

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Susan K. Duffy

In the matter of the failure of Viva International,) Docket No.: 21-CONS-3295-CPEN
Inc. (Operator) to comply with K.S.A. 55-172)
and K.A.R. 82-3-603(e) at its North Campbell) CONSERVATION DIVISION
Tank Battery in Wilson County, Kansas.)
_____) License No.: 5556

PENALTY ORDER

The Commission finds Operator has violated K.S.A. 55-172 and K.A.R. 82-3-603(e) regarding the captioned tank battery, assesses a \$5,000 penalty, directs Operator to come into compliance, and further rules as more fully described below.

I. JURISDICTION

1. K.S.A. 74-623 provides that the Commission has the exclusive jurisdiction and authority to regulate oil and gas activities. K.S.A. 55-152 provides that the Commission has jurisdiction to regulate the construction, operation, and abandonment of any well and the protection of the usable water of this state from any actual or potential pollution from any well. The Commission has licensing authority pursuant to K.S.A. 55-155.

2. K.S.A. 55-162 and K.S.A. 55-164 provide the Commission with authority to issue a Penalty Order regarding a violation of Chapter 55 of the Kansas Statutes Annotated, or of any rule, regulation, or order of the Commission. A Penalty Order may include a monetary penalty of up to \$10,000, and each day of a continuing violation constitutes a separate violation.

3. K.S.A. 55-172 provides it shall be unlawful for any person having possession or control of any well drilled for oil or gas to permit salt water, oil or refuse from any such well to escape by overflow, seepage or otherwise from the vicinity of such well, and that it shall be the

duty of any such person to keep such salt water, oil or refuse safely confined in tanks, pipelines or ponds, so as to prevent the escape thereof.

4. K.A.R. 82-3-101(a)(69) defines “spill” as any escape of saltwater, oil, or refuse by overflow, seepage, or other means from the vicinity of oil, gas, injection, service, or gas storage wells, or from tanks, pipelines, dikes, or pits, if the wells, tanks, pipelines, dikes, or pits are involved in or related the exploration or drilling for oil or gas; the lease storage, treatment, or gathering of oil or gas; or the drilling, operating, abandonment, or post-abandonment of wells. For purposes of this regulation, “vicinity” means the area within six feet of the wellhead.

5. K.A.R. 82-3-603(a) provides that each operator shall act with reasonable diligence to prevent spills and safely confine saltwater, oil and refuse in tanks, pipelines, pits, or dikes.

6. K.A.R. 82-3-603(e) provides that each operator shall clean up any spill that requires notification within 10 days after discovery or knowledge, or by the deadline prescribed in writing by the district office, and that each operator shall clean up any spill that does not require notification upon completion of the routine operation or condition that caused the leak, drip, or escape, or within 24 hours of discovery or knowledge, whichever occurs sooner.

7. K.A.R. 82-3-603(f) provides that failure to contain and clean up the spill in accordance with K.A.R. 82-3-603 shall be punishable by the following penalties: \$1,000 for the first violation; \$2,500 for the second violation; and \$5,000 and an operator license review for the third violation.

II. FINDINGS OF FACT

8. Operator is licensed to conduct oil and gas activities in Kansas under license number 5556, and is responsible for the care and control of the North Campbell Tank Battery located in Section 36, Township 27 South, Range 16 East, Wilson County, Kansas.

9. On March 15, 2021, Commission District #3 Staff contacted Operator regarding a spill at its North Campbell Tank Battery (Subject Tank Battery). The spill extended beyond lease boundaries and reached surface water. Staff informed Operator that because the spill exited the lease and reached surface water, Operator was obligated to contact the Kansas Department of Health and Environment and the National Response Center.¹

10. On March 23, 2021, Commission District #3 Staff inspected the Subject Tank Battery and found Operator had failed to clean up the spill.² On March 24, 2021, Staff sent a Notice of Violation letter to Operator.³ The letter gave Operator until April 5, 2021, to complete cleanup of the spill at the Subject Tank Battery.⁴ On April 12, 2021, Commission District #3 Staff re-inspected the Subject Tank Battery and found Operator had still failed to clean up the spill at the Subject Tank Battery.⁵

11. To any extent the Subject Tank Battery exhibits continuing leaks, the Commission finds environmental damage may result if immediate remedial action is not taken.

III. CONCLUSIONS OF LAW

12. The Commission has jurisdiction over Operator and this matter under K.S.A. 55-152 and K.S.A. 74-623.

13. The above findings of fact are sufficient evidence to support the conclusion that Operator committed one violation of K.A.R. 82-3-603(e) because Operator failed to clean up the spill at the Subject Lease in a timely manner.

¹ Exhibit A.

² Exhibit B.

³ Exhibit C.

⁴ *Id.*

⁵ Exhibit D.

14. Based upon similar violations Operator previously received in Dockets 20-CONS-3182-CPEN and 21-CONS-3053-CPEN, the Commission concludes Operator should be assessed a third violation under K.A.R. 82-3-603(f). Under K.A.R. 82-3-603(f), a third violation carries a \$5,000 penalty and an operator license review. Alternatively, the Commission concludes Operator's violation of K.S.A. 55-172 merits the same outcome as described within this paragraph.

15. The Commission concludes that it should authorize Commission District #3 Staff to take any remedial action necessary to stop continuing leaks at the Subject Tank Battery.

THEREFORE, THE COMMISSION ORDERS:

A. Operator shall pay a \$5,000 penalty.

B. Operator shall take immediate remedial action to prevent future spills at the North Campbell tank battery to the satisfaction of Commission District #3 Staff. If Operator fails to comply, then Staff may take any action necessary to prevent continuing leaks at the North Campbell tank battery, regardless of whether Operator requests a hearing on this Penalty Order, and shall assess such costs to Operator. If Operator requests a hearing on this Penalty Order, then Staff shall notify the Commission of any costs assessed to prevent leaks from the tank battery, by filing the invoice(s) in this docket.

C. Operator shall fully remediate the spill within 30 days. If Operator fails to comply, then Staff may remediate the spill and assess the costs to Operator.

D. Operator may request a hearing on the above issues by submitting a written request, pursuant to K.S.A. 55-164, K.S.A. 77-537, and K.S.A. 77-542, to the Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202, within 30 days from the date of service of this Order. A request for hearing must comply with K.A.R. 82-1-219.

