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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
Billings Division

UNITED STATES OF AMERICA and
STATE OF NORTH DAKOTA,

Plaintiffs,

v.

BRIDGER PIPELINE LLC and
BELLE FOURCHE PIPELINE
COMPANY,

Defendants.

Case No.

COMPLAINT

The United States of America (“United States”), by the authority of the Attorney General of the United States, and on behalf of the United States Environmental Protection Agency (“EPA”) and the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration (“PHMSA”); and the State of North Dakota (the “State”), on behalf of the North Dakota Department of Environmental Quality (“NDDEQ”), file this complaint and allege as follows:

NATURE OF ACTION

1. This is a civil action against Bridger Pipeline LLC (“Bridger”) and Belle Fourche Pipeline Company (“Belle Fourche”) (together, “Defendants”).
2. Defendants own and operate hundreds of miles of buried pipelines that gather and transport crude oil in Montana, North Dakota, and Wyoming.
3. On January 17, 2015, one of those pipelines ruptured where it crosses the Yellowstone River, resulting in the discharge of approximately 1,257 barrels of crude oil into the Yellowstone River near Glendive, Montana (the “Yellowstone Spill”), in violation of the Clean Water Act (“CWA”).
4. In late 2016, another one of those pipelines ruptured in Billings County, North Dakota, approximately 20 miles northwest of the city of Belfield, resulting in the discharge of approximately 14,400 barrels of crude oil, including into an unnamed tributary to Ash Coulee Creek, Ash Coulee Creek itself, the Little

Missouri River, and their adjoining shorelines (the “Ash Coulee Spill”), in violation of the CWA and North Dakota state law.

5. The United States seeks injunctive relief and civil penalties for Defendants’ violations of the Clean Water Act and the Federal Pipeline Safety Regulations pursuant to, respectively, Sections 309 and 311 of the CWA, 33 U.S.C. §§ 1319 and 1321, and Section 60120 of the Pipeline Safety Act (“PSA”), 49 U.S.C. § 60120.

6. The State seeks injunctive relief and civil penalties for violations of North Dakota law in connection with the Ash Coulee Spill pursuant to N.D. Cent. Code §§ 61-28-04(22), 61-28-08, 23-29-04(8), 23-29-11, and 23-29-12. The State also seeks recovery of its costs relating to the Ash Coulee Spill pursuant to N.D. Cent. Code §§ 23-31-01 (recodified as 23.1-10-01 in 2019 and then repealed in 2021, 2021 N.D. Sess. Laws, ch. 212, § 19) and 23.1-10-12 (effective 2021).

JURISDICTION AND VENUE

7. This Court has jurisdiction over the subject matter of this action pursuant to Sections 309(b), 311(b)(7)(E), and 311(n) of the CWA, 33 U.S.C. §§ 1319(b), 1321(b)(7)(E), and 1321(n); Section 60120(a)(1) of the PSA, 49 U.S.C. § 60120(a)(1); and 28 U.S.C. §§ 1331, 1345, and 1355.

8. This Court has supplemental jurisdiction over the claims asserted by the State pursuant to 28 U.S.C. § 1367.

9. Venue is proper in this District pursuant to Sections 309(b) and 311(b)(7)(E) of the CWA, 33 U.S.C. §§ 1319(b) and 1321(b)(7)(E); Section 60120(a)(1) of the PSA, 49 U.S.C. § 60120(a)(1); and 28 U.S.C. §§ 1391 and 1395, because some of the violations that are the subject of this action occurred in this District, and Defendants are located and do business in this District.

10. Authority to bring the United States' claims is vested in the United States Department of Justice by Section 506 of the CWA, 33 U.S.C. § 1366; Section 60120 of the PSA, 49 U.S.C. § 60120; and 28 U.S.C. §§ 516 and 519.

11. Authority to bring the State's claims is vested in NDDEQ by N.D. Cent. Code §§ 61-28-04, 61-28-08, 23-29-04(8), 23-29-11, and 23-29-12. NDDEQ was established on April 29, 2019, and became the State agency responsible for the administration and enforcement of the environmental protection programs, laws, and rules previously administered and enforced by the North Dakota Department of Health's Environmental Health Section. Pursuant to 2017 N.D. Laws ch. 199, § 1, the North Dakota Department of Health's interest in the causes of action alleged in the Complaint were assigned to NDDEQ. For purpose of the Complaint, the term "NDDEQ" includes the North Dakota Department of Health for activities occurring prior to April 29, 2019, and for statutes and rules in effect prior to April 29, 2019. Due to the transition, the statutes in N.D. Cent. Code ch. 23-29 have moved to N.D. Cent. Code ch. 23.1-08, and the rules in N.D. Admin. Code arts.

33-16 and 33-20 have moved to 33.1-16 and 33.1-20. Because the violations began prior to April 29, 2019, NDDEQ references N.D. Cent. Code ch. 23-29 and N.D. Admin. Code arts. 33-16 and 33-20 in this Complaint, but for activities ongoing after the transition, NDDEQ also alleges violations of the nearly identical statutes in N.D. Cent. Code ch. 23.1-08 and rules in N.D. Admin. Code arts. 33.1-16 and 33.1-20.

12. Notice of commencement of this action has been provided to the States of Montana and North Dakota in accordance with Section 309(b) of the CWA, 33 U.S.C. § 1319(b).

DEFENDANTS

13. Bridger is a Wyoming limited liability company.

14. Bridger owns and operates the Poplar Pipeline, which gathers and transports crude oil from the Williston Basin in eastern Montana and North Dakota to Baker, Montana.

15. Belle Fourche is a Wyoming corporation.

16. Belle Fourche owns and operates the Bicentennial Pipeline, which includes a segment that gathers and transports crude oil between the Skunk Hill pump station in Billings County, North Dakota and the Bicentennial pump station in McKenzie County, North Dakota (the “Skunk Hill to Bicentennial Segment”).

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