



MHA Energy

Accidental Release or Spill Requirements



Chapter 15.1: Solid and Hazardous Waste Management and Remediation Codes: Section 19

In the event of an accidental release or spill of a hazardous substance, pollutant or contaminant* to the air, land or water or ground water of the reservation resulting in a potential threat to the public health, welfare, or the environment within the exterior boundaries of the reservation the persons causing the release or the originating facilities or vehicles owner or operator must implement the requirements of this section to include;

Timely and Appropriate Action The persons causing the release or the originating facility or vehicle owner or operator must take timely and appropriate action to include notification of appropriate officials and government agencies as specified below. Failure to take timely and appropriate action, as directed by this section and MHA Energy may result in enforcement action pursuant to this act and other tribal acts and/or referral of appropriate state or federal agencies.

Notification Requirements A notification is required where an accidental spill or release of a hazardous substance, pollutant or contaminant* has occurred within the exterior boundaries of the reservation; and

- △ The release poses a potential threat to the public health, welfare or the environment; or
- △ The release exceeds 25 gallons or causes a sheen on surface water; or
- △ It exceeds any tribal or federal U.S. EPA groundwater, surface water or drinking water quality standards; or
- △ The release is required to be reported according to Superfund Amendments and Reauthorization Act (SARA), Title III, § 304 (1986); or
- △ MHA Energy requires a notification of a release to be made.

Who to Notify of a Release Owner or operator of a facility or a vehicle believed to be a source of such a release of a hazardous substance, pollutant or contaminant* must notify MHA Energy within 24 hours at (701)-627-5154, or any other telephone number designated by MHA Energy, as well as the appropriate state and federal authorities.

Notification Information Required All notifications and reports of an accidental release or spill of any hazardous substance or pollutant shall contain the following information, at a minimum, to the best of the reporting person's ability:

- ▽ Name and telephone number of the reporting person;
- ▽ Name and address of the facility (or location of the spill or accident);
- ▽ Name and facility/vehicle owner contact if different than reporting person;
- ▽ Time and type of incident, for example spill, release, fire, etc.;
- ▽ Name, description, and quantity of material involved, to the extent known;
- ▽ The extent of any injuries, if known;
- ▽ The possible hazard to human health of the environment outside the facility or to the nearby area;
- ▽ Description of actions taken to mitigate the release or spill;
- ▽ Other authorities notified

Additional Reports Subsequent to the initial report, the responsible person shall immediately notify MHA Energy of information that changes the accuracy of the initial report. As directed by MHA Energy, the responsible person shall make additional reports verbally or in writing.

Response Action Required The owner or operator of a facility or a vehicle believed to be the source of such a release or spill of a hazardous substance, pollutant or contaminant* must comply with the requirements of this act and the MHA Energy to address the immediate and long term impacts of the release or spill to include all necessary contaminant*, remediation, assessment of impacts and long term monitoring.

*Hazardous substances, pollutants and contaminants includes all "Hazardous Waste" listed in 40 CFR Part 216 and waste defined as "Special or Industrial Waste" in Chapter 15.1, Section 8, to include petroleum products, waste from crude oil and natural gas exploration or production, to include petroleum and crude oil contaminated soils, contaminated drilling cuttings, produced water or other fluids from an oil or gas exploration of production well. Consult MHA Energy of other types of wastes that are subject to these requirements.