E. Failure to timely request a hearing will result in a waiver of Operator's right to a hearing. If no party timely requests a hearing, then this Order shall become final. If Operator is not

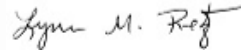
in compliance with this Order and the Order is final, then Operator's license shall be suspended without further notice and shall remain suspended until Operator complies. The notice and opportunity for a hearing on this Order shall constitute the notice required by K.S.A. 77-512 regarding license suspension. A party may petition for reconsideration of a final order pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).

F. Credit card payments may be made by calling the Conservation Division at 316-337-6200. Checks and money orders shall be payable to the Kansas Corporation Commission. Payments shall be mailed to the Kansas Corporation Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202. Payments must reference the docket number of this proceeding.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 06/10/2021



Lynn M. Retz
Executive Director

Mailed Date: 06/10/2021

KAM

KCC OIL/GAS REGULATORY OFFICES

Inspection Date: 03/15/2021 District: 3 Incident Number: 7389

- New Situation Lease Inspection
 Response to Request Complaint
 Follow-up Field Report

Operator License No: 5556 API: Q3: NW Q2: NW Q1: SW

Operator Name: Viva International, Inc. SEC 36 TWP 27 RGE 16 RGEDIR: E

Address: PO Box 70345 FSL:

City: Overland Park FEL:

State: Kansas Zip Code: 66207

Lease: North Campbell Well No.:

Phone contact: (913)-620-1881

County: WL

Reason for Investigation:

Possible Spill.

Problem:

Operator had a spill that appears to have started at the North Campbell tank battery. The spill got off lease and on water.

Persons contacted:

Operator Robert Bukaty (913)-620-1881 and KCC staff

Findings:

Operator had a spill at the North Campbell tank battery 36-27-16E WL Co. The spill entered the county road ditch and traveled approximately 350 feet north along the east ditch. The spill then turned east and traveled approximately 380. The first roughly 230 feet is grass that is oil stained. The last 150 feet of the spill is over pooled water that has 3 small pools of oil in it. This area is roughly 6 inches wide. The oil also crossed under the county road via culverts and entered a small pond. The pond is roughly 40 feet north to south and 180 feet east to west. There is oil soaked vegetation in the pond and rainbows of oil along parts of the edges. At the tank battery the spill crossed the road and entered the west ditch and traveled roughly 160 feet north and was less than a foot wide. 16 photos were taken while on location and multiple points were referenced with GPS to help outline the spill area.

Actions / Recommendations

Follow-up Required

Deadline Date: 03/23/2021

I will refer this report to John Almond District # Compliance Officer for review. It is my recommendation that this report be used as an initial report for Viva international's spill on the North Campbell 36-27-16E WL Co.

Photo's Taken: 14

RBDMS KGS KOLAR Report Prepared By: Dallas Logan

District Files Courthouse Position: E.C.R.S.

KCC OIL/GAS REGULATORY OFFICES

Additional Findings:

I contacted Mr. Bukaty and informed him that there had been a spill at the North Campbell tank battery. While speaking with Mr. Bukaty I informed him that the operator had twenty four hours to call the spill in to the District # 3 office and since the spill exited the lease and entered water I informed Mr. Bukaty of the operator's obligation to contact KDHE and the NRC hotline. I also discussed with Mr. Bukaty that although the spill's size was increased because of heavy rains it was still the operator's responsibility to report the spill and to clean up the spill.

Tanks 2594 FSL 5281 FEL Lat. 37.65277 Long. -095.61446 NW NW SW. North Campbell tank battery. See attached photos numbered 15 and 16.

TurnsE 2867 FSL 5321 FEL Lat. 37.65352 Long. -095.61460 SW SW NW. Location spill turned east. Attached photo numbered 1.

EndoIE 2935 FSL 4945 FEL Lat. 37.65371 Long. -095.61330 SW SW NW. This is the furthest point east of the county road oil was located. Attached photos numbered 2 and 3.

Photo 4 2932 FSL 4980 FEL Lat. 37.65370 Long. -095.61342 SW SW NW. Small sheen of oil on pooled fluid.

Photo 7-8 2917 FSL 5119 FEL Lat. 37.65366 Long. -095.61390 SW SW NW. Photos of oil stained grass.

StandingWater 2928 FSL 5032 FEL Lat. 37.65369 Long. -095.61360 SW SW NW. Spill entered water that was standing in a low lying area.

Pooled Oil 2921 FSL 128 FEL 35-27-16E Lat. 37.65367 Long. -095.61513 SE SE NE. Pooled oil along the edge of the pond. Attached photos numbered 9 and 10.

Pond End 2862 FSL 290 FEL 35-27-16E Lat. 37.65351 Long. -095.61569 SE SE NE. This is the west edge of the pond that the oil entered.

Photo 11 2630 FSL 5304 FEL 37.65287 Long. -095.61454 NW NW SW. Free standing fluids and oil in the east road ditch. This is the location attached photos numbered 11 and 12 was taken.

Wditch 2594 FSL 5339 FEL Lat. 37.65277 Long. -095.61466 NW NW SW. Location were oil entered the west ditch across from tank battery. See attached photo numbered 13.

Nend Wditch 2750 FSL 4 FEL 35-27-16E Lat. 37.65320 Long. -095.61470 NE NE SE. North end of the oil in the west ditch. See attached photo numbered 14.

I have attached the fourteen (14) photos of the spill to this report and a google map showing the spill area.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.
Lease: North Campbell
County: Wilson
Subject: Spill
FSL: 2867
FEL: 5321
API#: NA
Date: 3/15/2021
Staff: Dallas Logan

KLN: 5556
Legal: 36-27-16E SW SW NW
PIC ID#: 1
PIC Orientation: East
Latitude: 37.65352
Longitude: -095.61460

Time: 10:29 AM

Additional Information: This photo shows the area the spill entered after leaving the road ditch. You can see some oil stain around the base of the trees.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



