

PIPELINES LEAK

One hot summer day when I was a kid growing up in Hettinger, in southwest North Dakota, my dad loaded his family into his brand new 1959 Pontiac station wagon—still, I think, the longest car I’ve ever ridden in—and took us to the Champions Ride Rodeo at the Home on the Range for Boys near Sentinel Butte, N.D., on the west edge of the North Dakota Bad Lands.

On the way, we went to the Burning Coal Vein, northwest of Amidon, where we kids got to see, feel, and smell the lignite coal burning deep underground through a big crack in the earth. I’ll never forget feeling the heat come from the glowing red coals we could see deep down in the ground, and the smell of sulfur burning. (The fire is out now, but the U.S. Forest Service has a campground there and you can still see the place where the fire burned.)

From there we went up to old Highway 10 (Interstate 94 wasn’t built yet), and I saw the Bad Lands for the first time. I’ve been hooked ever since, and fiercely protective, which is the reason I write about the Bad Lands today, on a blog and in various other publications. This is my first venture into the High Plains Reader world. I hope there are more.

Although the Bad Lands are my focus, it’s hard for a writer like me to ignore the biggest environmental story of the year—the Water Protesters (I actually prefer Protectors) south of Mandan at the proposed location of the Dakota Access Pipeline. I’ve written repeat-

edly that I support pipelines as the safest way to transport oil over long distances. But the placement of this one—hard up against the edge of the Standing Rock Indian Reservation—bothers me.

I’ve suggested that if the pipeline has to cross the Missouri River, we should move it somewhere else, if for no other reason than to show some respect for our First People, who don’t want it there. All arguments aside, if they don’t want it there, that’s good enough for me. Put it somewhere else.

Even then, we should still be concerned about this massive pipeline, which will be one of the largest capacity oil pipelines in the world.

Because pipelines leak.

And one of the reasons this protest in North Dakota has drawn so much attention is because North Dakota has a terrible record when it comes to regulating the oil industry. North Dakota’s oil regulators—and I use that term guardedly—have repeatedly turned a blind eye to pipeline spills, accidents, and violations of our laws and regulations by oil companies.

We’ve become known as a “second chance” state because, instead of fining companies for violations (mostly spills), we tell them “We’ll let you off the hook this time, but don’t do it again.” Except that they do. Do it again. And still, nothing happens.

I’m going to just pick out one company, by the name of Denbury Onshore, which appears

to be a typical Bakken Oil Patch operator, and talk about their record in the North Dakota Bad Lands for the past few years, beginning last month and working backwards. I made a list of their violations (the ones I could find on an unwieldy State Health Department website) and then I wrote to the North Dakota Oil and Gas Division and asked whether Denbury had been fined, and if they had paid their fines. Here's the list, and the response from the Oil and Gas Division in italics.

August 29, 2016—10,700 gallons of an oil and water mixture was spilled at a Denbury Onshore well site near Fryburg in Billings County. No violation- cause was a lighting strike. Some fluid did leave site and is still being remediated.

August 10, 2016—16,800 gallons of saltwater leaked from an oil well site operated by Denbury Onshore in Stark County. No violation. Tank fitting failure. Remediation on-going.

August 9, 2016—A break in a pipeline owned by Denbury Onshore in Bowman County resulted in 168,000 gallons of saltwater flowing into a nearby creek. No violation. Current pipeline rules only require a company to submit location information about a pipeline installed after Aug. 1 2011. Proposed pipeline rules do give the division some latitude on enforcement should a leak occur on a pipeline. Since this spill impacted a creek, the clean-up would be under the supervision of Department of Health (DoH).

July 18, 2016—Denbury reported 84 gallons of oil leaked from a pipeline in Billings County. Health Department investigators later reported that Denbury under-reported the leak volume, and that as of September 19, the leak was actually 30,000 gallons of oil and 17,000 gallons of saltwater from an underground pipeline. A massive cleanup effort is still underway. No violation. Cause was a ruptured flowline. Oil and Gas Division (OGD) is working with DoH to continue to monitor clean-up. Company reported immediately and remediation is on-going.

May 18, 2016—Multiple tanks at a Denbury Onshore well site overflowed, spilling 105,000 gallons of saltwater and 16,800 gallons of oil onto nearby land. No violation, cause due to an electrical outage. Reported on time and responded with appropriate clean-up.

February 8, 2016—A Denbury Onshore pipeline in Bowman County leaked 8,400 gallons of saltwater into a stock dam. The stock dam is no longer useable. No violation (under current rule) reported on time. Due to water impacts, clean-up would be under DoH.

December 4, 2015—9,000 gallons of saltwater flowed from a pipeline connection leak



at a Denbury Onshore well site near Marmarth in Bowman County. No violation. Reported on time. Site has been remediated.

October 29, 2014—About 17,000 gallons of water leaked from a Denbury Onshore pipeline in Bowman County and flowed into a drainage of the Little Missouri River. No violation- reported on time. Under DoH jurisdiction.

January 7, 2014—2,000 gallons of saltwater leaked from a pipeline at a well site owned by Denbury Onshore in Bowman County. The water flowed into Kid Creek. No violation. Reported on time. Clean-up concluded.

November 27, 2013—A leaky valve on a water injection well owned by Denbury Onshore spilled 2,000 gallons of oil and 12,000 gallons of saltwater at an oil well site near Maxbass, in Bottineau County. No violation. Reported on time. Cause was a mechanical failure.

November 25, 2013—Nearly three quarters of a million gallons of saltwater leaked from a pipeline on the Montana-North Dakota border south of Marmarth and flowed east into Bowman County, and into Big Gumbo Creek, a tributary of the Little Missouri River, which is a tributary of the Missouri River. Not under the jurisdiction of OGD as this occurred in MT. However, DoH may have some jurisdiction due to water impacts.

Operative words: "No violation."

Eleven spills. One company. No violations. Not a single fine for spilling hundreds of thousands of gallons of oil and saltwater into North Dakota's soil and water. That's North Dakota's record.

And, according to the North Dakota Health Department's website, oil and pipeline companies reported a total of more than 8,000 spills between January 1, 2011 and December 31, 2015, an average of more than four spills a day, every day, during that five year period. I don't have any record of how many fines were levied, but my best guess is, not very many.

Now do we understand why people are concerned about a pipeline under the Missouri River in North Dakota?

(Editor's note: You can read more of Jim's writings about the Bad Lands at theprairieblog.areavoices.com)