



Comments on the Ft Berthold minor source air permits

to:
R8AirPermitting
04/23/2012 07:12 AM

Cc:
R8AirPermitting, [REDACTED]

Hide Details

From: [REDACTED]

To: R8AirPermitting@EPA

Cc: R8AirPermitting@EPA, [REDACTED]

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3 Attachments



069.JPG 013.JPG Letter to NTN Editor - 4-1-110001.pdf

April 23, 2012

Region 8 Air Program, 8P-AR
Tribal Permit Program
1595 Wnykoop St.,
Denver Co 802002
R8Airpermitting@epa.gov
Fax 303-312-6064

Re: Fort Berthold Synthetic Minor Sources of Air Pollution Permits
Sir or Madam:

I am requesting a public comment period extension on these air permits. Since March 23, 2012, The EPA and Tribe failed to publish public notice in the local newspapers, NT News, the MHA Times, and newspapers in Parshall, Watford City, Killdeer, to adequately alert the tribal members and other affected residents throughout of Fort Berthold of the impact of of air pollutants allowed through this air permitting. Any future air permits must also include an extended comment period for affected residents of Fort Berthold.

The EPA, through their personnel, actively discourages individuals from requesting hard copies of the air permit for review and also limits access to this technical information through only on-line access. As a 60-year old tribal

member, I am not able to read this volume of technical material online. I had to repeatedly justify requesting a paper copy of the air permits before finally receiving a copy. Otherwise, according to the EPA's plan for public access, I would have had to travel 80 miles round trip to see the paper copy that is suppose to be available in New Town. Due to the remoteness and traveling distances in Fort Berthold, other tribal members would have to travel a much further distance.

I informed the EPA personnel that many affected tribal members do not have internet access. It's also not easy to find the information about these air permits on the EPA website. The systematic limitation of public access by the EPA both reduces public comments and also narrows the likelihood of informed comments by tribal members and Fort Berthold residents. This does not comply with EPA Environmental Justice.

Further, a 30-day comment period is not adequate time to allow informed comment from the tribal members and other affected individuals on the applications, draft permits, technical support documents, and all supporting materials of five (5) separate oil and gas entities on Fort Berthold. I am requesting a public hearing to assure adequate and informed public comment by tribal members and other affected residents of Fort Berthold of all air permits.

An Environmental Impact Statement (EIS) is needed to address the cumulative and significant impacts of oil and gas development on human health and the environment of Fort Berthold. Last year, in a programmatic EA, the DOI BIA proposed 1600 to 3,000 wells be built within a five (5) year period on Fort Berthold. According to a recent tribal meeting with all the oil companies on Fort Berthold, the Aberdeen BIA proposes to issue a FONSI decision in July, 2012 that there will be no impact from this BIA PEA plan. Further, the Tribe proposes to build an oil refinery which will also impact air quality on and around Fort Berthold. The cumulative impacts to air and water quality from all these sources of air and water pollution will not be adequately addressed through either these minor source air permits nor the DOI BIA PEA.

The EPA delayed the implementation of mandatory Fort Berthold air permits for over a year - at the request of Tribal Chairman Tex Hall and to the disadvantage of the respiratory health of individual residents of Fort Berthold - especially children and elderly. Oil and gas development on Fort Berthold started in 2007. The multiple oil well flares in the Mandaree area routinely have visible black smoke.

Attached is a photo (013.JPG) taken only three days ago, on April 20, 2012, of a Mandaree area flare with visible black smoke. Also attached is a recent published New Town News Letter to the Editor with a photograph of a New Town oil well flare with visible black smoke. The third attachment (069.JPG) is a photograph of another Mandaree oil well flare spewing visible emissions into the air on March 19, 2012. The previous and already existing emissions and pollutants - visible and invisible - are not being factored into the impact health and environment of Fort Berthold in the EPA's 'minor' source air permit process.

An Environmental Impact Statement (EIS) is needed to address the significant and cumulative impacts of oil and gas on Fort Berthold, including the air impacts by pollutants.

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or river from its operations. The Corps' risks of spills are associated with large electrical equipment located at the Garrison power plant. They have large

See OIL page 16



Pictured here is an example of spillage associated with the oil industry. Many local drivers are concerned with what impact the spills will have on their roads.

(Theodora Bird Bear photo)

Open letter addressing spills, impacts from oil and gas development

BY THEODORA BIRD BEAR
SPECIAL TO THE
NEW TOWN NEWS

I am concerned about the potential impacts from toxic hydraulic fracturing fluid spilled by oil trucks. After a very severe winter, the roads are clear and the volume of truck traffic has been increasing. Unfortunately, there is more and more evidence of routine truck spills now.