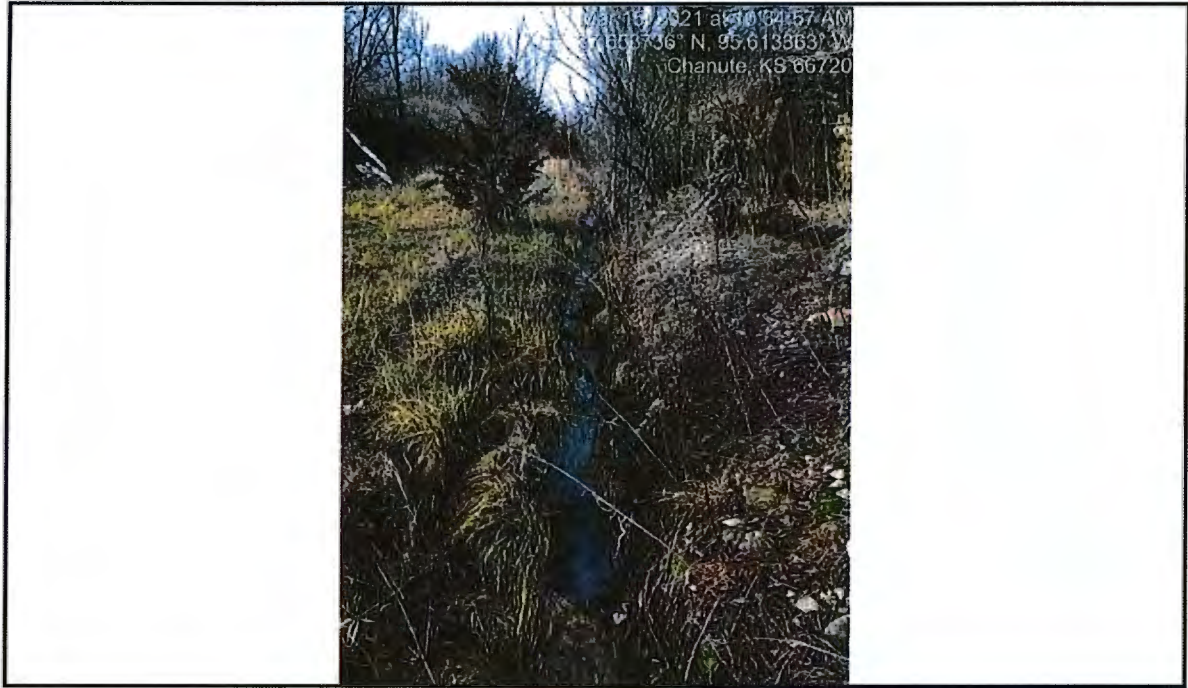
Operator: Viva International, Inc.
Lease: North Campbell
County: Wilson
Subject: Spill
FSL: 2935
FEL: 4945
API#: NA
Date: 3/15/2021
Staff: Dallas Logan

KLN: 5556
Legal: 36-27-16E SW SW NW
PIC ID#: 2
PIC Orientation: Down
Latitude: 37.65371
Longitude: -095.61330

Time: 10:33 AM

Additional Information: This photo shows the east end of the spill.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 36-27-16E SW SW NW
County: Wilson	PIC ID#: 3
Subject: Spill	PIC Orientation: West
FSL: 2935	Latitude: 37.65371
FEL: 4945	Longitude: -095.61330
API#: NA	
Date: 3/15/2021	Time: 10:34 AM
Staff: Dallas Logan	

Additional Information: This photo is looking back west from the end of the spill and shows the water that has small pools of oil in it.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 36-27-16E SW SW NW
County: Wilson	PIC ID#: 4
Subject: Spill	PIC Orientation: Down
FSL: 2932	Latitude: 37.65370
FEL: 4980	Longitude: -095.61342
API#: NA	
Date: 3/15/2021	Time: 10:35 AM
Staff: Dallas Logan	

Additional Information: This photo a small amount of oil pooled in fluid and oil stain around the edges of the pool.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 36-27-16E SW SW NW
County: Wilson	PIC ID#: 7
Subject: Spill	PIC Orientation: West
FSL: 2917	Latitude: 37.65366
FEL: 5119	Longitude: -095.61390
API#: NA	
Date: 3/15/2021	Time: 10:37 AM
Staff: Dallas Logan	

Additional Information: This photo shows oil stained grass.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.
Lease: North Campbell
County: Wilson
Subject: Spill
FSL: 2917
FEL: 5119
API#: NA
Date: 3/15/2021
Staff: Dallas Logan

KLN: 5556
Legal: 36-27-16E SW SW NW
PIC ID#: 8
PIC Orientation: East
Latitude: 37.65366
Longitude: -095.61390

Time: 10:39 AM

Additional Information: This photo shows oil stained grass.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.
Lease: North Campbell
County: Wilson
Subject: Spill
FSL: 2921
FEL: 128
API#: NA
Date: 3/15/2021
Staff: Dallas Logan

KLN: 5556
Legal: 35-27-16E SE SE NE
PIC ID#: 9
PIC Orientation: South
Latitude: 37.65366
Longitude: -095.61390

Time: 10:42 AM

Additional Information: This photo shows oil pooled on the surface of the pond.

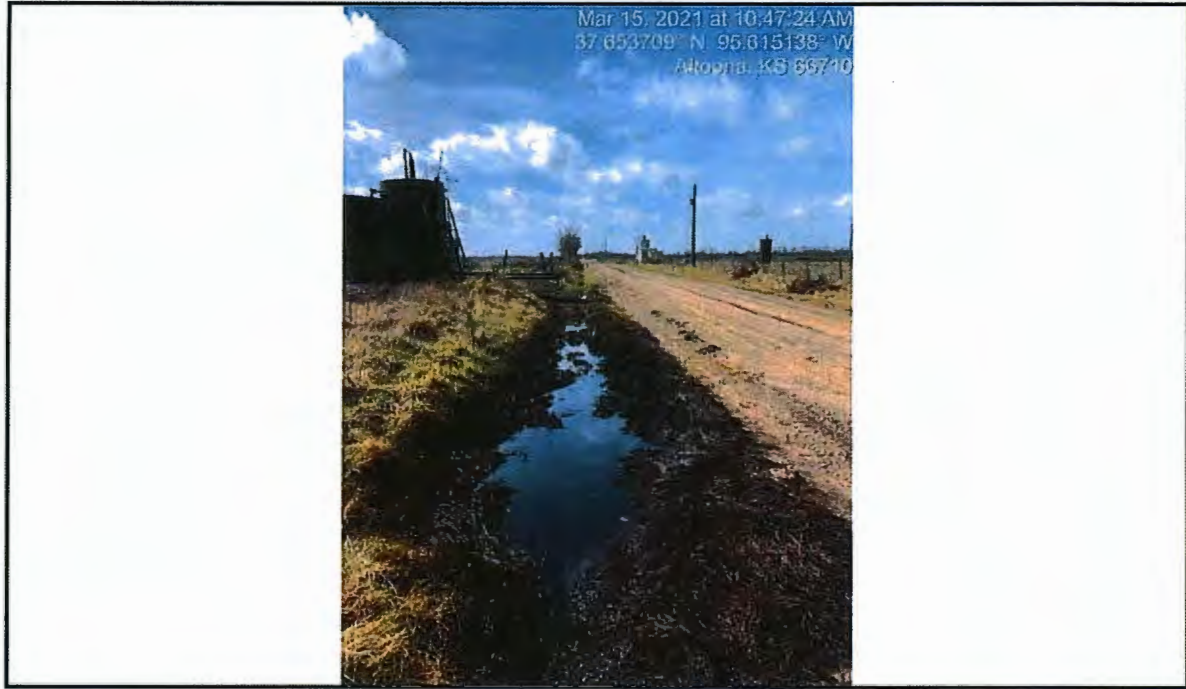
KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 35-27-16E SE SE NE
County: Wilson	PIC ID#: 10
Subject: Spill	PIC Orientation: South
FSL: 2921	Latitude: 37.65366
FEL: 128	Longitude: -095.61390
API#: NA	
Date: 3/15/2021	Time: 10:42 AM
Staff: Dallas Logan	

