

## **6. AGENCY INVOLVEMENT**

Because of the nature of this spill, several agencies became involved. At some point after the pipeline ruptured, two different entities had primary authority over the environmental activities and events. As conditions and circumstances changed from an emergency response to a remedial action, environmental agency control shifted from the Environmental Protection Agency to the Texas Natural Resource Conservation Commission. The National Transportation Safety Board is investigating the cause of the pipeline failure and the Department of Transportation Office of Pipeline Safety evaluated Explorer's compliance with pipeline transportation regulations and set the conditions for the pipeline's return to operation. Additionally, the Texas Department of Health, the Texas Parks and Wildlife Department, and the U.S. Fish and Wildlife Service have all been involved in the response to the spill.

### **6.1 Department of Transportation Office of Pipeline Safety**

The Department of Transportation's (DOT) Office of Pipeline Safety (OPS) is responsible for assuring the safe transportation of natural gas, petroleum, and other hazardous materials by pipeline. The OPS develops regulations and other approaches to risk management to assure safety in design, construction, testing, operation, maintenance, and emergency response of pipeline facilities (OPS 2000). Regulations in Title 49 Code of Federal Regulations, Chapter 195 are implemented and enforced by the OPS.

The OPS arrived at the site of the pipeline rupture the day after the spill. OPS personnel remained until the pipeline was repaired and resumed operation on March 15. The OPS provided oversight for the pipeline removal and repair, and set the conditions for startup of operations. Explorer is currently restricted by OPS to operating the system at eighty percent of the pressure the pipeline was operating at when the failure occurred. This restriction will continue until certain pipeline integrity evaluations are conducted and other conditions set by OPS are met by Explorer (Seeley 2000).

### **6.2 National Transportation and Safety Board**

The National Transportation Safety Board (NTSB) is an independent Federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in the other modes of transportation – railroad, highway,

marine and pipeline – and issuing safety recommendations aimed at preventing future accidents. The NTSB has no regulatory or enforcement powers (NTSB 2000).

The NTSB’s concern was to determine the cause of the pipeline failure. A nine-foot section of the failed portion of the pipeline was shipped to NTSB headquarters in Washington, D.C. for analysis. Representatives from the NTSB led debriefing meetings each evening until March 19, when their on-site investigation concluded. The NTSB expects to issue a findings report stating the cause of the pipeline failure by the end of the year 2000.



**Repaired Section of Ruptured Pipeline**

### **6.3 Environmental Protection Agency**

The EPA is charged with the responsibility of protecting human health and the environment in the United States. Since 1970, the EPA has implemented environmental regulations to reduce pollution in the air, water, and land. Regulations in Title 40 of the Code of Federal Regulations are administered by the EPA (EPA 2000).

The EPA had jurisdiction over the emergency response effort to protect human health and the environment from the immediate effects of the gasoline spill. EPA representatives arrived at the site approximately six hours after the pipeline ruptured and assumed command of the event from local emergency response personnel. EPA maintained command of the environmental response activities until March 19, when the Agency determined that conditions had evolved from an emergency response to a remedial action.

### **6.4 Texas Natural Resource Conservation Commission**

The TNRCC is the lead environmental agency for environmental protection in the state of Texas. The TNRCC implements and enforces regulations set forth in Title 30 of the Texas Administrative Code (TNRCC 2000). The primary responsibilities of the TNRCC with regards to the gasoline release are to oversee the remediation of the spill

and to ensure that the water supply for Lake Tawakoni water users meets acceptable quality levels.

The TNRCC received oversight control of the spill event on March 19 from the EPA. This was the point in time that the EPA considered the event to have changed from an emergency response effort to a remediation, or cleanup, effort. The TNRCC continues to maintain oversight of Explorer’s remediation activities at the spill site and has final authority to approve the adequacy of the spill site cleanup.

As part of the Commission’s responsibility to protect the drinking water supply for residents of the state of Texas, representatives from TNRCC’s regional offices have monitored the raw water and treated drinking water from each of the reservoir intakes since the spill occurred. TNRCC also assisted SRA with the initial stages of the reservoir monitoring effort. Some personnel and equipment support, including boats and sampling devices, were provided at SRA’s request for the sample collection effort across the reservoir.

### **6.5 Texas Parks and Wildlife Department**

Texas Parks and Wildlife (TPWD) was the first to notify SRA of the pipeline release. The TPWD participated in a preliminary natural resource damage assessment during the initial stages of the spill event to evaluate the immediate biological impact of the gasoline spill. TPWD is currently in a supporting role to the TNRCC with respect to the



**East Caddo Creek at FM 1903**

remediation effort in environmentally sensitive areas, specifically along the contaminated stretch of East Caddo Creek. Dry conditions in the creek bed at the time of the spill appear to have minimized the impact to wildlife. The preliminary total of wildlife loss due to the release included one beaver, one skunk, two raccoons, and two turtles. No fish kill in the creek was noted, largely due to the dry conditions and resulting lack of fish presence in the creek at the time of the spill.

## **6.6 Texas Department of Health**



**TDH Fish Sample Collection in Lake Tawakoni**

The TDH provided SRA with MtBE health effects data for humans and aquatic organisms soon after the spill occurred. MtBE is not expected to bioaccumulate in tissue, according to TDH information (TDH 2000). As a precaution, TDH personnel collected samples of several species of fish, including striper, catfish, and sand bass from various

locations in the reservoir, including Caddo Inlet. Fish tissues were analyzed for an accumulation of MtBE or other gasoline components from the spill event. According to the TDH, no evidence of bioaccumulation of gasoline components or their metabolites was detected in any of the fish collected throughout the reservoir.