On March 14, I happened to be driving west on BIA Route 12 in Mandaree and saw yet another continuous spill of fluid on the highway for several miles. I caught up to a convoy of oil trucks and heavy machinery. As the attached photo clearly shows, an oil truck was spilling a large volume of fluid on the highway in this incident.

This is only one of a few known spills in Mandaree. Reportedly, there have also been recent larger spills at Skunk Bay, Moccasin Creek, and near the immediate Mandaree area. How many more go unseen? Unreported? Appeals have been

made to the BIA and BLM to monitor and enforce any federal regulations which may protect federal lands and human health.

Both the Bureau of Indian Affairs (BIA) and the Bureau of Land Management (BLM) have trust responsibilities to individual Indians. The Fort Berthold BIA Environmental Specialist was notified of this spill incident. He was also notified of other known spills on BIA Route 12 last month. A detailed description of this spill and the photo was also sent to BLM in Dickinson.

Yet, how strong are the federal regulations? We are only at the beginning of this Tsunami of industrial development on Fort Berthold. How strong is the overall 'will' to provide the necessary muscle to enforce compliance in order to protect human health and the environment on Fort Berthold?

For a fee, the tribal TERO authorizes oil companies and

See LETTER page 11

LETTER

continued from page 1

their subsidiaries to operate on Fort Berthold. However, I understand that neither the tribal council nor TERO requires the oil-related trucking companies to be bonded for damages that will occur on the reservation roads.

If spills are routinely seen on the highways, it stands to reason that spills are also routinely occurring on allottee surface land. Recently, a tribal member told me that he accidentally found out about a spill on his land. Neither the oil company nor the federal agencies responsible for monitoring and enforcement, bothered to notify him. Furthermore, he also found out that the surface of his land had to be removed and trucked to a toxic waste site in Sawyer ND.

Despite the increasing industrial development impacts on Fort Berthold during the past 4 years - primarily in the Mandaree area - the tribal council has yet to approve a hazardous or toxic waste policy that protects both Fort Berthold citizens and our environment.

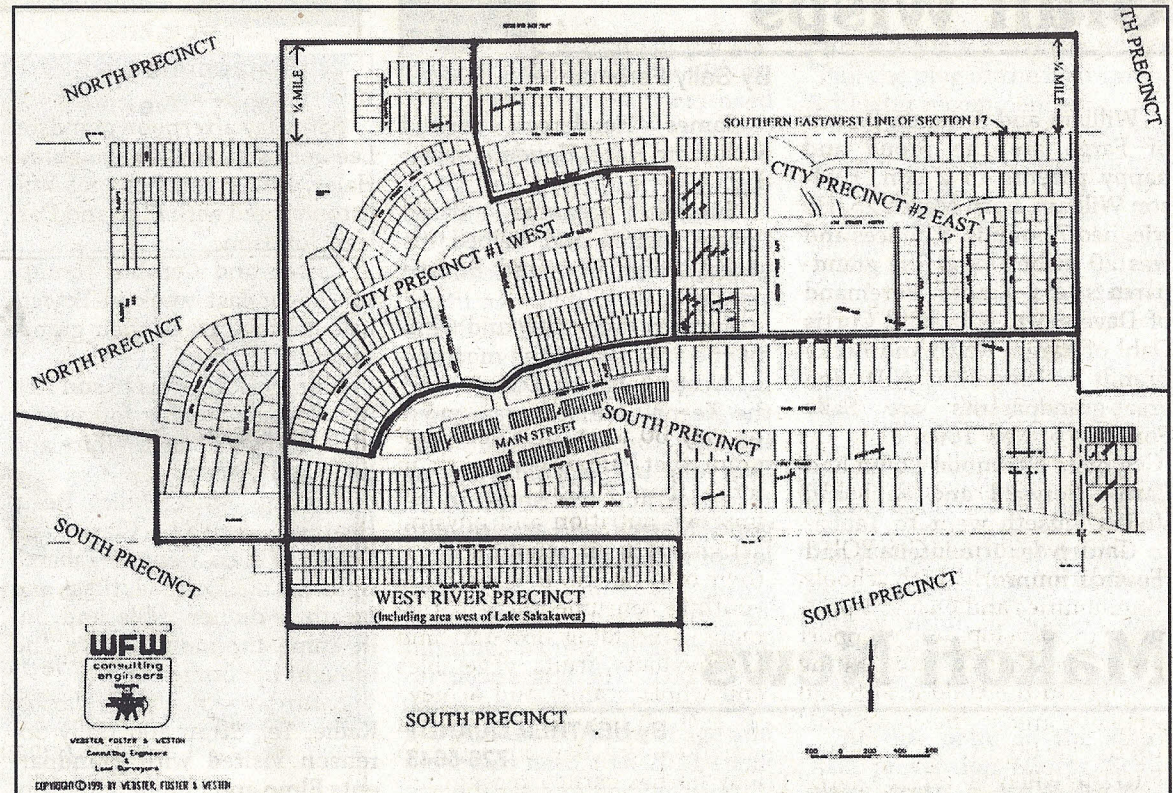
However, a workshop on federal Indian lands and principles and practices of real estate this week, sponsored through the Tribe, has given me some hope and understanding that, indi-

vidually and collectively, Indian surface and mineral owners can have a proactive role to play in ameliorating some of these negative impacts through their leases and ROW (rights-of-way) agreements.