Additional Information: This photo shows oil pooled on the surface of the pond.

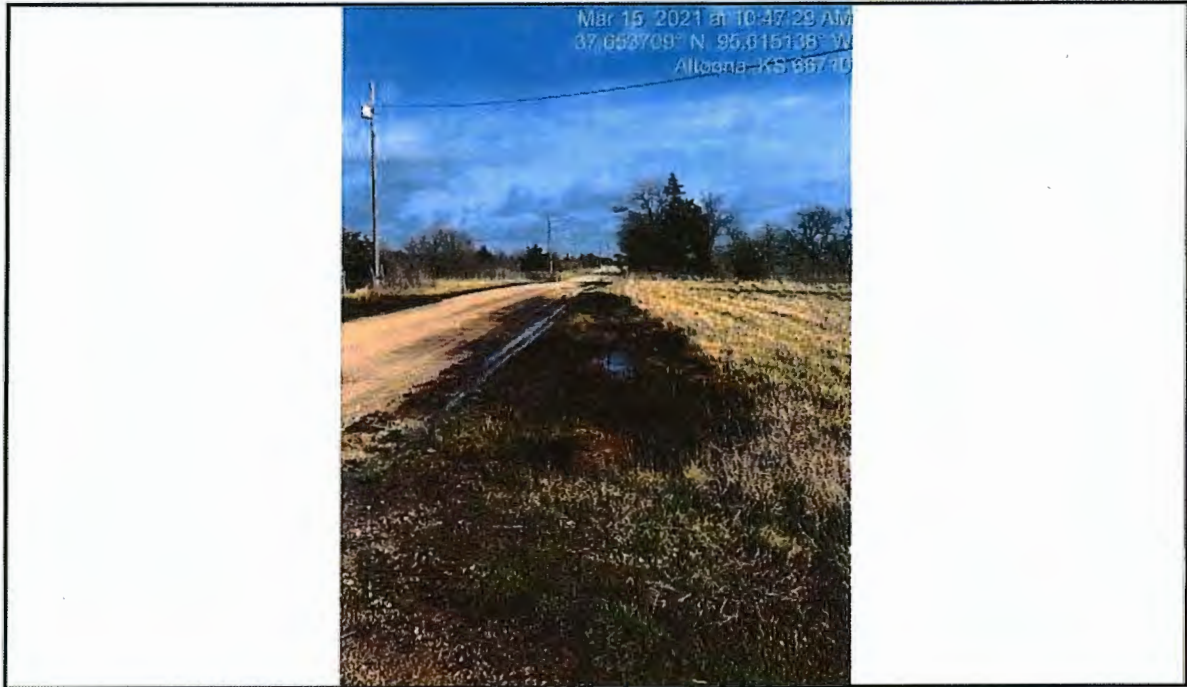
KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 36-27-16E NW NW SW
County: Wilson	PIC ID#: 11
Subject: Spill	PIC Orientation: South
FSL: 2630	Latitude: 37.65287
FEL: 5304	Longitude: -095.61454
API#: NA	
Date: 3/15/2021	Time: 10:47 AM
Staff: Dallas Logan	

Additional Information: This photo shows free standing fluids and oil in the road ditch next to the North Campbell tank battery.

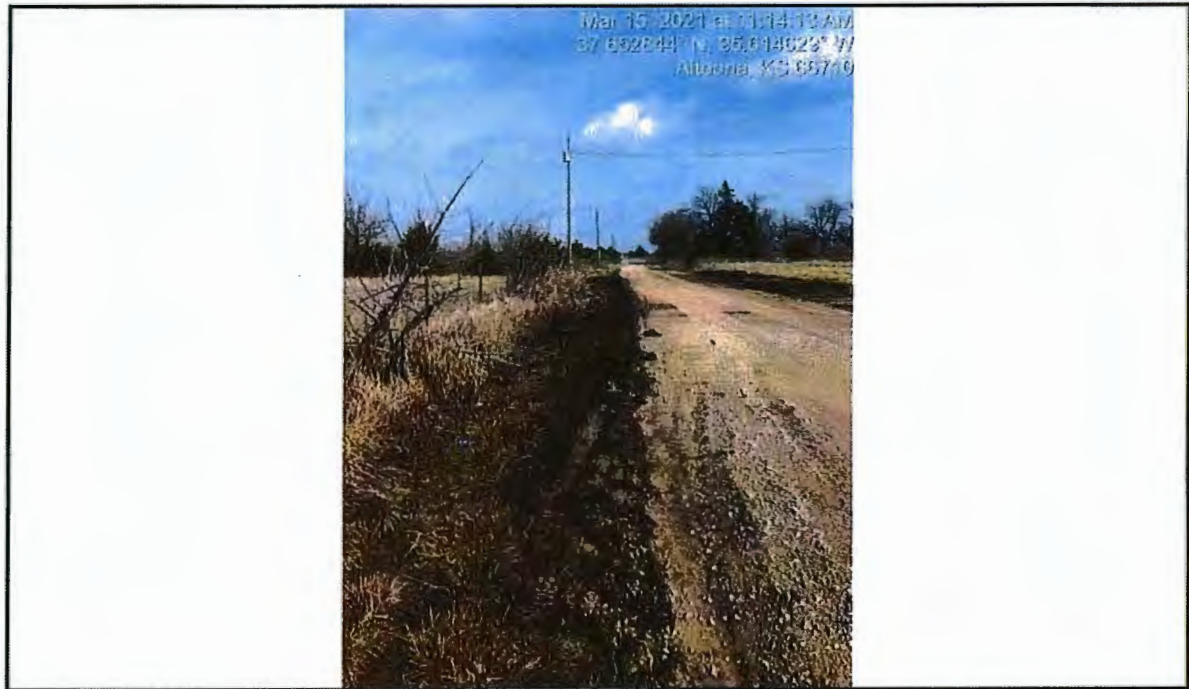
KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 36-27-16E NW NW SW
County: Wilson	PIC ID#: 12
Subject: Spill	PIC Orientation: North
FSL: 2630	Latitude: 37.65287
FEL: 5304	Longitude: -095.61454
API#: NA	
Date: 3/15/2021	Time: 10:47 AM
Staff: Dallas Logan	

