



**LABORERS DISTRICT COUNCIL
MINNESOTA AND NORTH DAKOTA**

Affiliated with Laborers International Union
of North America

81 E Little Canada Road • St Paul, Minnesota 55117
Ph (651) 653-9776 • Fax (651) 653-9745 • council@mnldc.org

TODD T. PUFAHL
President & Business Manager

True Companies: A History of Regulatory Issues (Belle Fourche, Bridger, Butte, Black Hills Trucking, etc.)

Pipeline Spills and Environmental Quality Violations

True companies, including Bridger and Belle Fourche, have reportedly spilled some 30 times, releasing roughly 300,000 gallons of crude oil since 2006.¹ True companies have been fined on multiple occasions for environmental violations.

Spills in North Dakota

- More than 50 environmental incidents apparently related to True pipeline, trucking, and oil companies have been reported in North Dakota since 2006, evidently totaling roughly 200,000 gallons of crude oil spilled in the state.²
- True companies' record is especially alarming considering the size of their operations relative to other companies in North Dakota. Our analysis of spill data obtained from the ND Department of Health and *The New York Time*' suggests that, as of mid-2015, True companies' related spill volume was greater than that of leading pipeline operator Enbridge, and only slightly less than that of ONEOK (the state's largest natural gas processor spilled an estimated 228,407 gallons of crude oil or other contaminants compared to True companies' estimated 199,155 gallons).³ For example:
- In December 2016, True subsidiary, Belle Fourche Pipeline, spilled some 40 barrels (1,680 gallons) of crude oil in McKenzie County according to the state incident report.⁴
- In July 2016, True Oil LLC reportedly spilled about 175 barrels (7,350 gallons) of oilfield brine mixed with water in McKenzie County.⁵
- In June 2016, True subsidiary, Bridger Pipeline, spilled about six barrels (250 gallons) of oil in Dunn County according to a state incident report.⁶
- In November 2015, True Oil LLC spilled around 420 barrels (17,640) gallons of produced water in McKenzie County.⁷
- In March 2015, True subsidiary, Belle Fourche Pipeline, reportedly spilled an estimated 250 barrels (over 10,000 gallons) of oil affecting U.S. Forest Service land in McKenzie County.⁸
- In March 2015, True subsidiary, Black Hills Trucking, apparently spilled 84 gallons of crude oil in Williams County.⁹
- In December 2014, Black Hills Trucking spilled roughly 294 gallons of crude oil in Dunn County.¹⁰
- In November 2014, a pump leak on a Bridger pipeline spilled around 2,520 gallons of crude oil in Mountrail County.¹¹
- In August 2014, approximately 1,260 gallons of crude oil spilled from a Bridger pipeline in Mountrail County.¹²

- In June 2014, around 28,980 gallons of crude oil spilled from a Bridger pipeline in Mountrail County.¹³
- In January 2014, a pump gasket on a Bridger Pipeline site failed spilling roughly 1,050 gallons of crude oil in McKenzie County.¹⁴
- In October 2013, about 630 gallons of crude oil spilled when the seal in the gear pump failed at a Bridger Pipeline site in Mountrail County.¹⁵
- In March 2013, a pump leak on Bridger Pipeline site spilled nearly 1,680 gallons of crude oil in McKenzie County.¹⁶
- In November 2012, a Black Hills Trucking driver “set pump to load truck instead of unload truck,” and spilled close to 420 gallons of crude oil in Williams County.¹⁷
- In May 2012, around 6,300 gallons of crude oil spilled at a Bridger Pipeline site in Billings County when a nipple on the charge pump broke.¹⁸
- In May 2012, roughly 1,050 gallons of crude oil leaked from a Bridger Pipeline in Mountrail County.¹⁹
- In February 2012, a Black Hills Trucking trailer tipped over and spilled nearly 4,620 gallons of crude oil on Highway 23 in McKenzie County.²⁰
- In December 2011, True Oil was responsible for spraying about 2,100 gallons of crude oil onto state land in McKenzie County.²¹
- In December 2011, around 3,360 gallons of crude oil leaked from a Belle Fourche pipeline in McKenzie County.²²
- In September 2011, close to 378 gallons of crude oil leaked from a Bridger pipeline in Mountrail County.²³
- In May 2011, approximately 630 gallons of crude oil spilled when a Black Hills Trucking driver overfilled a trailer. “Heavy rains carried the crude oil down hill of the production battery through a drainage and ultimately a few gallons of crude oil reached a small, isolated stockpond.”²⁴