Five year mineral leases without development will be lapsing soon. As just one example, land and mineral owners can make the reporting of spills and damages a requirement of any future lease agreement. A company's failure to comply with lease requirements is grounds for breaking the lease agreement. The language can be simple and direct. However, it could have a major impact on how "business" is done on Fort Berthold. It might even be instructive to our sovereign tribal government on how to value and protect the health and the environment of tribal members on Fort Berthold.

Meanwhile, without strong regulations, active federal enforcement, bonding, and effective tribal policies supporting a safe environment now, careless or negligent incidents like routine spills and many other unreported damages by tribally-approved companies will continue to increase in the Mandaree area.

Public Notices



Public notice of New Town School election

NEW TOWN ANNUAL SCHOOL ELECTION

Two three-year positions on the New Town School Board are to be filled at the Annual School Election June 14, 2011. Members whose three-year terms expire are Cary Enno, who represents the City Area #1, and Edward Danks, Jr., who represents the West Rural Area.

Friday, April 15, 2011, at 4:00 p.m., is the deadline for filing for candidates who wish to have their names appear on the ballot in the June 14, 2011 school election. Candidates must be resident voters of the area

designated. Those who wish to have their name appear on the ballot as candidates may pick up forms at the school business office in the High School/Middle School building. Candidates will also have to file a Statement of Interests form which is also available at the school business office.

The election will be held June 14, 2011, with the balloting for candidates limited to voters residing in the City Area #1 and the West Rural Area of the school district.

CITY AREA #1 is the area west of East Avenue from 2nd Street North to Fifth Street, south side of Fifth Street from East Central Avenue, west side of East Central Avenue North including Breslin Addition West, and area north of Second Street and East Main between Highway 1804 and East Avenue.

WEST RURAL AREA is the rural area west of Lake Sakakawea and includes the area within the city limits of Prairie Winds Trailer Court.

(March 18, 25, April 1, 8, 2011)

Township meetings

Big Bend

Big Bend Township Board of Equal-

T-SHIRTS WANTED

YEAR 'ROUND CONSTRUCTION • EXPERIENCE



Addendum to my submitted comments - Ft Berthold minor source air permits. Emailing:
NTN NEWS 3-30-2012 S Ventsch letter0001

[REDACTED]
to:
R8AirPermitting
04/23/2012 12:38 PM
Cc:

[REDACTED]
Hide Details

From: [REDACTED]

To: R8AirPermitting@EPA

Cc: [REDACTED]

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1 Attachment



NTN NEWS 3-30-2012 S Ventsch letter0001.pdf

April 23, 2012

Region 8 Air Program 8P-AR
Tribal Permit Program
1595 Wynkoop St
Denver CO 80202
R8AirPermitting@epa.gov

Re: Proposed Clean Air Act synthetic minor source permits for pollution - Ft Berthold Reservation, North Dakota

Sir or Madam;

This attachment was to accompany my earlier submitted comment letter today on the minor source permits issued by EPA. This attachment is a letter to the editor published March 30, 2012 in the New Town (ND) NEWS, with a photograph showing the visible emissions or smoke coming out of an oil well in the New Town area of Fort Berthold reservation.

The health and environment of individual Fort Berthold residents have already been impacted by emission from

the oil wells on Fort Berthold. The minor source permits is not accounting for these pre-existing impacts.

An EIS (Environmental Impact Statement) is needed to adequately address the full scope of oil and gas development on Fort Berthold.

My comments are submitted prior to the today's deadline at 5 PM later this afternoon - not sure if that's MST or CST.

[REDACTED]

Your message is ready to be sent with the following file or link attachments:

NTN NEWS 3-30-2012 S Ventsch letter0001

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

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NewTown News 3-30-2012
We've got Mail

Burning black

**SHELLY VENTSCH
NEW TOWN**

In January, I had a chance to visit with Dave Glatt from the North Dakota Department of Health. The subject of gas flaring came up and I mentioned that there were times when they are burning black and not cleanly, as shown in the photo. He informed me that when that happens, the Department of Health should be contacted. Last month I did contact them about a couple of flares that smoked for days. Mark Dihle in the Air Quality Division told me they do not have jurisdiction on the reservation, but they will take the complaints which get logged into their complaint database, contact the oil companies and turn over the complaint to the Region 8 office of the Environmental Protection Agency. They also handle dust complaints. EPA-Region 8 may also be contacted directly by concerned individuals with complaints and issues on the Fort Berthold Reservation. The contact information for Region 8 is:



A black plume of smoke comes off of a gas flare north of the Elbowoods Health Center in New Town.

