

Dakota Counsel

December 2014 Organizing • Research • Advocacy • Education Vol. 38, No 1

Bakken Oil Safety Standards Set DRC: Impact depends on state willingness to implement

Bismarck, ND---On December 12, the North Dakota Industrial Commission released new rules on making Bakken crude safer to ship. The new rules, according to the NDIC, will require crude extracted from the state’s shale to be processed through machinery set at mandated temperatures and pressures, which the NDIC says will remove the most amounts of propane, butane and other volatile natural gas liquids (NGLs) naturally found in oil.

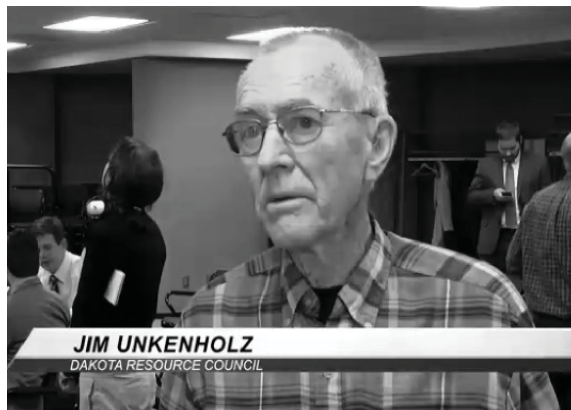
DRC member Jim Unkenholz, Bismarck, and Director Don Morrison attended the rules announcement. As soon as the new rules were presented, DRC responded with this statement:

“47 people died in one small Canadian town when one of our Bakken bombs jumped the tracks. It’s only a matter of time until it happens here. The new regulations should help, but regulations are only as good as the enforcement. Our current state officials have shown a lack of will to enforce rules and regulations or take serious legal action against violators.

If we continue on the present course, it’s simply a matter of time before a North Dakota town or city is devastated, and innocents are killed by a derailed Bakken rail bomb.

DRC members hope today’s action is real and not just a public relations move, but we have doubts given current elected officials’ ineffective track record regulating the oil industry.”

Prior to the rules announcement, DRC presented North Dakota Industrial Commission members with a letter originated by DRC and signed by 12 organizations from around the country in support of serious and strong safety measures. The letter was clear that Bakken oil safety is a national issue. The letter said, “Safety must be the number one consideration” and signers urged North Dakota officials to “slow well permitting if necessary, until stabilization can be properly implemented.”



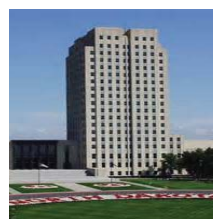
Calendar of Events

- January 2 DRC Finance Committee meeting
- January 6 64th Legislative Session begins
- January 10 DRC Board Meeting, Bismarck
- January 19 DRC Strategic Planning Committee
- March 14 DRC Board Meeting, New Town
- July 15-18 Principles of Community Organizing (POCO), Billings, MT

December 15 Wopila Raffle Winners

- \$50-Jim Haussler, Bismarck; \$100-Beth Nodland, Bismarck; \$150-Jerry Arne, Maddock; \$200-Cathy Breiner, Mandan
- Quarter Horse-Gordon Krance, South Heart

2015 Legislative Session



Every Friday during the Legislative Session, we will publish the *DRC Legislative Update*. We can e-mail or surface mail it directly to you.

Call the Dickinson office at 483-2851 to let us know or e-mail aleta@drcinfo.com. Or you can read the *Update* on-line at www.drcinfo.com

The Oil & Gas Task Force will direct DRC’s legislative efforts. Contact Nicole at nicole@drcinfo.com for more information

The Dakota Counsel is published four times a year by Dakota Resource Council, a nonprofit, grassroots activist organization. The mission of Dakota Resource Council is to form enduring, democratic local groups that empower people to influence decision-making processes that affect their lives. DRC is committed to preserving sustainable agriculture and natural resources.