Additional Information: This photo shows free standing fluids and oil in the road ditch you can also see that the fluids have entered the county road.

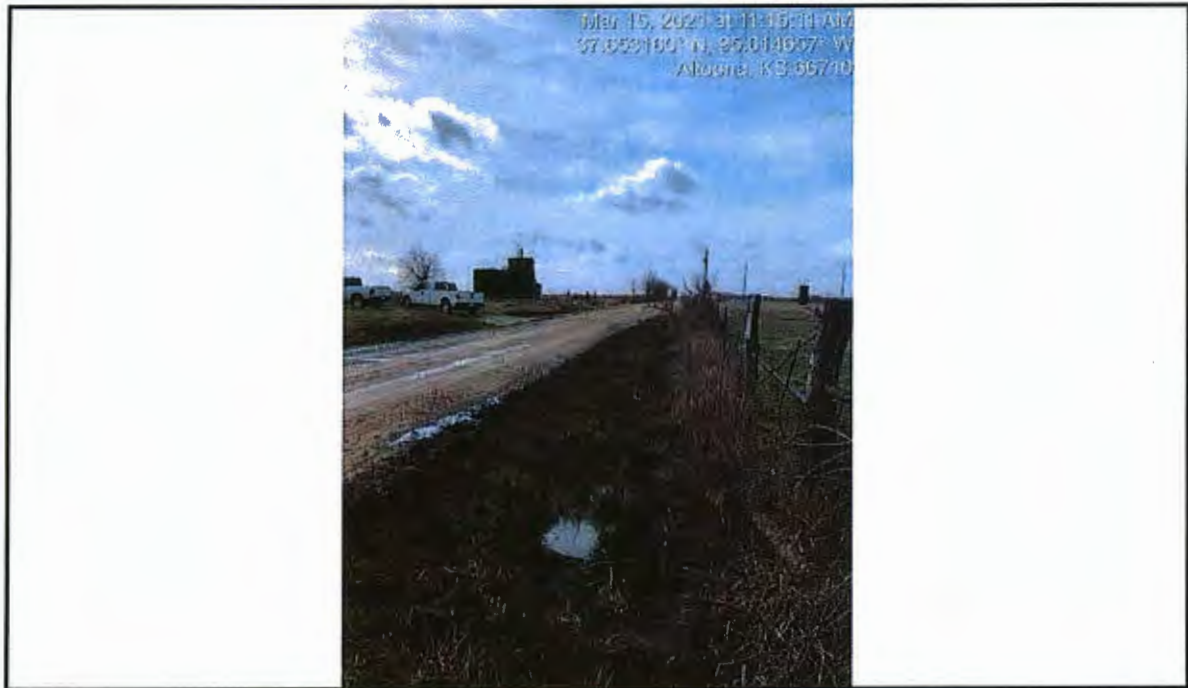
KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 36-27-16E NW NW SW
County: Wilson	PIC ID#: 13
Subject: Spill	PIC Orientation: North
FSL: 2594	Latitude: 37.65277
FEL: 5339	Longitude: -095.61466
API#: NA	
Date: 3/15/2021	Time: 11:14 AM
Staff: Dallas Logan	

Additional Information: This photo shows oil stain in the west road ditch across from the North Campbell tank battery.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 35-27-16E NE NE SE
County: Wilson	PIC ID#: 14
Subject: Spill	PIC Orientation: South
FSL: 2750	Latitude: 37.65320
FEL: 4	Longitude: -095.61470
API#: NA	
Date: 3/15/2021	Time: 11:15 AM
Staff: Dallas Logan	

Additional Information: This photo shows oil stain in the west road ditch across from the North Campbell tank battery.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



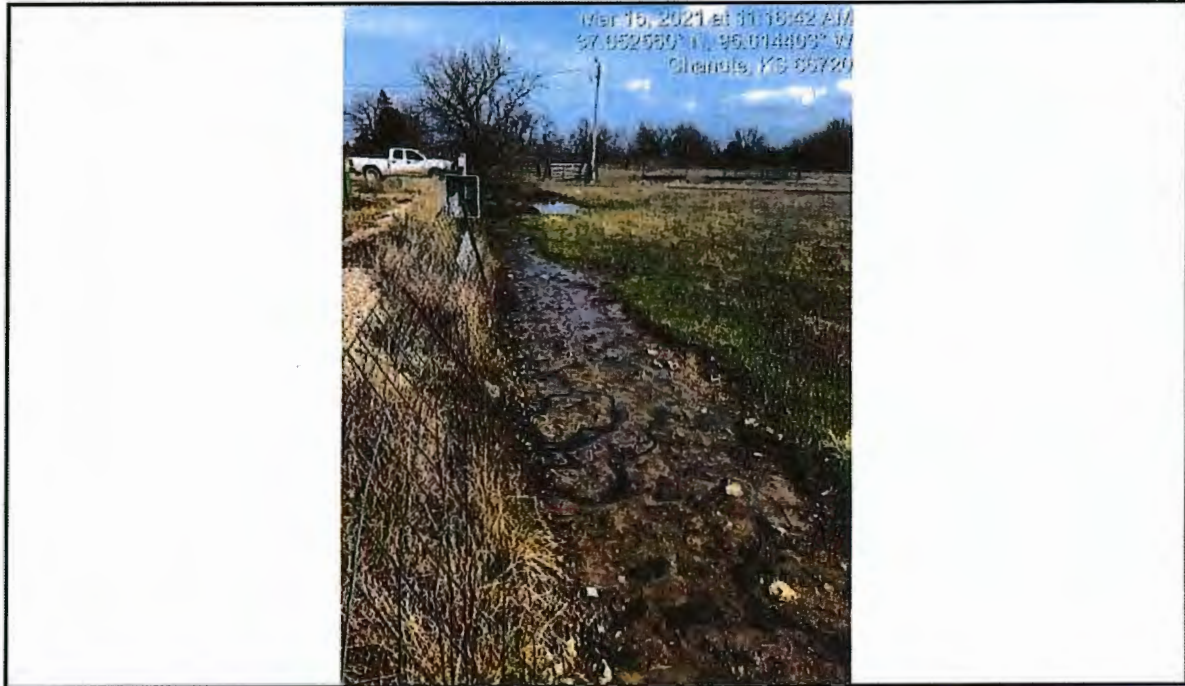
Operator: Viva International, Inc.
Lease: North Campbell
County: Wilson
Subject: Spill
FSL: 2594
FEL: 5281
API#: NA
Date: 3/15/2021
Staff: Dallas Logan

