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## Pact Reached in Cleanup Of PCB's Along Pipeline

By PHILIP SHABECOFF, SPECIAL TO THE NEW YORK TIMES

LEAD: The Texas Eastern Gas Pipeline Company today signed a consent decree with the Federal Government requiring the company to clean up PCB's at 89 sites along its 10,000-mile natural gas pipeline and to pay \$15 million, a record penalty for a violation of the environmental laws.

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The company estimates that the cleanup of polychlorinated biphenyls, a cancer-causing substance, in the soil and in disposal pits along the pipeline stretching from Texas to New Jersey will cost \$400 million.

Senator Frank R. Lautenberg, a New Jersey Democrat who is chairman of the Senate's Superfund and Environmental Oversight Subcommittee, said that "\$400 million is by no means a cap as far as I am concerned." He said that if the cleanup cost more, the company would be required to pay it.

The consent decree, signed by the Justice Department and the Environmental Protection Agency as well as the company, was filed today in Federal District Court in Houston. It is similar to a tentative agreement reached between the company and the Government last November. Additional Penalties

In addition to the \$15 million penalty for violating Federal environmental laws, the company is also required to pay \$1.5 million to the E.P.A. for costs incurred by the agency in the case. It must also pay up to \$18 million to a third-party contractor, approved by the agency, to oversee the proper cleanup of the contaminated site.

In a statement made public today, Texas Eastern said the agency had investigated the spill areas and found that "none of these sites was found to present an immediate public health threat." In addition, the company said it was installing equipment to control any potential future releases of PCB's from the pipeline system.

PCB's, once widely used as insulators and flame retardants, were found in the 1970's to be a cause of cancer and other illness in humans, including reproductive failures and birth defects. Their production was banned, but products and structures containing these compounds continue to be used around the country.

The pipeline company used PCB's as a lubricant in some of its compressors. Some of the chemicals were routinely discharged into earthen pits along the right of way and some leaked into the pipeline and mixed with other chemicals, according to the company.

A statement by the Justice Department noted that Texas Eastern also burned pipeline liquids, including PCB's, at many of its facilities until as late as 1979 and that the combustion process may have created residues of dioxin, another toxic substance. 'A Major Step'

Roger J. Marzulla, Assistant Attorney General of the Land and Natural Resources Division of the Justice Department, said, "The consent decree is a major step forward in the enforcement of Federal environmental laws. The scope of the decree is very broad, requiring the company to remediate contamination in a large number of states."

Thomas L. Adams Jr., Assistant Administrator of the environmental agency for enforcement, said, "The \$15-million civil penalty imposed on the company, which is the largest E. P. A. has ever collected in a single case, should serve as a significant deterrent to other companies and raise their awareness of the

environmental consequences of their activities."

The agency currently is investigating possible PCB contamination along 13 other pipelines. But an agency spokesman said that so far, nothing like the violations found along the Texas Eastern pipeline had been discovered. #10 Years to Clean Up Fred Wichlep, Texas Eastern's vice president for public affairs, said in a telephone interview that the consent decree gave the company 10 years to accomplish the cleanup and that "no impairment or interruption of company activities" is expected.

He noted that the company is applying to the Federal Energy Regulatory Commission to recover at least some of the costs of the cleanup program from its customers through rate increases. So far the commission has not ruled on the request. The company also is seeking to recover some of the costs through its insurance.

The consent decree explicitly states that nothing in it would limit the ability of the Government "to bring criminal action against Texas Eastern or its corporate officers or its employees."

A spokesman for the department said that it was department policy not to confirm or deny whether a criminal investigation was underway.

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