

December 31, 2013

The Honorable Jeff Beyer, Chairman
The Honorable LeRoy Rude
The Honorable Daniel Marquardt
The Honorable Lance Kjelshus
The Honorable Todd Streich
Bottineau County Commissioners and
Larry Peterson
Pete Artz
Northwest Landowners Association and
Mr. Rick Hummel
Bottineau County Emergency Manager
314 West Fifth Street
Bottineau, North Dakota 58318

Dear Sirs:

This is in response to your recent letters regarding salt water and oil spills in Bottineau County. I am responding on behalf of the Industrial Commission.

The North Dakota Industrial Commission and the Oil and Gas Division are committed to the responsible stewardship of our State's mineral, land and water resources.

The statutory mission of the Oil and Gas Division is to encourage and promote the development, production and utilization of oil and gas in the State in such a manner as will prevent waste, maximize economic recovery, and fully protect the correlative rights of all owners to the end that landowners, the royalty owners, the producers and the general public realize possible good from these vital natural resources.

In keeping with that mission we recognize the potential for the detrimental effects that accidental spills and leaks can have on the State's precious land and water resources.

North Dakota has some of the most stringent spill reporting and reclamation requirements in the nation, which are evaluated and implemented on a case-by-case basis. Statutory changes were made during the 2011 and 2013 legislative sessions which resulted in the implementation of significant changes to the Industrial Commission's oil and gas rules and regulations. As you may know the 2013 proposed rules and regulations were just recently approved by the Industrial Commission and are now in the final stages of review under the Administrative Practices Act. It is the Commission's hope that these changes will become effective on April 1, 2014.

The 2011 revisions included changes to the North Dakota Administrative Code Sections:
43-02-03-19 – Site Construction
43-02-03-19.3 – Earthen Pits and Open Receptacles

43-02-03-28 – Safety Regulation
43-02-03-30.1 – Leak and Spill Cleanup

The 2013 proposed changes also impact a number of North Dakota Administrative Code Sections. Of particular interest are:

43-02-03-29 - Well and Lease Equipment (pipelines)
43-02-03-30 - Notification of fires, leaks, spills or blowouts

As you can see these revisions deal with the topics you are concerned about—spills, pipeline safety, reclamation, etc.

We continue to use our resources to respond to these situations, most effectively, on a case-by-case basis, recognizing that every case is unique, with different geographic, geologic and land-use considerations.

Statutes and rules currently exist that require impaired lands to be reclaimed to their original conditions and are based on sound scientific principles and engineering best practices. Plans for reclamation are and continue to be most effectively evaluated on a case-by-case basis.

Sincerely,

Karlene Fine
Executive Director and Secretary
North Dakota Industrial Commission