Alexis North, Environmental Scientist

Office of Enforcement, Compliance and Environmental Justice, EPA Region 8

1595 Wynkoop Street (8ENF-AT)

Denver, CO, 80202-1129

Phone: 303-312-7005

Email: north.alexis@epa.gov

Our land, air, water, and health should be our top priorities. Oil should never come before any of these.



Final comments - Fort Berthold Synthetic minor source air permits

to:
R8AirPermitting
04/23/2012 02:54 PM
Cc:

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To: R8AirPermitting@EPA

Cc:

2 Attachments



FB BIA spills - Part 1 of two files Dec 20110001.pdf FB BIA Spill - Part 2 of 2 files - Dec 20110001.pdf

April 23, 2012

Region 8 EPA Air Program 8P-AR
Tribal Permit Program
1595 Wynkoop St
Denver CO 80202
R8AirPermitting@epa.gov

Re: Fort Berthold synthetic minor source air permits for pollution.

Sir or Madam:

Final addendum comments:

I am requesting that an **Environmental Impact Statement (EIS)** be completed **before** the EPA issues any minor source air pollution permits for oil and gas wells on Fort Berthold. I am also requesting that the EPA specifically address the climate change impacts, especially the additional sources of methane.

If the EPA issues the 'minor' air pollution permits, I am requesting that every site/facility be required to have active 24 hour air monitoring - instead of any air modeling. Heart disease, congestive heart failure,

hypertension, cancer, kidney failure, respiratory conditions, and asthma affects the current low-income residents of Fort Berthold. Additional air quality impacts will further degrade these existing health conditions on Fort Berthold. Air modeling is not an adequate measure of the real impacts to human health and the environment.

Besides the proposed tribal oil refinery and BIA/DOI planned programmatic EA for 1,600 to 3,000 wells on Fort Berthold within 5 years - as described in my earlier email to you - the air quality on Fort Berthold already has had pre-existing impacts from multiple existing gasification plants in the immediate southwest corner of Fort Berthold. All sources will increase the magnitude of negative impacts of air quality, human health, and the environment of Fort Berthold. Neither minor source air permits nor the BIA's PEA will adequately address the impacts to human health and the environment of Fort Berthold. An EIS is needed now to address the full scope of adverse impacts to air, water, human health and the environment.

Attached is a copy of the BIA's list of intentional and careless spills by oil well companies, fires, and other physical damages, air and water impacts documented to have occurred on Fort Berthold up until November 2011. These incidents are only the known incidents or only the reported adverse impacts by the local Ft Berthold BIA. The report shows that spills and other damages are occurring every 2-3 days. (This report was only provided after I filed a FOIA request with the federal Aberdeen BIA office).

In my earlier comments to your office, I have also requested that EPA provide an extension on public comments for tribal members and residents of Fort Berthold, due to the technical complexity of air pollution permits and the industrialization of Fort Berthold from current and planned massive oil and gas developments.

These comments are submitted within the current comment period - prior to either 5PM CST or MST today, April 23, 2012.

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c.c. Bruce Baizel, Senior Staff Attorney
Earth Works Oil and Gas Accountability Project.

Listing of Undesirable Events on Fort Berthold Indian Reservation 2009 to Present