KLN: 5556
Legal: 36-27-16E NW NW SW
PIC ID#: 15
PIC Orientation: South
Latitude: 37.65277
Longitude: -095.61446

Time: 11:16 AM

Additional Information: This photo shows free standing fluid inside the berm and is thought to be the possible cause of the spill.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 36-27-16E NW NW SW
County: Wilson	PIC ID#: 16
Subject: Spill	PIC Orientation: North
FSL: 2594	Latitude: 37.65277
FEL: 5281	Longitude: -095.61446
API#: NA	
Date: 3/15/2021	Time: 11:16 AM
Staff: Dallas Logan	

Additional Information: This photo is of the backside of the berm and shows oil stain along the berm.

North Campbell 36-27-16E WL. Co.

Write a description for your map.

Legend

● Feature 1

Pooled Oil
PondEnd
Staning Water
TurnsE
EndoilE
NendWditch
Tank Battery
wditch

Google Earth

© 2021 Google



700 ft

KCC OIL/GAS REGULATORY OFFICES

Inspection Date: 03/23/2021 **District:** 3 **Incident Number:** 7390

- New Situation Lease Inspection
- Response to Request Complaint
- Follow-up Field Report

Operator License No: 5556 **API:** **Q3:** NW **Q2:** NW **Q1:** SW
Operator Name: Viva International, Inc. **SEC** 36 **TWP** 27 **RGE** 16 **RGEDIR:** E
Address: PO Box 7034 **FSL:**
City: Overland Park **FEL:**
State: Kansas **Zip Code:** 66207 **Lease:** North Campbell **Well No.:**
Phone contact: (913)-620-1881 **County:** WL

Reason for Investigation:

Follow Up to Spill 28425.

Problem:

Operator had a spill on 3/15/2021 that left the lease and got onto water.

Persons contacted:

KCC Staff

Findings:

I returned on 3/23/2021 and found that the operator had not yet started cleanup on spill # 28425. The area where the oil had traveled east away from the county road had actually impacted a large area. This was due to not be addressed when the operator had a chance before a heavy rain. The rain caused the oil to spread staining more grass immediately after it turned east. As the spill traveled east the impacted area was roughly the same as before to the end of the spill area. My investigation also found that the oil that was pooled in the pond had stained the vegetation within the pond. I could no longer see poled oil on the pond but there was an oil sheen or rainbow present in a few locations. This had extended to the west end of the pond where oil was not present on my initial investigation. While on location I found that recent rain had caused the oil that was in the west ditch to turn west and exit the ditch. This fluid traveled approximately 260 feet west and was roughly two foot wide at the widest. This was a low lying area that was covered in scrub brush. I have attached the twelve photos that were taken while on location and I have attached a google map that shows the impacted area on 3/23/2021.

Actions / Recommendations **Follow-up Required** **Deadline Date:** 04/05/2021

I will refer this report to District # 3 Compliance Officer John Almond for review. The operator was sent the attached Notice of Violation Letter after my 3/23/2021 investigation with a deadline of 4/5/2021 to clean the spill up. I will return after the 4/5/2021 deadline to determine if cleanup has been completed.

Photo's Taken: 12

- RBDMS KGS KOLAR **Report Prepared By:** Dallas Logan
- District Files Courthouse **Position:** E.C.R.S.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 36-27-16E SW SW NW
County: Wilson	PIC ID#: 3
Subject: Spill	PIC Orientation: East
FSL: 2867	Latitude: 37.65352
FEL: 5321	Longitude: -095.61460
API#: NA	
Date: 3/23/2021	Time: 11:34 AM
Staff: Dallas Logan	

Additional Information: This photo shows the area the spill entered after leaving the road ditch. You can see that the operator has not begun cleaning up the spill in this area and recent rains have made the impacted area larger.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.
Lease: North Campbell
County: Wilson
Subject: Spill
FSL: 2917
FEL: 5119
API#: NA
Date: 3/23/2021
Staff: Dallas Logan

KLN: 5556
Legal: 36-27-16E SW SW NW
PIC ID#: 4
PIC Orientation: West
Latitude: 37.65366
Longitude: -95.61390

Time: 11:38 AM

Additional Information: This photo the grass in this area is still stained in oil and no cleanup has been done.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 36-27-16E SW SW NW
County: Wilson	PIC ID#: 5
Subject: Spill	PIC Orientation: East
FSL: 2917	Latitude: 37.65366
FEL: 5119	Longitude: -095.61390
API#: NA	
Date: 3/23/2021	Time: 11:38 AM
Staff: Dallas Logan	

Additional Information: This photo the grass in this area is still stained in oil and no cleanup has been done.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 36-27-16E SW SW NW
County: Wilson	PIC ID#: 6
Subject: Spill	PIC Orientation: West
FSL: 2867	Latitude: 37.65352
FEL: 5321	Longitude: -095.61460
API#: NA	
Date: 3/23/2021	Time: 11:40 AM
Staff: Dallas Logan	

Additional Information: This shows a rainbow of oil along the edge of the pond on the west side of the county road.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 36-27-16E SW SW NW
County: Wilson	PIC ID#: 7
Subject: Spill	PIC Orientation: West
FSL: 2867	Latitude: 37.65352
FEL: 5321	Longitude: -095.61460
API#: NA	
Date: 3/23/2021	Time: 11:40 AM
Staff: Dallas Logan	

