

Belton dumped debris in Nolan Creek flood plain

Shirrtail Bend residents claim dumping contributed to flooding

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BELTON — The city of Belton regularly dumped large truckloads of old asphalt, concrete, soil and assorted rubbish on the Nolan Creek flood plain in the months prior to the devastating flood of September 2010, violating both city ordinances and federal flood-control guidelines.

Belton city officials, including City Manager Sam Listi and Public Works Director Les Hallbauer, said Friday that public works crews had been dumping those materials on undeveloped, privately held flood plain property in the Shirrtail Bend area of Nolan Creek, just east of Interstate 35, for about a year prior to September.

Residents in the Shirrtail Bend neighborhood, some left homeless after the flood, believe the altered flood plain contributed to the destruction of their homes.

Listi said there was a “general invitation” from the property owner to anyone — private contractors or municipal crews — to deposit debris free of charge on the property, which borders Nolan Creek.

“There was some material put in there” by public works crews for up to a year before the September flood, Listi said, adding he was unaware of the practice until after the flood.

“The city of Belton has not put anything in there since then, at least to my knowledge,” he said Friday.

The city’s dumping violated a clause in its flood prevention ordinance and was out of line

with the Federal Emergency Management Agency’s flood control guidelines, but city officials believe it had no impact on the flood in September.

Neighbors aren’t convinced. The Shirrtail Bend area was one of the hardest-hit in Belton last September. Floodwaters destroyed nearly half of the predominantly mobile home community. Eight were condemned soon after.

Carolyn Jolly, a longtime Shirrtail Bend resident, was one of the homeowners.

Jolly and other residents said they began seeing dump trucks owned by private contractors

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Carolyn Jolly, longtime Shirrtail Bend resident

and the city of Belton hauling in debris starting in 2009.

Donnette Brown, Jolly’s daughter, said between four to six trucks on average would dump on the property every day prior to September 2010. Not all those trucks were city-owned, she said.

Despite the neighborhood being designated in the flood plain before September 2010, Jolly said this was the first time floodwaters had seeped into her living room.

“In 17 years, it never flooded,” she said.

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Jolly and other homeowners met with city officials after the September 2010 flood to ask why the city was dumping in the flood plain, but left without a clear answer.

“If they played a part in our homes flooding down there,” Jolly said, “they should help pay.”

Hallbauer, the public works director, said the practice stopped after complaints rolled in from neighbors left homeless.

“The city of Belton wasn’t the only ones dumping,” Hallbauer said. “We just got complaints so we stopped it.”

Listi and Hallbauer said they were unaware of an ordinance that forbid dumping on a flood plain within city limits, despite an entire chapter dedicated to flood prevention in the city’s 24-chapter booklet of ordinances, which also cites the public works director as the point person for upholding the flood control standards. Those ordinances are accessible online.

“In all areas of special flood hazards,” states section 7-41, “encroachments are prohibited, including fill, new construction, substantial improvements and other developments unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.”

FEMA’s flood plain map designates the property as one of the most flood-susceptible areas in Bell County — or where land “must be kept free of encroachment so that (a 100-year flood) can be carried without substantial increases in flood heights.”



Courtesy photo

A Belton public works truck carrying a load of inert material is parked at the gated entrance of private property in Shirrtail Bend in this photo taken April 7 by a resident of the neighborhood. The property is located in the Nolan Creek flood plain. Les Hallbauer, the Belton public works director, said Friday that one of his crews dumped material on this flood zone property about a month ago without his authorization.

How much effect the landfill had on the flooding that walloped Shirrtail Bend is hard to judge, said Gilbert Bernhardt, a geology professor at the University of Mary Hardin-Baylor.

“It appears to have been built up quite a bit,” Bernhardt said, reviewing a Google satellite image from 2011, “which could be problematic.”

He explained it’s possible the buildup created a dam, where the creek waters splintered around the landfill, sending water north into Shirrtail Bend.

Along with ongoing urban development upstream, a landfill

buildup at that location can have a “dramatic effect” on flood conditions, he said.

But, according to Jolly, the city didn’t seem concerned about that potential impact when she spoke with them. “Nobody in the city cared,” she said.

At least once since September 2010 a public works crew dumped soil there again.

Hallbauer, who said he originally allowed his crews to dump there, then told them to stop after the flood, admitted a crew had dumped a truckload full of soil on that property about a month ago without his authorization.

“That’s what my employees

are telling me,” he said Friday. “And I just found that out today.”

According to Bell County property records, the property on which the dumping occurred is owned by Robert Farr. Those records show Farr acquired the property from Dale Timms, owner of Bell County Dirt Co., in March. City officials said they had an arrangement with Timms, not Farr.

Timms acquired the property in 2006.

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