Investigations by Pipeline Safety Trust and the Casper Star-Tribune, respectively, found that Bridger Pipeline and Belle Fourche Pipeline have incident rates roughly double the industry average.²⁵ Companies belonging to the Association of Oil Pipelines reported 0.015 incidents per mile of pipeline between 2006 and 2013. Bridger's reported incident rate was 0.028 incidents per mile during that time period. Belle Fourche's reported incident rate was 0.034 per mile.

Other Notable Pipeline Spills

- On January 17, 2015, Bridger Pipeline's Poplar Pipeline released over 30,000 gallons of crude oil into the Yellowstone River near Glendive, MT. The spill shut down the Glendive water treatment plan for five days after elevated levels of benzene were found in water samples,²⁶ and Montana Governor Steve Bullock declared a state of emergency in Dawson and Richland counties.²⁷ Upon subsequent investigation of the accident by the Pipeline and Hazardous Materials Safety Administration (PHMSA), Bridger was ordered to cease operation of the entire Poplar Pipeline until the PHMSA authorized the resumption of normal operation.²⁸ The PHMSA has not completed its full investigation of the accident. The State of Montana and U.S. Department of the Interior are reportedly pursuing recovery for damage to natural resources, including fish, birds, and animal habitat.
- In 2014, Belle Fourche Pipeline was responsible for the spill of about 25,000 gallons of crude oil in Wyoming's Powder River Basin on the Bureau of Land Management (BLM)

land.²⁹ The company's use of the pipeline was illegal according to a BLM spokesperson.³⁰ The BLM was unaware the pipeline was in use because Belle Fourche terminated its right of way permit in 2006 and resumed use of the pipeline sometime after that without notifying the agency. The company was reportedly fined \$27,029 for trespassing.³¹

- In February 2016, the Belle Fourche Pipeline was responsible for spilling some 1,500 gallons of oil a quarter-mile along a dry creek bed east of Gillette, Wyoming according to the Gillette News-Record. The cause of the spill was reported to be a corroded pipe.³²

Environmental Quality Violations

- The North Dakota Department of Mineral Resources Oil & Gas Division is currently pursuing \$950,000 in civil penalties against Black Hills Trucking, Inc. for three incidents between February and March 2014 in which Black Hills trucks were reportedly seen illegally dumping saltwater, a by-product of oil production, onto a stretch of roadway in southwest Williams County – a fine the company has contested in court.^{33 34} Black Hills Trucking has been fined \$200,000 by the North Dakota Department of Health for operating without a waste transporter permit from May 9, 2008 until early 2014.³⁵ In addition, North Dakota Attorney General Wayne Stenehjem filed criminal charges against one of the company's drivers, Leo Slemin, for the dumping. Slemin pleaded guilty in October 2014.
- The Wyoming Department of Environmental Quality (DEQ) has cited True companies for multiple environmental quality violations in recent years:
 - In late 2014, the Wyoming DEQ and Belle Fourche began negotiating a Remedy Agreement to clean up soil and groundwater contamination at the Well Draw Station in Converse County, WY. From 1974 until decommissioning in 2009, the site was used as a crude oil collection and pipeline pump station. Environmental investigations beginning in 2009 found elevated concentrations of benzene, ethylbenzene, xylenes, and TPH-DRO in the soil and elevated concentrations of benzene and TPH-DRO in groundwater. The Remedy Agreement apparently has been finalized, but will not go into effect until it has been signed by all parties.³⁶
 - In August 2007, Belle Fourche Pipeline received a Notice of Violation from the Wyoming DEQ for failing to obtain an air quality permit for the construction and operation of the Hartzog #2 10,000 barrel tank in Campbell County, WY. Belle Fourche paid \$34,685 for this violation as part of a Settlement Agreement.³⁷
 - The Wyoming DEQ fined Belle Fourche \$2,400 on five separate occasions, for a total of \$12,000, for crude oil spills from broken pipelines in Campbell County, WY in 2007, 2008, and 2010.³⁸
 - In 2009, the WY DEQ found that True Oil failed to maintain and operate a B-TEX emissions control system at an active well site. True Oil paid \$25,000 under a Settlement Agreement.³⁹

Pipeline Construction and Integrity

Over the past decade, True companies, including Bridger Pipeline, have demonstrated an apparent pattern of poor construction practices and violations of regulations for the safe operation and maintenance of pipelines.

