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City is asked to prove who owns oil tank

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Signaling a possible fight over who will pay for the cleanup of **Waller Creek** after fuel oil from a storage tank downtown burbled up in January, the owners of the Littlefield Building announced Friday that they have filed a formal request with the city asking for proof that the Littlefield Building owns the tank.

The owners say the survey work done before the purchase of the building gave no evidence of such a tank.

In a news release, the owners said they had filed a request under the Texas Public Information Act for any information the City of Austin has related to the fuel oil tank buried beneath the alleyway between its building and The Driskill Hotel, just north of Sixth Street between Congress Avenue and Brazos Street. On March 11 , the city said the tank was on the Littlefield Building property.

The 15,000-gallon fuel-oil tank, which the city says would have powered a small generator in the Littlefield Building during the first half of the 20th century, had sat forgotten until Jan. 10, when a broken waterline flooded the tank and the alley, forcing oil to the surface. The oil then traveled by storm drain into **Waller Creek**.

The city has said it cost about \$220,000 to clean up the spill, and that the Littlefield owners would be responsible for at least part of it. The cost included the containment and cleanup of 4,000 gallons of sludge from the fuel-oil tank and 4,200 gallons of fuel oil from **Waller Creek**.

On Friday, Lynne Lightsey, a spokeswoman for the Watershed Protection and Development Review Department, said the city would wait until after the Texas Commission on Environmental Quality made a final determination about the responsible party before it decides whether or how to bill the Littlefield owners. A commission spokeswoman said Friday that it had not determined responsibility.

In a news release, Austin Littlefield LP said investigations conducted by its consultants before it purchased the Littlefield Building revealed no evidence of any tanks on its property.

Austin Littlefield said it "is continuing its investigation and will work cooperatively with the City and The Driskill Hotel to share information in order to establish ownership and responsibility for these tanks."

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