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## Polluter will pay \$591,000

### AKT Development let waste run off construction site.

By Mary Lynne Vellinga -- Bee Staff Writer

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**Setting It Straight:** *A story on Metro page B1 Dec. 17 about AKT Development Corp. agreeing to pay \$591,000 to settle state allegations that it violated clean water rules carried the following headline: "Polluter will pay \$591,000. AKT Development let waste run off construction site." To clarify, the runoff, according to the state, included discharges of turbid storm water, sediment and a chemical flocculent, and was not waste. The company was not accused of polluting.*

Developer Angelo Tsakopoulos' company, AKT Development Corp., has agreed to pay \$591,000 to settle state allegations that it violated clean water rules by allowing dirt and chemicals to run off a Rancho Cordova construction site.

Much of the money - \$300,000 - will go to the Sacramento Valley Conservancy, a local nonprofit that owns the 4,060-acre Deer Creek Hills open space preserve north of Rancho Murieta.

The conservancy will use \$225,000 to help complete its master plan for managing Deer Creek Hills. The remaining \$75,000 will be used to buy more open space land.

AKT also will pay \$218,000 to the Central Valley Regional Water Quality Control Board, the state Department of Fish and Game, and the state attorney general's office. That money will be used to cover the agencies' legal costs in the case, said George Day, a senior engineer with the water board.

Another \$73,000 will go to an environmental fund administered by the state Department of Fish and Game.

"We are pleased to resolve this case without a long and expensive legal process for both us and the government," said Eleni Tsakopoulos-Kounalakis, president of AKT, in a prepared statement. "Stormwater technology is improving every day. We have been and will continue to be committed to using the best possible practices in controlling runoff."

The \$591,000 AKT agreed to pay was more than the record \$571,000 fine the regional water board sought when it first issued a complaint against the company in the summer of 2003.

"We know how to negotiate," Day said.

After AKT fought the board's proposed fine, the water board in early 2004 asked Attorney General Bill Lockyer to pursue a court case against the development firm.

At that point, Day said, AKT started pursuing a settlement.

The initial water board complaint alleged that AKT failed to control erosion at Anatolia, the first subdivision in its SunRidge development near Mather Field.

The complaint alleged that 5.9 million gallons of chemical-and sediment-laden water flowed into a tributary of Morrison Creek, home to vernal pool species. It also alleged that turbid water was sprayed on a vernal pool area.

But in the settlement, AKT admitted only to "minor and inadvertent" violations on two days.

The money from AKT will go a long way toward completing the master plan for Deer Creek Hills, an essential task before the conservancy can either restore habitat on the land or open it up for public access beyond the current docent-led tours.

At least \$100,000 in additional funds for the master plan will still be needed, however, said Aimee Rutledge, the group's executive director.

Tsakopoulos-Kounalakis said AKT wanted to ensure that its settlement money went "to an environmental project that would be the most beneficial for the Sacramento County region."

"The Deer Creek Hills preserve, with its mission of preservation, restoration and public access, certainly met our expectations," she said.

### **About the writer:**

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