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Little Things Lead to Big Things

by DRC Board Chair Linda Weiss

Here we are at the close of another year. Looking through past newsletters, we were welcoming Scott Skokos as the clean energy organizer (April 2010). Now he heads off to WORC to take on field organizer duties. We continue to work together in another way.

Only last year after Thanksgiving I was blessed to see Pete Seeger in his last concert with Arlo Guthrie. One thing he said, "Realize that little things lead to bigger things. Who knows where some good little thing that you've done may bring results years later that you never dreamed of?"

In this year alone, our members have accomplished much.

- Testified at the DMR hearing regarding flaring in April
- Testified at the BLM flaring and venting forum in Dickinson in May
- Held conference with ELPC and Sierra Club on conserving the badlands habitat
- Supported "extraordinary places" with comments and attendance at NDIC hearings
- Commented through op-eds, letters to editor on radioactive waste
- Testified at local zoning and county meetings on waste pits in their area
- Hosted tours displaying past and present saltwater contamination events in western ND
- Testified at DMR oil by rail safety hearing in September
- Red River Valley members protested safety along railroads in July
- Investigated million gallon Bear Den Bay spill near Mandaree in August
- Ag and Food Task Force work on GM wheat issues, test plot locations, damaged export markets
- Spoke with numerous media throughout the year from local to global about the oil and gas impacts

Soon to be repurposed is our clean energy task force. The oil and gas impacts have overshadowed the abundance of wind, sun and geothermal and other possibilities.

We are preparing for the 2015 Legislative Session (see page 1).

We are calling for a bipartisan legislative investigation following the *New York Times* article in November (see page 3).

There are other proposed bills we are following which means getting to know your legislators. And we are closing in on our internal fundraising goal set at the 2013 board strategic planning. By the time you receive this newsletter, some one has won that registered quarterhorse.

Have a safe and prosperous holiday season.



Call For Special Legislative Investigation, Audit of ND Officials

North Dakotans say *New York Times* is accurate about state's failures

Members of Dakota Resource Council say a major series in *The New York Times* in November was accurate and likely understates the serious pollution and ethical problems in North Dakota's oil patch. DRC Board Chair Linda Weiss of Belfield, ND, says the series documents how state government's failure to regulate an out-of-control oil industry has already reached the point where areas of the 'patch' could be called a national sacrifice zone.

Weiss said, "We clearly have the best regulatory agencies the oil industry can buy and *The New York Times* article confirmed how current elected officials run our state to benefit the industry, not the people who live and work here. State officials claim we have the toughest environmental regulations in the nation. That's a joke. Laws and rules and regulations are only effective if enforced and ours aren't. Fines aren't collected and oil companies know they can get away with violating the law in North Dakota."



Because of *The New York Times* documentation of serious ethical lapses by the governor and other high level North Dakota officials, Weiss, along with other DRC members, is calling for a special bipartisan legislative committee to investigate the failure to enforce state rules and regulations and the violations of the state's corrupt practices laws.

State officials are claiming the *Times* story is inaccurate. But Weiss says, "Ironically, they made that claim the same day it was disclosed that most of the fines they grandly announced against a company for illegally dumping hundreds of radioactive filter socks have all been virtually forgiven."

DRC also is calling for performance audits of the State Health Department and Department of Mineral Resources. Darrell Dorgan, who heads the North Dakota Energy Industry Waste Coalition, said that nothing in *The New York Times* article surprised him. The articles documented why performance audits are needed.

"It's how State government has been helping the oil industry for years," Dorgan said. "Over the past two years, we've been trying to work with the North Dakota State Health Department on protecting North Dakotans from the illegal dumping of radioactive waste in our rural communities. Seventy-five tons of radioactive waste is generated daily from drilling activity and I doubt the Health Department can tell you what happened to much of it. The *Times* article confirms what we've been saying and demonstrates conclusively the state has either lost or given control of toxic and radioactive waste to the industry. It's likely North Dakota will be declared a 'Superfund Site' within a decade. This didn't have to happen, but incompetence has its costs."