Additional Information: This the pond that oil has entered. There is oil stained along the edges of the pond and on the vegetation in the pond.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 35-27-16E SE SE NE
County: Wilson	PIC ID#: 9
Subject: Spill	PIC Orientation: Southeast
FSL: 2921	Latitude: 37.65367
FEL: 128	Longitude: -095.61513
API#: NA	
Date: 3/23/2021	Time: 11:41 AM
Staff: Dallas Logan	

Additional Information: This photo shows a rainbow of oil on the pond.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



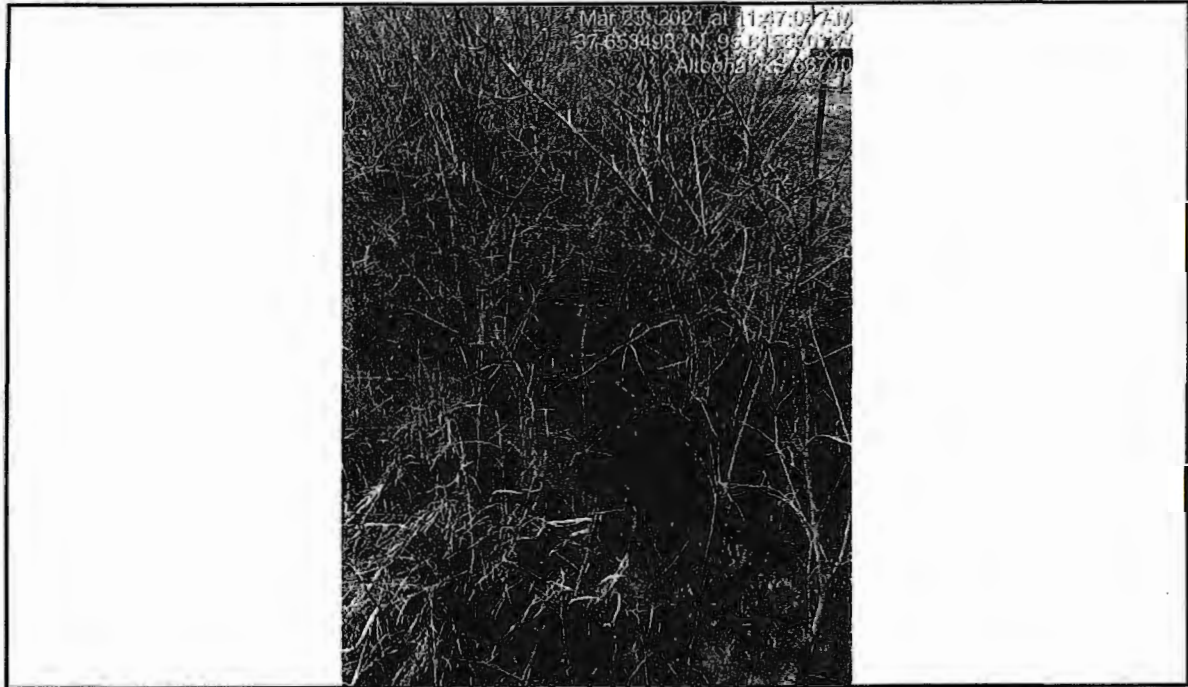
Operator: Viva International, Inc.
Lease: North Campbell
County: Wilson
Subject: Spill
FSL: 2862
FEL: 290
API#: NA
Date: 3/23/2021
Staff: Dallas Logan

KLN: 5556
Legal: 35-27-16E SE SE NE
PIC ID#: 10
PIC Orientation: South
Latitude: 37.65351
Longitude: -095.61569

Time: 11:42 AM

Additional Information: This photo shows a rainbow of oil on the pond. This is the west end of the pond where oil was not present before.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 35-27-16E SE SE NE
County: Wilson	PIC ID#: 11
Subject: Spill	PIC Orientation: South
FSL: 2756	Latitude: 37.65322
FEL: 264	Longitude: -095.61560
API#: NA	
Date: 3/23/2021	Time: 11:47 AM
Staff: Dallas Logan	

Additional Information: This photo shows oil stain along the ground.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 35-27-16E SE SE NE
County: Wilson	PIC ID#: 12
Subject: Spill	PIC Orientation: Southwest
FSL: NA	Latitude: NA
FEL: NA	Longitude: NA
API#: NA	
Date: 3/23/2021	Time: 11:47 AM
Staff: Dallas Logan	

Additional Information: This photo is taken just east of the last photo and shows free standing fluids and oil stain.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 35-27-16E SE SE NE
County: Wilson	PIC ID#: 13
Subject: Spill	PIC Orientation: South
FSL: NA	Latitude: NA
FEL: NA	Longitude: NA
API#: NA	
Date: 3/23/2021	Time: 11:47 AM
Staff: Dallas Logan	

Additional Information: This photo is taken just east of the last photo and shows free standing fluids and oil stain.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 35-27-16E SE SE NE
County: Wilson	PIC ID#: 14
Subject: Spill	PIC Orientation: South
FSL: 2750	Latitude: 37.65320
FEL: 4	Longitude: -095.61470
API#: NA	
Date: 3/23/2021	Time: 11:48 AM
Staff: Dallas Logan	

Additional Information: This photo shows the road ditches.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.
Lease: North Campbell
County: Wilson
Subject: Spill
FSL: 2750
FEL: 4
API#: NA
Date: 3/23/2021
Staff: Dallas Logan

KLN: 5556
Legal: 35-27-16E SE SE NE
PIC ID#: 15
PIC Orientation: West
Latitude: 37.65320
Longitude: -095.61470

Time: 11:48 AM

Additional Information: This photo shows where the spill left the ditch and entered the new area where the spill was found.

North Campbell 36-27-16E WL. Co.

Write a description for your map.

Legend

● Feature 1

Pooled Oil

Staining Water

Endoile

PondEnd

TurnsE

End3-23-2021

NendWditch

Tank Battery
wditch

Google Earth

© 2021 Google



400 ft

March 24, 2021

NOTICE OF VIOLATION

Viva International, Inc. #5556
Attention: Robert Bukaty
P.O. Box 7034
Overland Park, Kansas 66207

Re: Spill cleanup on the North Campbell lease located in Section 36, Township 27 South, Range 16 East, Wilson County.

