

San Jacinto River Pipeline Spills

Case History: During a flood in October, 1994, two diesel and gasoline pipelines, and one crude oil pipeline ruptured, discharging nearly 40,000 barrels of the hazardous materials into the tidal and coastal waters of the [San Jacinto River](#). The materials were then carried into Galveston Bay, impacting over 186 acres of riparian habitat and shoreline. Between the pipeline ruptures, a fire was ignited, sending fire across Whites Lake and the San Jacinto River, and releasing clouds of dense black smoke. Over 100 square miles of spawning and estuary areas within Galveston Bay received various impacts, including areas surrounding Houston Point, Hogg Island, El Jardin Marsh, and Atkinson Island. Impacted habitats included adjacent riparian forests and coastal wetlands. In spite of the fact that there had been at least two days of advance notice of the flood, the RPs asserted that the event was due to an “Act of God,” thereby exempted from liability under the Oil Pollution Act. The U.S. Coast Guard (USCG) response costs were eventually litigated in Federal Court and Department of Justice (DOJ) and the USCG withdrew from the case to avoid setting undesirable precedent in law; the case was then dismissed.



The San Jacinto River Spill was associated with Fire and flooding that greatly increased impacts



San Jacinto River after restoration

Responsible Parties (RPs): Colonial Pipeline Co., Texaco Oil Corp.

Trustees:

[Texas Parks and Wildlife Department](#) (TPWD)

[Texas Commission on Environmental Quality](#) (TCEQ)

[Texas General Land Office](#) (TXGLO)

[NOAA](#)

[DOI-FWS](#)

The GLO functioned as Lead Administrative Trustee on this case. Authorized Official designation to FWS was granted in May 2000.

Current Status: Because of the high potential that the Trustees would receive a negative ruling regarding an “Act of God” defense, DOJ recommended against taking this case to trial. The Trustees settled with the RPs regarding compensation for injuries, but the RPs refused to pay past and future administrative costs greater than \$200,000. The Trustees met with the Coast Guard, submitted and received these past and future costs from the Oil Spill Liability Trust Fund. The Trustees concurred with a Covenant Not to Sue (CNTS) on the injury settlement, which specifically omits the CNTS on past and future costs. Injury compensation is sealed in the Consent Decree. One hundred acres of mature mixed forest habitat adjacent to the [Sheldon Lake State Park](#) has been acquired and preserved in perpetuity as partial compensation. Also a payment of \$250,000 is being used to implement and manage the creation of 9 acres of intertidal wetlands thru partnering with three restoration projects: 1) [Baytown Nature Center Wetland Project](#) 2) Urban Wetland Project and 3) St. Mary’s Island Wetland Project. Because of location and development risk, these habitats are valued at over \$1 million.

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