| Date | Company | Location | Event | Remediation | Oversight |
|------------|---------------------------|------------------------------------|--|--|--------------------------------|
| 11/11/2011 | DAKOTA-3 E&P COMPANY, LLC | Plenty Sweet Grass 18-19H | 50 Barrels of Diesel Fuel released on Site. | The spill was cleaned up using ECO sponge and the affected soil was dug up and hauled to a Remediation site. | BIA/BLM |
| 11/ 4/11 | EOG/JCM Trucking | MANDAREE 4-15H | 2 Barrels of oil released on site. Trucker fault. | Spill was contained on site. 4 inches of contaminated soil was removed and hauled to certified facility. | BIA |
| 10/31/11 | Marathon | BOY CHIEF USA 11-15H | 65 gallons of released brine on location. | Spill was contained on site | |
| 10/21/11 | MARATHON | WALDOCK USA 21-16H Fee location | 5 barrels of Frac Gel released on site containing biocide | All fluids were contained on site and cleaned up, will do follow up. | ND State, BLM, BIA. |
| 10/18/11 | Marathon | Good Bird USA 34-7H. | 5 barrels of spilled Fresh water with trace amounts of Biocide spilled and contained on location. | All fluids were evacuated and put back into tanks. | ND State, BIA, BLM |
| 10/6/11 | Marathon | GOOD BEAR USA 21-14H | Four Barrels of Oil was spilled within Ring dike on location. | | |
| 10/ 2 /11 | Kodiak | CHARGING EAGLE 15-22-15-3H3 | Two Barrels of Invert Mud was spilled | | |
| 9/14/11 | SLAWSON | Muskrat federal #2/28/33h | Iowa Tank lines dropped 15 barrels of crude on location. | 12 barrels of crude was recovered. | ND State, BLM |
| 9/13/11 | DAKOTA-3 E&P COMPANY, LLC | DAKOTA-3 GERALD HALE 33-28H | Ten barrels of fluid was released on location, | 9 Barrels of fluid was recovered. | |
| 9/8/11 | Enerplus | Hilo 148-94-23B-2H TF | Drilling mud flow line disconnected from shale shakers. Diesel-based mud ignited. Fire was confined to mud tank area. Approximately 10 barrels of mud was released. Release was confined to drill pad. Fire injured drill rig worker and damaged mud tanks and associated equipment. | Soil on drill site was contaminated with drilling mud. Contaminated material was cleaned up and disposed in an approved offsite process facility in Williston, ND. | BIA/BLM/TAT Energy |
| 9/05/2011 | Kodiak | TWO SHIELDS BUTTE 14-21-16-2H | Gasket between Pump and flange failed, dropping 1.5 barrels of brine on location. | Cleanup of 1.25 barrels put back into production tanks. | ND State, BLM, BIA, TAT Energy |
| 9/4/2011 | ARROW | Dakota 3 Nathan | The Air Release Valve | Water was contained | ND State. |

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|------------|-----------------------|--|---|--|------------------------------|
| | | Hale 3-18 | (ARV), normally used for venting air from the line transporting produced water, failed and resulted in a leak of produced water through the valve. 38 barrels. The spill was contained by the dike on the well pad. | and cleaned up within less than 2 hours. Some soil at the well pad site may need further remediation. | |
| 9/2/2011 | Beaver Creek Trucking | North Dakota Highway 37 between mile markers 3 and 4 | Driver stated that he swerved to miss a deer causing him to lose control of the truck and dropped 60 barrels of produced water. | There were berms placed at each end of the affected area, North Dakota on call was called with an emergency one call, an excavation was performed and the material was temp containment was set up at the Beaver Creek's gravel pit Clean Harbors in Velva or the Waste Management facility in Tioga | ND State, TAT EPA and Energy |
| 8/14/2011 | Man Trucking | BIA 13 | Truck Roll over nothing spilled | None | BIA |
| 8/8/2011 | Marathon | <u>Boy Chief USA 11-15H</u> | A suction line from a slug tank to the mud pump came out of the manifold resulting in approximately 10 barrels of produced water with oil sheen contacting the rig liner. Approximately 30 gallons of fluid contacted the ground at the edge of the liner. All fluids were recovered and returned to the active mud system. | The affected soil was excavated and stabilized with the cuttings using Class C fly ash and properly disposed in accordance with RCRA Regulations in the dry cuttings pits. All fluid remained within the rig secondary containment system. | BIA |
| 7/28/2011 | Kodiak | TWO SHIELDS BUTTE 14-33-6H | 147 barrels of Brine | Earthmovers will be performing the clean up | BIA/BLM |
| 7/27/ 2011 | Marathon | <u>Red Feather USA 21-17H</u> | During cementing operations, cementing contractor had a fitting break apart at the pump truck spilling approximately 10 barrels of produced water to the secondary containment. Two barrels of the ten | The produced water was recovered for offsite disposal. The affected soil was excavated and stabilized with the cuttings using Class C fly ash and properly disposed in accordance with RCRA Regulations in the dry cuttings pits. All | BIA, ND State |

