.

Sunday, Oct. 6 — The public hearing continues from noon to 6 p.m. at Council Chambers. All remaining speakers will be heard.

when they are unproven technologies?

Advocates of structural controls with performance standards prefer this approach over impervious-cover limits because they would allow more development on a site. Business interests add that performance standards

and structural controls are a more direct way to measure and control the quality of water leaving a site. They point out that this is the approach used by the LCRA for controlling water quality for Lake Travis.

While structural controls have been shown to work well in limiting some pollutants, they require continuous maintenance and inspection. Since pollutant loads increase significantly as impervious cover increases, limiting impervious cover is a more certain approach to protecting water quality.

What is the difference between the habitat proposal and this one?

The primary purpose of the proposed Balcones Canyonlands Conservation Plan is to protect endangered species and ensure regional compliance with the federal Endangered Species Act. This plan, which involves the City of Austin and other governmental bodies, is in contrast to the proposed amendments to the CWO, which are meant to preserve water quality.

Does the ordinance have any provision for dog owners to clean up droppings from their pets?

No. But city code does require cleanup on public property.

Why have the five school districts in the Barton Creek watershed requested that they be exempt from these amendments?

School districts, like other public and private entities, are not eager to see the cost of developing new school sites increase. They, like other potential developers, may prefer to be exempted rather than pay the increased cost.

Has anyone done any legal research into whether the new ordinance is an unconstitutional taking of property rights and water rights?

The U.S. Supreme Court has upheld the right of municipalities to have the authority to impose restrictions on land use for legitimate public purposes. Preservation of water quality is recognized as a legitimate public purpose, and as long as property owners are not prevented from any use of their property, the regulations are not considered a taking of property. The regulations can reduce the profit a property owner can expect from the sale or use of the land, without being considered a taking.

Could the City Council have a bond-issue election to pay for improvements to existing developments to protect Barton Springs Pool?

The city's proposed strategy to protect Barton Creek and Barton Springs has two components. The first is the proposed ordinance aimed at preventing new development from degrading the water quality. The second component, which still must be developed, is a program to retrofit existing and previously exempted development with structural controls that would help improve the quality of the runoff reaching the creek and springs.

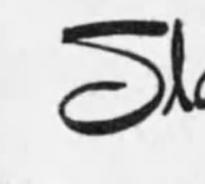
Does restricting development in a watershed put more pollutants in other area watersheds?

No. Restricting development in one watershed does not directly contribute more pollutants to another watershed. However, if the development that would have gone into a watershed decides to locate into another watershed and development does not clean up the runoff from its site, the potential exists for more pollutants to be found in the watershed.

These answers were provided by a team of City of Austin workers coordinated by Public Information Officer Becky Gadell. Two members of the Mayor's Comprehensive Watersheds Task Force — David Armbrust, a lawyer and development lobbyist, and Mary Ann Neely, state co-director of Clean Water Action — also provided answers.

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ANNOUNCEMENT

FINAL COURSE BEGINS OCT. 7TH

H&R BLOCK is offering a Basic Income Tax Course starting Oct. 7th. There will be a choice of morning or evening classes. The 8 week course is taught by experienced H&R BLOCK personnel and certificates are awarded to all graduates. While job interviews are available, graduates are under no obligation to accept employment with H&R BLOCK. Registration forms and brochures may be obtained by calling the H&R BLOCK district office at 454-4657.

BAYLOR UNIVERSITY TOWN HALL MEETING

7 p.m., Tuesday, Oct. 1
First Baptist Church of Austin
Randy Fields, Speaker
Browning Ware, Host

All Baylor Alumni and Friends Welcome



Please attend the Nov. 11-12 BGCT meeting in Waco and vote in favor of the affiliation agreement.

Help maintain our Texas Baptist tradition

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Austin American-Statesman F

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