“Slipshod construction” of Bridger’s Four Bears Crude Oil Pipeline

In June 2011, Dakota Gasification Company (DGC) contacted the North Dakota Public Service Commission (PSC) after a cave-in left part of their carbon dioxide pipeline exposed. Close to thirty-seven miles of Bridger Pipeline’s Four Bears Crude Oil pipeline parallels Dakota Gasification’s carbon dioxide pipeline. After examination of the cave-in, DGC sent the following analysis to the PSC:

A review of the area of the cave-in leads DGC to believe that the cave-in was caused by slipshod construction practices on Bridger's pipeline. We note that Bridger's contractor had left a ridge of spoil material on the downhill side of DGC's right-of-way which presumably caused water to build up, pool and apply downhill pressure on Bridger's pipeline and trench. We note that it appears Bridger did not use appropriate backfill materials and also failed to compact its backfill. Finally, it appears to us that the Bridger's pipe was laid on backfill instead of being properly laid on the bottom of the trench.

As DGC was concerned that the poor construction methods employed at this location might be representative of the entire Bridger pipeline as it parallels DGC's carbon dioxide pipeline, we inspected the parallel line last week. Our concern was and is that there may be other areas where Bridger has jeopardized the lateral or sub-adjacent support of our carbon dioxide pipeline such that there may be similar movement of our pipeline whether or not a full cave-in occurs and whether or not apparent from surface conditions.⁴⁰

The PSC made no formal judgement about the cave-in because DGC did not file a formal complaint.⁴¹

In addition, during construction of the Four Bears pipeline, one of Bridger's contractors reportedly struck DGC’s carbon dioxide pipeline twice.⁴² A review of records in the Public Service Commission docket indicates that the contractor responsible for the construction spread where the damage occurred was Loenbro, Inc. of Great Falls, MT.⁴³

Pipeline and Hazardous Materials Safety Administration Inspections

On multiple occasions prior to the January 2015 Yellowstone River spill, Bridger Pipeline received warning letters and notices of violations from the Pipeline and Hazardous Materials Safety Administration (PHMSA) after inspections of the Poplar Pipeline system.

- In November 2014, roughly two months before the spill, Bridger received a Warning Letter citing the following violation on the Poplar Pipeline System: “Bridger Pipeline staff did not follow their written procedures for conducting normal operations and maintenance activities, specifically your procedures to examine exposed pipe,” during 24 in-line inspection verification digs.⁴⁴
- In 2009, PHMSA fined Bridger Pipeline \$70,000 (reduced to \$45,000 under a Consent Agreement⁴⁵) for violations that apparently included:
 - Failure to file a DOT accident report after a spill in 2008.
 - Failure to properly document or provide inspection, welding, or material certifications for construction of regulated piping between the Poplar pipeline and the Poplar station breakout tanks.
 - Failure to perform a pressure test on the Poplar station breakout tank piping.
 - Failure to perform post-accident reviews of response activities after four accidental releases of hazardous liquid from their Poplar pipeline between February 2, 2006 and November 17, 2006.
 - Failure to review work done by personnel and contractors.⁴⁶
- In 2007, the PHMSA reportedly found the following problems during inspections of Bridger Pipeline’s Poplar Pipeline system:
 - Records for the Poplar pipeline integrity repair work in 2005 do not adequately document construction and welding inspection and did not include qualifications of construction and welding process inspectors.
 - Butt weld and fillet weld procedures used for the Poplar pipeline integrity repairs completed in 2005 were not qualified using destructive testing.
 - Records show that weld number XR 11 made during a short segment replacement project on the Poplar pipeline was rejected for a pinhole. There is no record that this weld was repaired and re-inspected.
 - None of several type B repair sleeves installed on the Poplar pipeline in 2005 had non-destructive testing at the sleeve to pipe fillet welds, nor was there evidence that welds were visually examined.
 - There was no documented internal inspection of pipe upstream or downstream of pipe replacements that were part of the integrity repairs for the Poplar Pipeline.
 - Bridger Pipeline did not complete or document atmospheric corrosion inspections.
 - Bridger Pipeline failed to conduct required reviews of operating procedures or emergency response procedures.⁴⁷