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|-----------|---------------------------|-----------------------------|--|--|-----------------------|
| | | | overflowed the secondary containment and contacted the ground. | fluids remained on the drilling pad. | |
| 7/25/2011 | Kodiak | TWO SHIELDS BUTTE 14-33-28H | 1400 Barrels of Brine left tank battery/location and into roadway into adjacent landowner. | Earthmovers will be engaged to clean up and will monitor. | BIA/BLM TAT Energy |
| 7/21/2011 | Man Trucking | QEP 1-27-8-152-92 | 10 Barrels of Saltwater spilled on location. Nothing left location. | Evac trucks were mobilized and removed fluids. Excavation of site was to be conducted. | BIA/BLM |
| 7/19/2011 | QEP | MHA 1-05-08H-147-92 | 12 barrels of crude spill on location. | Spill was contained and cleaned up. | BIA/BLM |
| 7/13/2011 | Kodiak | TSB – 16-8-6H | 2 barrels of oil Spill – Stuffing box leaking at well head due to equipment malfunction/failure. | Contaminated soil was mixed with oil and hauled to Clean Harbors. | BIA |
| 7/09/2011 | Dakota-3 E&P Company, LLC | Mary R. Smith 5-8H | The mud pump was turned on but the shakers were not, causing oil-based mud to run over the shakers and onto the location. About 7 barrels. | Contained to the ground surface immediately around the equipment. No lasting impacts expected. Fly ash was applied to the surface and left overnight. The fly ash and underlying soil was scraped off and put into the reserve pit the following morning. | BIA/BLM |
| 7/09/2011 | QEP/TPG Transport LLC | MHA 1-05-08H-147-92 | Crude oil spill of 13 barrels on location that was contained and is in the process of cleanup. | Will inspect cleanup to make sure area is clean. | TAT EPA/BIA |
| 6/07/2011 | Williams | Wells 32-29H | Transfer pump went out on the oil tanks overnight and the automatic shut-off on the well did not activate. Tanks overflowed into secondary containment dike (40 BBLS) and then into ditch on location (20 BBLS). | Well was shut in and flow to tanks was stopped. Transfer pump will be repaired or replaced and automatic shut-off will be tested and repaired or replaced as necessary. Will continue to pump the oil back into the tanks. Impacted soil will be removed for disposal at an approved | BLM/BIA |

| | | | | | |
|-----------|----------------|-----------------------------|---|--|---------------------------------|
| | | | | facility. | |
| 6/05/2011 | | | Leaking anhydrous tank roll over. | Garrison Fire Department with PPE SCBA contained leak. | TAT Emergency. |
| 6/05/2011 | Man Trucking | Junction of Highway 22 & 23 | Semi-Rig was north bound on Highway 22, breaks failed and rig went over 23 into adjoining land. Nothing was spilled, however rig did damage fence and land. | Man Trucking must contact land owner and pay for cost of damages to property. | TAT Emergency and BIA |
| 6/02/2011 | Enerplus | Roberts Trust 1-13H | Roberts Trust 1-13H was opened after a period of being shut in. The excessive well pressure caused the gasket on the fire tube to fail. An estimated 2 barrels of oil was released. Some of the oil left the location. None of the oil reached water sources. | Scraped up and disposed of contaminated soil in the reserve pit (<5 cubic yards of material). Develop procedures for safely opening wells that have been shut in to ensure proper containment of well pressures; including, as applicable, use of a pressure gages and chokes. | BLM/BIA |
| 5/26/2011 | ? | High 23 by Eds Bar | Two Tanker trucks collided. Antifreeze and motor oil spill on road. | TAT EPA placed floor dry and contained spill. | TAT EPA |
| 5/22/2011 | Mans trucking | BIA 17 South | Tanker trailer slid and tip nothing spilled. | Tanker saltwater fluids were removed to another tanker. | TAT Emergency Mgt. TAT EPA. BIA |
| 5/20/2011 | Williams | Wolf | Fluids on location. Nothing left location. Reserve pit did not breach. Rigging up phase of drilling. | Contacted Pat N. and he said location was wet from rain. During drilling nothing left the pad. | BIA, TAT Energy |
| 5/19/2011 | Arrow Pipeline | | I was contacted by Mark Tally from Arrow that a dead horse was found in one of their trenches. I had Marc Berg take pictures. | Informed Mark that he needs to find out the land owner and compensate for death. | BIA |
| 5/19/2011 | Williams | Skunk Creek | Pit Breached, freshwater spring coming onto location caused pit to overflow. Nothing left location. | Divert water away from location and pit fluids were removed. | BIA/BLM |

| | | | | | |
|-----------|------------------------------------|---------------------------|--|---|--|
| 5/17/2011 | Unknown | Casino/Museum parking lot | Oil dumping in trash dumpsters that leached into soil. An estimated 20 gallons of used oil was disposed and spilled. | Lyle Guinn of TAT EPA will perform oversight and containment of spill. He will also try to find the culprit. | TAT EPA, BIA |
| 5/10/2011 | Williams Dakota-3 E&P Company, LLC | Dakota 3 Elk 16-21H | Vacuum truck operated by North Country Oil was emptying flow back tanks (drilling returns) and forgot to close hatch at back of truck. Truck overflowed material onto well location. 20 barrels. | None – release contained on location, impacted surface material will be removed along with drilling returns. Vacuum truck will remove all material from location and haul to disposal facility. | BIA/BLM TAT <ul style="list-style-type: none"> • EPA • Energy • Em Mgt |
| 5/5/2011 | QEP | Twins MHA 6-01H | Discovered pit reclamation occurring without first removing fluids from pit. | Asked operator to immediately shut reclamation down until fluids are removed from pit. Contacted BLM. | BIA |
| 5/5/2011 | Dakota-3 E&P | Drag wolf | Open pit with fluids and oil spill throughout location it is apparent that this has been going on for some time will continue to monitor. | Contacted Rick Woodward on 5/5/2011 for response actions. | Tribal EPA/BIA |
| 5/5/2011 | Dakota-3 E&P Company, LLC | Dakota 3 Birdsbill 14-16H | Prairie fire started on location when K&R Roustabout crew tried to re-light the flare that had gone out. About 75 acres burnt. | Roustabout crew called TAT Fire Department from Mandaree after attempts to put out the fire on location. Williams was told to notify land owner asap. | BIA |
| 5/02/2011 | Williams Dakota-3 E&P | Dakota 3 Wicker | Run-on from snowmelt flowed into reserve pit which overtopped. 5 Barrels of fluids left reserve pit contained on location. | Vacuum trucks to begin offloading oil/water mixture to nearby disposal facility. Bermed fluids and maintained on location. | BIA/BLM |
| 4/27/11 | Zenergy | Dakota 3 TAT #14-2 | Stuffing box on well head blew out released 5 barrels of crude | shut pumping unit down, change stuffing box robbers Vac truck to pick up oil and place in stock | BLM/BIA |