BREAKING NEWS

Dalrymple Proposes 10 Times Increase

The Dalrymple Administration, at the request of the oil industry, has proposed raising radioactive levels of waste that can be dumped in North Dakota. DRC held a news conference December 15 at which time Board member Larry Heilman, Fargo, made the case for discussing the significant risks of this proposal.

DRC member Darrell Dorgan said, "If it can't be demonstrated they can or will track low level radioactive and toxic waste, why allow them to raise the limits? Their job is to protect the health and welfare of people who live in North Dakota, not increase oil industry profits. Unfortunately, they've decided their job is the latter not the former."

Three public meetings have been scheduled. In an effort to make it possible for more people, especially those in rural areas of the Bakken to participate, DRC asked for additional public meetings in Noonan, New Town, Watford City, Dickinson, Minot and Grand Forks, but the Health Department declined.

Public meetings will be January 20 in Williston, January 21 in Bismarck and January 22 in Fargo. Please contact the DRC Bismarck office to join this effort.

For more information on this breaking story, see the DRC Facebook page or website www.drcinfo.org.

DRC Members Featured in *The New York Times*

The last week of November, just before Thanksgiving, *The New York Times* came out with a well-documented two-part series of stories that connected the corruption and greed between the North Dakota elected officials and Bakken oil development.

The investigative series showed the nation what many DRC members already knew -- that the current North Dakota state officials are failing to regulate one of the largest oil booms in U.S. history.

Part one of the series documented environmental damage done by oil drilling, chemical spills and illegal dumping of radioactive waste and what little has been done by the North Dakota Industrial Commission (NDIC). The story showed how the Department of Mineral Resources and North Dakota State Health Department takes the side of the oil industry, while put-

ting the health and well-being of North Dakotans on the back burner.

Part two of the series detailed the personal relationship between Governor Jack Dalrymple and the oil industry. DRC members, David Schwalbe and Ellen Chaffee talked to *The New York Times* about evidence they have about Governor Dalrymple's corrupt relationship with the oil industry.

There were 12 DRC members who were in *The New York Times* article, 11 of them were quoted. The *Times* used DRC member Darrell Dorgan's photographs of the Noonan radioactive filter socks clean up (shown on page 3).

Stay tuned for further updates from DRC on related critical issues documented by *The New York Times* articles.

To read both stories from *The New York Times*, go to www.drcinfo.com and click on "In The News" at the top of the page.

Wolff Presents at International Oil Conference

On December 10, DRC leader Lynn Wolff, Fargo, presented North Dakotans' concerns about Bakken oil safety to the Crude by Rail Safety Canada Conference, an international oil and gas conference in Calgary, Alberta, Canada, by the London Business Conference Group.

Wolff presented through Skype a Power Point presentation that included DRC concerns about the lack of safety in North Dakota about bomb trains and DRC's recommendations to make it safe.

Wolff fielded just as many questions about rail safety as he did about the volatility of Bakken Crude. Wolff said, "The rail road has been working on making things better, but it's time that North Dakota regulators and the industry do their part to improve the product they are putting on the rail road tracks. It's a two way street and officials in North Dakota are just lagging behind once again."



Lynn Wolff testifying at the September 23rd Bomb Train Hearing

DRC Participates at WORC Winter Meeting

Four people from DRC participated in the Western Organization of Resource Council (WORC) December board and staff meeting in Billings on December 5-6. Theodora Bird Bear and Bette Stieglitz are DRC's representatives to the WORC Board. Don Morrison and Scott Skokos participated as staff members. At the meeting, two new groups were added to the WORC family tree. Idaho Organization of Resource Councils and Western Native Voice were officially voted into WORC. Also, WORC Executive Director, Pat Sweeney was recognized for his 42 years of service, as he is set to retire on January 1, 2015. Sweeney will continue to serve in a reduced capacity as a senior advisor.