The PHMSA has also found problems at other Bridger Pipeline locations and at other True companies’ pipeline operations that exhibit an apparent pattern of failing to follow regulations for the safe operation, maintenance, and repair of pipelines:

- Belle Fourche Pipeline Company (BFPL) was assessed a final penalty of \$131,900 after a PHMSA inspection of the Belle Fourche Pipeline and Sussex Diesel Pipeline in Casper, WY. The PHMSA reportedly found that:

- BFPL had not reviewed or revised its O&M Manual as required from 2005 to 2008.
 - BFPL failed to inspect 25 mainline valves at the required frequency from 2006 to 2007.
 - BFPL failed to inspect a number of its pressure limiting devices at the required frequency between the years 2006 to 2008.
 - High-level alarms on three breakout tanks associated with the Sussex Diesel Line had never been tested.
 - BFPL had never performed an External Tank Inspection on the Sussex Breakout Tank.⁴⁸
- Butte Pipeline Company was fined \$28,800 after a PHMSA inspection of their crude oil pipeline system in southeastern Montana and eastern Wyoming in June 2008. The PHMSA ostensibly found that Butte had failed to perform the required annual review of its manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies for 35 months, “an extended period of noncompliance that increases the gravity of this particular violation.”⁴⁹
- In 2005, the PHMSA conducted an inspection of Bridger Pipeline’s facilities in Baker, MT and Newcastle, WY, and evidently found that Bridger:
 - Failed to prepare and follow procedures for operations, maintenance, and emergencies for the Little Missouri System.
 - Failed to prepare and follow welding procedures for pipeline repairs in accordance with the requirements.⁵⁰
- In 2005, the PHMSA apparently found the following problems during inspections of hazardous liquid pipeline systems operated by Butte Pipeline Company:
 - Butte had made more than 50 integrity repairs to the Butte pipeline in 2004 using type-B repair sleeves, but failed to use a nondestructive testing method to examine all but two type-B repair sleeves and associated sleeve-to-pipe fillet welds. Repair records did not indicate that visual examinations of such welds had even been performed.
 - Butte did not have records of any completed atmospheric corrosion inspections and apparently none of the pipe support areas had been inspected. “When the PHMSA inspector asked company officials whether Butte planned to inspect pipe surfaces that were in contact with concrete supports, Respondent’s lead engineer indicated that the company did not have procedures to examine those pipe surfaces and had not documented any external corrosion inspections.”⁵¹
- In 2005, the PHMSA evidently found the following problems during inspections of hazardous liquid pipeline systems operated by Belle Fourche Pipeline Company in Montana and Wyoming:
 - During the 2005 inspection, Belle Fourche was still apparently using temporary stacked wooden and concrete blocks that were not fastened to the ground or another permanent feature as supports under the pig trap and receiver as well as supports for the tank booster pump piping at the Sussex pump station and breakout tank which were constructed in 2000.