| | | | | | |
|---------|-----------------------|-----------------------------|--|--|---|
| | | | | tank, have contaminated soil picked up and hauled to proper disposal | |
| 4/26/11 | Zenergy | Dakota 3 Elk 16-21H | Pit overflow or break sent fluids running through location but not outside of location. | Informed that cleanup needs to occur ASAP. Drill rig moving off of location. | BIA/BLM |
| 4/26/11 | QEP | Access road | Unknown potential arch site uncovered during construction. | QEP will have Archs and THPO assess. | BIA/THPO |
| 4/23/11 | Zenergy/Man Trucking | DAKOTA-3 FBIR 13-24H | Truck trailer rollover leaving location due to muddy road | Site was diked and load removed from trailer and contaminated soil was removed | BIA/BLM |
| 4/14/11 | QEP | MHA1-05-08H-147-92 | Oil spill on road | QEP will excavate and replace material. | BIA/BLM |
| 4/07/11 | Zenergy | 10-3H | Flow back on tank battery. Crew opened wrong valve allowing oil to flow into diked area around separator | Zenergy this is a fee location that will be monitored by company. | BLM |
| 4/07/11 | Zenergy | Bears tail 32-39 | Spill? Off of location unknown by unauthorized truck | Zenergy will monitor cleanup | BLM/BIA |
| 4/03/11 | Enerplus | Baker 20-34H | Tank valve broke and spilling 50 barrels of diesel | Enerplus evacuated fluids and put some in pits. | BIA/BLM |
| 4/02/11 | Zenergy | Dakota-3 Alisha Fox 16-9H | Tank valve left on 40 barrels of crude 5 barrels of brine on location. | Zenergy contained spill and will cleanup. | BIA/BLM |
| 3/30/11 | Kodiak | Two Shields Butte 14-33-28H | Oil spill on location with m | | |
| 3/18/11 | Zenergy | DAKOTA-3 FBIR 13-24H | 5 barrels of oil breached the ring dike. Valve left open. | Zenergy will remove contaminated soils and replace and evacuate fluids. | BLM/BIA |
| 3/16/11 | Zenergy/Williams | Dak 3 Brunsell | < ½ Barrel of Production Water. | Removed and hauled to FBIR location. | BIA/BLM/TAT Energy |
| 3/16/11 | Marathon | Hunts Along | Storm Water runoff location. | Monitor by Marathon Brenda Retttinger | BIA/BLM |
| 3/14/11 | Beaver Creek Trucking | Sanish Turnoff from High 23 | Truck Crash onto North side of High 23 | Beaver Creek will continue to Cleanup with Earthmovers. | BIA/TAT EPA & Tribal Emergency officer. NDSHD |
| 3/14/11 | Zenergy-Trucking | BIA 12 | Spill From on BIA 12 from Mile Marker 6.5 | None | BIA |