New Report Looks at the Natural Gas Flaring Boom

Waste sparked by oil prices, length of leases, and weak protections

Surging oil production in shale hot spots, like the Bakken in North Dakota and Eagle Ford in Texas, has increased waste of natural gas through flaring, venting, and leaking according to a new report released in late November by the Western Organization of Resource Councils (WORC), a network of conservationists and family farmers and ranchers.

The report, *The Flaring Boom*, examines the causes and effects of flaring, venting, and leaking of natural gas by examining efforts to curtail these wasteful practices in Alaska, Colorado, Montana, North Dakota, Texas, and Wyoming.

“Flaring lowers quality of life in oil-producing communities through increased air pollution, deprives royalty payments to those owning the rights to the natural gas, and contributes to climate change,” said Donny

Nelson, a rancher from Keene, N.D., DRC member and Chair of WORC’s Oil and Gas Campaign Team.

Nelson has 30 to 40 flares on his ranch. “It’s easy to count them at night,” he said.

The report identifies three factors spurring the waste.

The report recommends that oil-producing states adopt Alaska’s flaring regulations. The state has prohibited flaring since 1971 except for emergencies and system tests. In those instances, Alaska requires a written report and statement of compliance actions for any gas “release, burning, or escape into the air.”

According to *The Flaring Boom*, natural gas flared in 2011 across the United States could have provided nearly 2.9 million American homes with all of the natural gas needed that year. North Dakota lost nearly 32 percent of gas produced, Montana flared

or vented over 7 percent, and Alaska, New Mexico, Texas, and Wyoming lost 2 percent or less.

By 2012, gas flaring in North Dakota alone amounted to an estimated 4.5 million metric tons, the carbon dioxide equivalent of adding a million cars on the road. Together, the six states studied and New Mexico flared or vented nearly 203 billion cubic feet of natural gas in 2012, 95% of all natural gas vented or flared in the country that year.

The report outlines the health implications of flaring. More than 250 toxins, including benzene,

naphthalene, styrene, toluene, and xylene, have been identified as being produced and released during flaring.

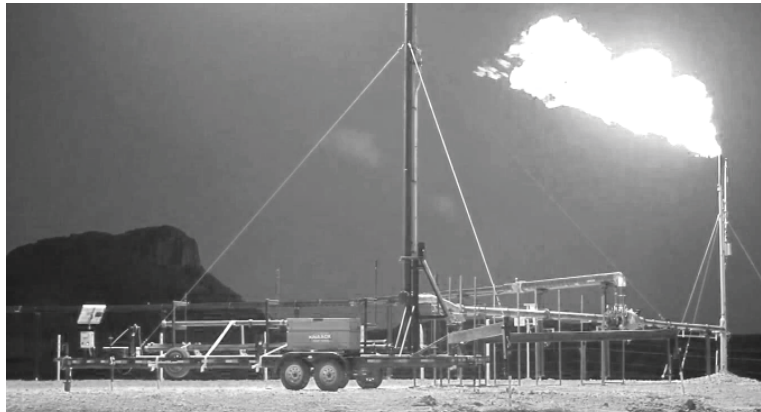
Exposure to benzene is a well-known cause of leukemia. Naphthalene can damage the membrane of red blood cells. Styrene is a skin and eye irritant. Toluene can affect the nervous system. Xylene can affect the central nervous

system and stunt human development.

Other known effects of exposure to these toxins include renal failure, cardiovascular failure, emphysema, bronchitis, endocrine and immune dysfunction, reproductive disorders, and autoimmune diseases.

In July 2014, North Dakota adopted flaring rules that require operators to file their gas capture plans. Whether or not these rules will actually result in reduced flaring depends on if state officials enforce production restrictions on operators who fail to follow gas capture plans.

“Policy should not be set to benefit one industry, but to benefit the long term interests of the state and its residents,” Nelson said. “We need to make sure we can keep farmers and ranchers on the land to raise our food. That’s what we’re going to be about in the long run.”



One of many flares that's burning off natural gas on Donny Nelson's land.