- BFPL had not completed or documented any atmospheric corrosion inspections and had no plan for examining pipe surfaces that are in contact with concrete saddles.⁵²
- The PHMSA conducted an inspection of Bridger Pipeline's Operator Qualification (OQ) Program in Casper, Wyoming in December 2004 and reportedly found that Bridger did not have a written operator qualification program, resulting in a fine of \$100,000.⁵³
- After an on-site pipeline safety inspection of Belle Fourche Pipeline's integrity management program in Casper, WY, the PHMSA fined Belle Fourche \$50,000 for the following apparent violations:
 - Failing to establish a baseline integrity assessment schedule prioritizing its pipeline segments based on all risk factors that reflect the risk conditions on each segment.
 - Failing to include a seam failure susceptibility analysis on all pipeline segments containing low frequency electric resistance welded pipe (ERW) and lap welded pipe to determine which segments are susceptible to seam failure prior to selecting baseline integrity assessment methods for applicable segments.⁵⁴
- Belle Fourche Pipeline paid \$41,500 in fines after inspections by the PHMSA at pipeline operations in Montana and Wyoming in 2003 found the following purported violations:
 - Belle Fourche failed to report a 120-barrel spill that occurred at its Alzada pump station pig launching facilities on June 10, 2003 within the required 30-day period.
 - Belle Fourche failed to maintain an adequate number of pipeline markers to accurately determine the pipeline location and the emergency phone number shown on pipeline markers was disconnected.
 - Belle Fourche conducted a routine inspection of its Sussex breakout tank once each year, rather than the required inspection once a month.⁵⁵

Worker Safety and Employment Practices

True companies seem to show a dangerous disregard for worker safety with a record that includes multiple fatalities and apparent employment law violations.

Worker Fatalities and Safety

True companies have experienced a number of worker fatalities in recent years:

- In April 2012, a Black Hills Trucking worker was killed while installing floor plates on a drilling rig. "The bridal line and equalizer fell to the derrick floor, crushing the worker."⁵⁶
- In June 2010, a True Drilling worker died when, while working as a derrickman on a drilling rig, the kelly bushing fell 45 feet and struck him on the head.⁵⁷
- In December 2004, Phillip Lynn Pepper, a True Drilling worker, died when he fell 90 feet from the drill rig's crow's nest. Mr. Pepper was wearing his safety harness, but he was not attached to a retractable lanyard that should have been attached to the derrick. Apparently the retractable lanyard was damaged two weeks earlier but had not been replaced despite the fact that the company had a replacement lanyard available. Mr. Pepper had not received any safety training. The autopsy toxicology report found that Mr. Pepper was positive for methamphetamines, amphetamines, and THC.⁵⁸ True Drilling was fined \$83,000 (later reduced in settlement to \$19,250) by OSHA for violations related to Mr. Pepper's death.⁵⁹
- Dick Tidwell, a True Drilling worker, died in June 2001 when he fell 90 feet from the top of a drill rig.⁶⁰
- Mark Zike, a True Drilling worker, died in January 2001 when he was struck in the head by fragments of a ball valve that exploded under 1,700 psi pressure. The crew was pumping drilling "mud" to seal a well casing and the valve had deformed due to freezing and thawing. "OSHA noted the crew was inexperienced, none of them had more than a few months on the job."⁶¹

OSHA inspection records show a demonstrable pattern of True companies failing to meet standards for workplace safety:

- In 2011, Bridger Pipeline paid \$5,200 in civil penalties for two serious violations relating to failure to protect employees from hazards associated with excavation and trenching, including cave-ins.⁶²
- In 2011, True Drilling was fined \$1,000 for a serious violation of the standard that "an evaluation of each powered industrial truck operator's performance shall be conducted at least once every three years."⁶³
- In 2010, True Drilling paid \$18,798 in penalties for 4 repeat violations and 10 serious violations, including failing to protect workers from falls and electrical and machinery hazards.⁶⁴

- In 2010, Black Hills Trucking paid \$14,000 in penalties for two serious violations involving falling from heights and the violation of the standard for guarding floor and wall openings. The inspection was conducted as a result of an accident.⁶⁵
- In 2010, Black Hills Trucking paid \$2,625 in civil penalties for three serious violations relating to woodworking machinery standards and protective equipment.⁶⁶
- In 2010, Black Hills Trucking paid \$5,250 in civil penalties for 6 serious citations for violations relating to welding, cranes, slings and other equipment.⁶⁷
- In 2008, True Drilling paid \$7,875 in penalties for 14 violations serious violations, including violations related to falls and electrical equipment.⁶⁸
- In 2005, True Drilling paid \$2,200 in penalties for 2 serious and 5 other violations, including failing to perform required safety inspections on industrial trucks.⁶⁹

Endnotes

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