| | company | | | | |
|----------|------------------------------|---|---|--------------------------------------|----------------|
| 3/14/11 | Zenergy | DAKOTA-3 MORSETTE 35-26H | Tank Battery Valve | On location 3-4 barrels in ring dike | BIA/BLM |
| 3/10/11 | Zenergy | Van Hook FEE | Flare Upset/Smoke Paraffin plug between separator and treater | Minimal/Zenergy | BIA |
| 3/08/11 | Man Trucking/ Enerplus | Henry Bad Gun | 3-4 Barrels of Salt H2O | Enerplus | BLM/BIA |
| 3/08/11 | JCM Trucking | MANDAREE 2-09H (EOG) | 15Barrels of crude in tank battery ring dike | EOG | BIA |
| 3/01/11 | Kodiak | TSB 16-8-16H | Tank Battery leak < ½ barrel | Kodiak | BIA/BLM |
| 2/26/11 | Zenergy | FBIR 13-24H | Treater/Flare Stack Upset | Zenergy | BIA/BLM |
| 2/10/11 | Mann Trucking | High 22 to BIA 12 to mile (mm) marker 9 | Spill began on BIA 12 mm 9 on North Side of Road. | Man Trucking | BIA |
| 2/09/11 | Marathon | Good all USA Fee land | Treater/Flare Stack Upset | Marathon | |
| 2/08/11 | ? Trucker | Casino Parking | Spill | TAT EPA | BIA/TAT |
| 2/04/11 | Mann Trucking & Zenergy | FBIR | Semi-Roll over – no spill | None | BIA |
| 2/03/11 | Enerplus/Mann Trucking | BIA #17 Henry Bad Gun | Spill Salt H2O | Otter Creek | BLM/BIA |
| 2/02/11 | Kodiak | MC 13-34-3H | Spill 1-3 barrels | Earthmovers | BLM/BIA |
| 2/02/11 | Unknown | High 23 bridge | Spill – Unknown | None | TAT Police/BIA |
| 2/02/11 | Zenergy | Dak3 Cross 2-13H | Treater/Flare Stack Upset | Zenergy | BIA |
| 2/01/11 | Marathon | GOODALL USA 11-29H | Spill Brine 3 barrels | Marathon | BIA |
| 1/18/11 | Zenergy | KYW 27-34H | Treater/Flare Stack Upset | Zenergy | BIA/BLM |
| 1/10/11 | Mann Trucking & Kodiak | Charging Eagle 1-22-10H | Spill 120+Salt H2O | Earthmovers | BIA |
| 1/09/11 | Zenergy | DAK3 Birds bill 14-16H | Treater/Flare Stack Upset | Zenergy | BIA/BLM |
| 1/09/11 | Kodiak | Two Shield Butte 16-8-16 | Tank Battery/Truck Spill on location. | Earthmovers | BIA/BLM |
| 1/06/11 | EOG | Mandaree 5-16H | Treater/Flare Stack Upset | EOG/J&J Trucking | BIA |
| 1/05/11 | J&J Rental | Spill HWY 22 to HWY 23 | Semi-rig had open valve of Fresh H2O | J&J Rental and Highway Dept. | BIA |
| 12/13/10 | Zenergy | Dak3 Pennington | Kick/Upset of Flare onto Trustlands | Zenergy | BIA/TAT |
| 11/2010 | Enerplus/Willist on Tank Co. | Henry Bad Gun | Production water spill | ? | BIA/BLM |
| 11/26/10 | Kodiak/Mann Trucking | MC 13-34-3H | Crude spill on Lease Road | Kodiak | BIA |
| 11/22/10 | Kodiak | MC 13-34-3H | Truck Roll over-No | Kodiak | BIA/TAT |

| | | | | | |
|----------|-----------------------|----------------------|--------------------------------------|-----------------|---------------------|
| | | | spill | | |
| 11/10/10 | Kodiak/Zenergy | MC 13-34-3H | Frac Tank Spill into Moccasin Creek | Earthmovers | BIA/BLM/TAT |
| 9/27/10 | Mann Trucking | Bear Den | Roll/burn/Spill | BIA/Earthmovers | BIA/TAT |
| 9/01/10 | EOG | 149N 94W s8 | Brackish water in culvert/Natural | None | BIA |
| 8/30/10 | Unknown | 152N 94W S26 | Small Spill in Ditch | None | BIA |
| 8/25/10 | Unknown | 147N 93W S15 | Dead spots on Road | None | BIA |
| 7/20/10 | Kodiak | BIA 17 148 93 | FreshH2O on Road | None | BIA |
| 7/15/10 | Zenergy | High Hawk | Kick during drilling | Zenergy | BIA/BLM |
| 6/29/10 | QEP | 149N 90W S8 | Fly ash on Rangeland | QEP | BIA/TAT |
| 3/25/10 | Unknown | BIA 14 | Spill/Ditch | BIA/Hydro evac | BIA |
| 3/04/09 | Kodiak | 16-34-2H | Human Waste over the edge of pad. | Kodiak | BIA |
| 2/10/09 | Water Hauling Company | McKenzie County | Tanker disposed of water at Bear Den | Unsure | BIA |
| 1/27/09 | Marathon | 151N 93W S27 NENE 27 | Spill on location/Invert Fluids | Marathon | Marathon – Fee land |
| | | | | | |

A number of other Response Actions are not listed include:

- Fly Ash incidents.
- Trash/Garbage on locations.
- General compliance for brush piles/snow melt piles and others.

I will update periodically.

Jeff Desjarlais