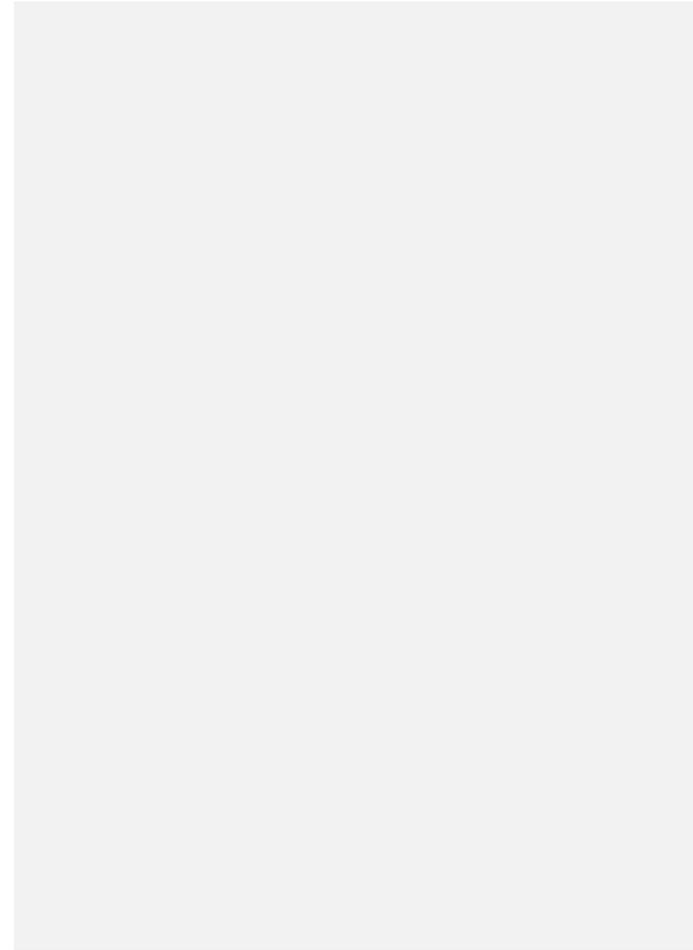


January 12, 2017

North Dakota, the State of Spills

A photo and bulleted summary of damaged
private and public Property



Prepared for

ND LAWS – North Dakota Land, Air, and Water Stewards

Under the auspices of www.saltedlands.org

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“Every spill – 100 % of them – are cleaned up” (Bismarck Tribune, 2016)

-Ron Ness, President of the Petroleum Council

This 2016 photo shows soil damaged from a spill 5 years ago. Brine flowed atop at least 25 acres of soil. The spill was reported at 300 barrels, though dimensions of the damaged soil indicate the spill was tens of THOUSANDS of BARRELS.

Location: W. Section 5, T 161 R 82

North Dakota Administrative Code 43-02-03-49:

“Surface oil tanks and production equipment must be devoid of leaks and in good condition constructed of materials resistant to the effects of produced fluids or chemicals that may be contained therein.”

The Director of the Oil and Gas Division is ultimately is responsible for enforcing the above rule such companies to maintain their equipment so that unnecessary spills are avoided in the first place.

Lack of Maintenance + Lack of Enforcement = SPILLS

07/29/2014

Comment: Location: NWNE Sect 29 T 163 R 82

"As regulators, our job is to make sure all reasonable safeguards are taken to prevent spills and, when spills do occur, that they are cleaned up and the land returned to productivity. That is exactly what we are doing." (Ag Week, 2014)

- Doug Goehring, State Agriculture Commissioner

A large brine or "saltwater" spill flowed over this farmland and into the wetland in 2013. The spill report states it was a "0 barrel" spill...

More than THREE YEARS after this excavation, this site of the spill produces 10X LESS bushels per acre than the unaffected soil around the spill site.