***The Flaring Boom* is available at www.worc.org.**

Members Celebrate at 37th Annual Meeting

On Saturday, October 25, Dakota Resource Council members came together in Bismarck for the 37th Annual Meeting. After a very busy year, there was a lot to celebrate as DRC members have led the effort to speak up about the Bakken.

In the past year, DRC members participated in the process of proposing stronger rules to reduce flaring, led the effort to get state officials to handle radioactive waste and made the case that bomb trains are unacceptable and Bakken crude must be made safer for transport. The DRC Agriculture and Food team reorganized and launched a GM wheat campaign starting with trying to find out where Monsanto test plots are located in North Dakota.

As members gathered and registered in the morning, things kicked off with a fun ice breaker that had both long-time and new members bartering their \$1 items.

Members participated in the business meeting and small group activities to strategize on making progress in North Dakota. Derrick Braaten, a partner in the Baumstark Braaten Law Partners, was the guest speaker. He talked about legal battles that North Dakotans have with the Bakken Oil Boom and how DRC's work benefits North Dakota.

Since 2012, DRC has given the Art and Grace Link Leadership Award to members doing outstanding volunteerism work. Longtime DRC member Terrence Kardong received the first award for his many years of work with DRC. Gene Wirtz was the recipient of the award in 2013 due to his instrumental work on saving his community

from becoming a home to a radioactive waste dump.

This year, Dakota Resource Council gave the award to Theodora Bird Bear. She has given so much time and put in so much hard work into making North Dakota a better place for our future generations. Throughout the year, Theodora has

his community, not once but twice; Bruce Farnsworth for working with Vance Gillette in investigating the Bear Den Bay Spill and taking photographs of the damaged area on the ground and by air; and Lynn Wolf for all of his hard work to rejuvenate the Ag and Food team and testifying at the hearings DRC was



Theodora Bird Bear receiving the 2014 Art and Grace Link Leadership Award from DRC organizer, Nicole Donaghy

spent time preparing statements and testifying on new rules for bomb trains, flaring and radioactive waste. She has been a strong and steady leader and a voice for not only DRC members, but for all North Dakotans.

DRC's Above and Beyond Awards were given to members who have done outstanding work for DRC throughout the year. DRC showed its appreciation in 2014 to: Vance Gillette for his tireless work on the Bear Den Bay pipeline spill; Pete Wolla for preventing an oil waste facility from developing in

a part of in 2014.

The day ended with some fun and games. The Biggest Dip winner was DRC organizer, Nicole Donaghy, for her wojapi. Office Manager Aleta Hendricks reported that the silent auction broke the record for raising funds.

The 37th Annual meeting was a big success and members are saying it just gets better every year. Many thanks to those who attended and a special thanks to our business sponsors (see page 7) who make it possible! Give them a call to thank them!

A Big THANK YOU

to our Annual Meeting Business Sponsorships

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Lynn Wolff, Kangen Water

DRC sincerely appreciates the support of the business member sponsors who contribute to our success. Please thank those who do business in your part of the state. Also, many thanks to the members who contributed items to the DRC silent auction and those who purchased the items which raised over \$2,000. Working together, we can make a difference!

Keep up to date with DRC!



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Household \$75___ Individual \$ 45___

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Changes in the DRC Office

DRC Senior Organizer Scott Skokos will be moving to Billings, MT to become the WORC regional coordinator for oil and gas issues. Skokos' last day with DRC is Wednesday, December 17. For the past couple of months, he has been working with DRC oil and gas organizers Kathryn Hilton and Nicole Donaghy helping them get up to speed with his work currently on the table. DRC will continue to work with Scott through WORC.



Scott Skokos leading a legislative training at the DRC Annual meeting in 2012

Matthew Leibel, DRC's agriculture and food organizer left DRC in October to pursue other opportunities.

DRC would like to thank both Leibel and Skokos for their commitment to work and help DRC members achieve their goals.

As this newsletter goes to print, the Personnel Committee is assisting Director Don Morrison in the interview process to hire two new organizers. Stay tuned for new faces coming to DRC in January. The DRC office should be fully staffed early in the 2015 legislative Session.

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