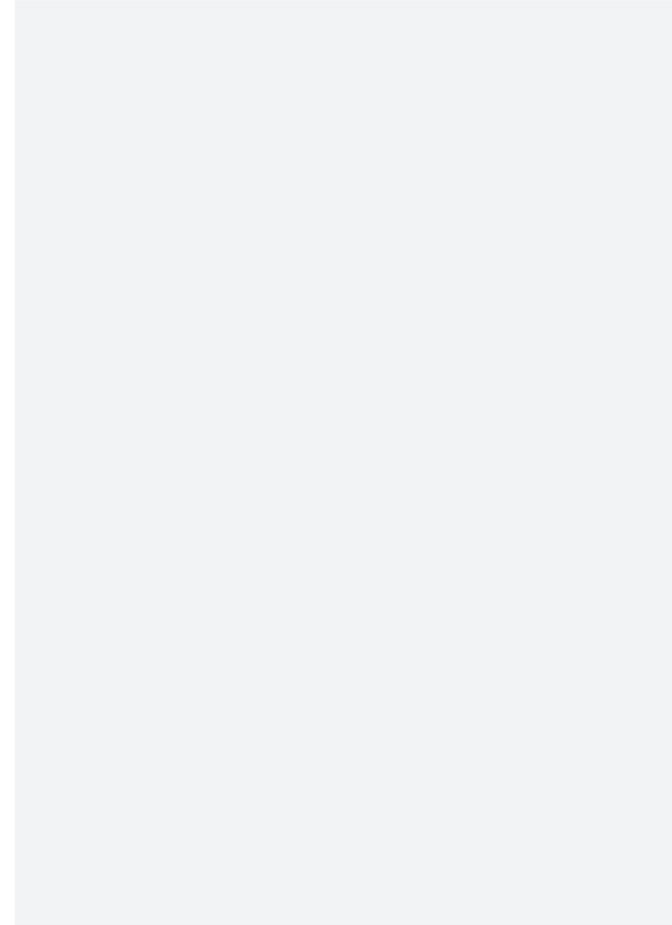
“Every spill, 100% of them, are cleaned up.” (Bismarck Tribune, 2016)

-Ron Ness, President of the Petroleum Council

The white area emanating from the well pad is a layer of salt caused by BRINE SPILLS that have not been cleaned-up adequately.



Soil contaminated by oilfield brine must be excavated to prevent the salt from spreading. Oil industry advocates claim that ALL spills are cleaned up, but the reality on the ground shows this is not true.





Dave Glatt, head of the Environmental Section of the Dept. of Health, claims that contamination from old brine spills brine holding ponds are *"sins of our fathers."*

However, new brine spills occur weekly. Most are NOT reported on the local news.

The white crust around the well pad is a sign of **brine spill contamination**.

If our top state regulators with jurisdiction over oilfield spill clean-up will NOT require full and timely reclamation of spills, *who will?*

Comment 2: Location: NE Section 31 T 162 R 81

“...we use a carrot and stick approach. The carrot is if you get into it and clean it quickly, the stick won’t be as severe.” (New York Times, 2014) - Dave Glatt, Environmental Section Chief, ND Dept. of Health



Comment 3: Location: West Section 5, T 161 R 82

Yet this 2016 photo shows soil damaged from a brine spill that occurred over 5 years ago.

Brine flowed atop at least 25 acres of soil. The spill was reported at 300 barrels, though dimensions of the damaged soil indicate the spill was tens of THOUSANDS of BARRELS.

State officials have boasted that ND's spill reporting standards are the best in the nation.

Note the layer of salt atop the soil, emanating from the well pad. This is a sign of brine spills.

Yet, there is no spill report for this well site, and many others like it.

Location: Section 31 Township 161 Range 82



These spots are natural “prairie potholes”

These are *NOT* potholes.

These **barren areas** of soil bare the signs of **brine spills**, which occur daily in the oil patch.

When **brine-contaminated soil** is not removed, the salt remains in the soil and spreads, **damaging more farmland**.



ND Administrative Code #43-02-03-30.1. states “Operators and responsible parties must respond with appropriate resources to contain and clean up spills.”

Yet numerous sites like this one in Bottineau County show signs of spills not “cleaned up.”

This 2016 photo shows salt damage from brine spills encroaching on adjacent farmland.

Location: SE Sect. 25 T 161 R 82

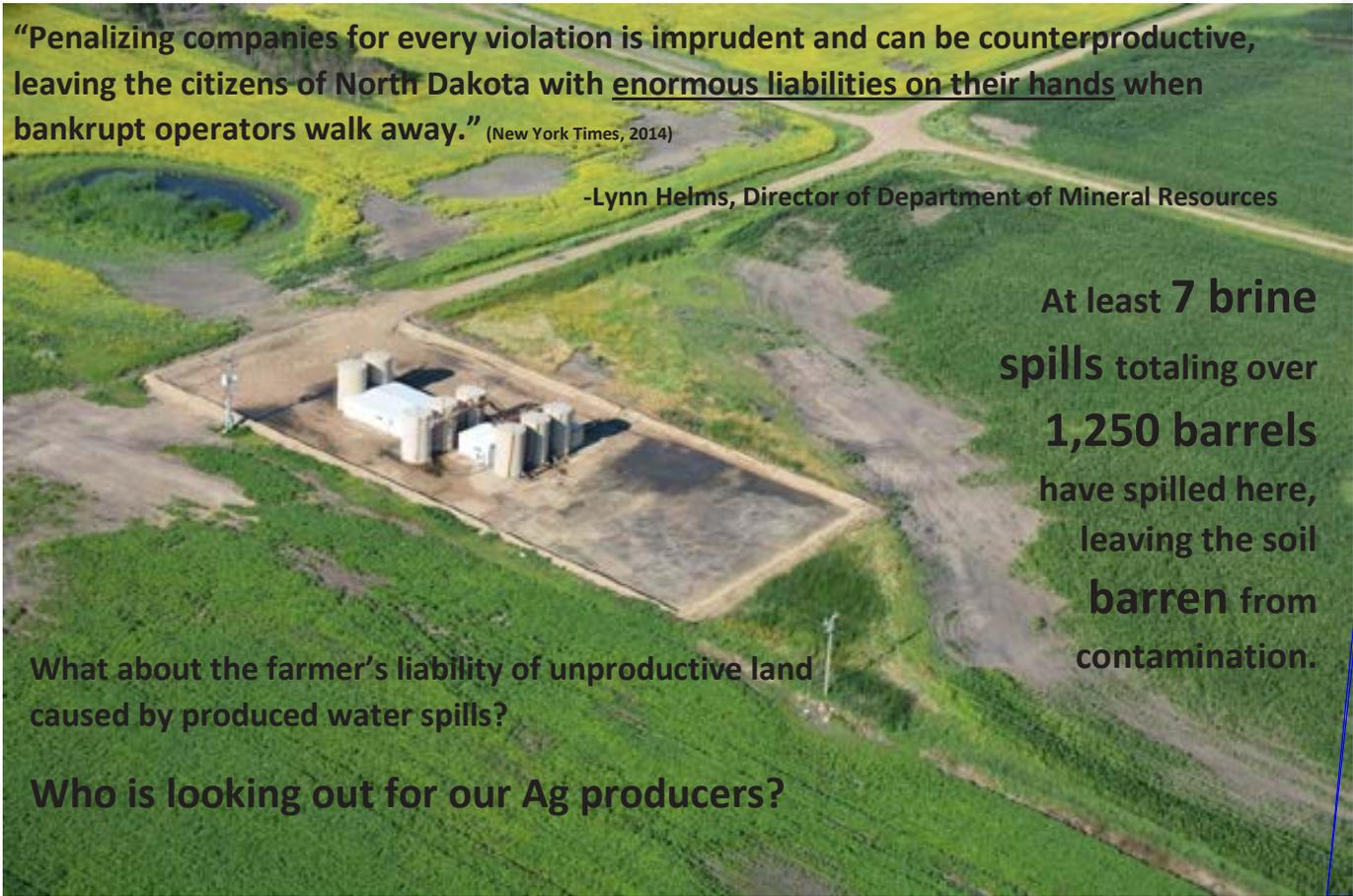
Comment 4: 43-02-03-30.1. LEAK AND SPILL CLEANUP. At no time shall any spill or leak be allowed to flow over, pool, or rest on the surface of the land or infiltrate the soil. Discharged fluids must be properly removed and may not be allowed to remain standing within or outside of diked areas, although the remediation of such fluids may be allowed onsite if approved by the director. Operators and responsible parties must respond with appropriate resources to contain and clean up spills.

ND Administrative Code rule #42-02-03-19.3 states that “Earthen Pits and Receptacles” are **NOT** allowed, except for flaring casinghead gas.

Note the barren soil around the well pad, especially emanating from open pits.



Note the barren soil encroaching on the adjacent farmland. This is a sign of spilled produced water, aka “saltwater” or “brine.”



“Penalizing companies for every violation is imprudent and can be counterproductive, leaving the citizens of North Dakota with enormous liabilities on their hands when bankrupt operators walk away.” (New York Times, 2014)

-Lynn Helms, Director of Department of Mineral Resources

At least 7 brine spills totaling over 1,250 barrels have spilled here, leaving the soil barren from contamination.

What about the farmer’s liability of unproductive land caused by produced water spills?

Who is looking out for our Ag producers?

Comment 5: Location: NW Sect. 8 T 161 R 82

Comment 8: ND CENTURY CODE 38-11.1-01. LEGISLATIVE FINDINGS.
*1. “It is necessary to exercise the police power of the state to protect the public welfare of North Dakota which is largely dependent on agriculture and to **protect the economic well-being of individuals engaged in agricultural production.**”*



Our state government officials boast that ND has the best spill reporting standards in the nation

According to the spill report:

All spilled Oil and 75% of the spilled brine was “recovered”

ALL spilled material was CONTAINED to the well pad

Yet there is barren soil emanating from the well pad site, a sign of brine contamination.

Comment 6: The only spill reported for this site was in 2013 at just 10 gal. of OIL & 63 gal. of BRINE

Comment 7: Location: Sect. 22 T163 R83