Mr. Bukaty,

This letter is to document our phone conversation on March 15, 2021 concerning a spill on the above mentioned North Campbell lease. I told you that you had 24 hours to report the spill to the District #3 Office and that you had 24 hours to stop the source of the spillage, contain the spillage and to begin clean up on the spillage. I also told you that you would be required to contact KDHE at 1-785-291-3333 because the oil spillage got off the lease and the National Response Center at 1-800-424-8802 to report that the spillage got on water.

You told me that you would contact someone to clean up the spillage and that you would contact me to let me know who would be doing the cleanup so they could coordinate the cleanup with me. I have not heard from you since our conversation on March 15, 2021 and I inspected the spill area yesterday on March 23, 2021 and I did not see that any cleanup has occurred. The oil escaped the berm area at the tank battery and the on-going rain washed the oil down the County road ditch on both sides of "Thomas" road to the North approximately 200 yards and then approximately 100 yards East and West near the old railroad right away. The oil has wicked up on the vegetation along the spillage path and some oil is pooled on the West side of the railroad right away.

You will be required to complete the cleanup by Monday April 5, 2021. Failure to meet the April 5, 2021 deadline will result in penalty recommendations in the amount of \$5,000 for failure to clean up the spill; 3rd violation. If you have any questions, please contact me at 785-250-9017.

Sincerely,

Dallas Logan E.C.R.S.
Kansas Corporation Commission
District #3 Chanute

KCC OIL/GAS REGULATORY OFFICES

Inspection Date: 04/12/2021 District: 3 Incident Number: 7391

- New Situation
- Lease Inspection
- Response to Request
- Complaint
- Follow-up
- Field Report

Operator License No: 5556 API: Q3: NW Q2: NW Q1: SW

Operator Name: Viva International, Inc. SEC 36 TWP 27 RGE 16 RGEDIR: E

Address: PO Box 7034 FSL:

City: Overland Park FEL:

State: Kansas Zip Code: 7034 Lease: North Campbell Well No.:

Phone contact: (913)-620-1881 County: WL

Reason for Investigation:

Follow up to spill # 28425.

Problem:

Operator was sent the attached Notice of Violation letter dated 3/24/2021 with a deadline of 4/05/2021 to complete the cleanup of spill number 28425.

Persons contacted:

Findings:

I arrived on location on 4/12/2021 and found while the operator had performed some work to spill # 28425 cleanup was not complete. The operator had applied straw in the east road ditch but oil was still showing in places in the ditch. The straw needs to have been removed and spag sorb needs to have been incorporated into the spill area. After the spill exited the ditch traveling east I found two locations where a small amount of spag sorb had been applied. The majority of this area still had oil present that had not yet been addressed. This oil is still capable of spreading, impacting a larger area since this area appears to be drainage from rain events. When I investigated the pond on the west side of the road I found a small amount of oil sheen or rainbow on the water's surface. However the majority of the oil had stained the vegetation along the banks of the pond or within the pond. I have had no contact with the operator or operator's staff since my initial investigation on 3/15/2021. I have attached the thirteen (13) photos that were taken while on location. I have also attached the Notice of Violation letter that was sent 3/24/2021 with a deadline to complete cleanup by 4/05/2021.

Actions / Recommendations **Follow-up Required** **Deadline Date:**

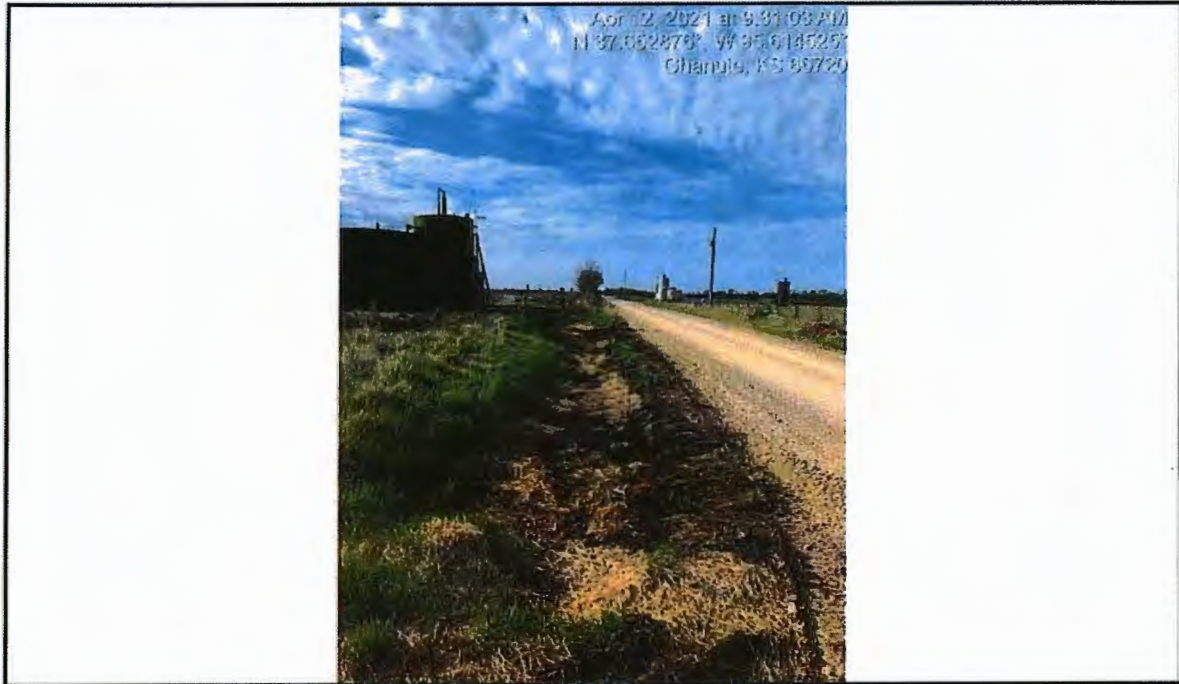
I will refer this report to District # 3 Compliance Officer John Almond for review. It is my recommendation that the operator be considered for fine recommendations for failure to cleanup spill # 28425. While the operator has performed some cleanup on spill # 28425 cleanup has not yet been completed.

Photo's Taken: 13

RBDMS KGS KOLAR Report Prepared By: Dallas Logan

District Files Courthouse Position: E.C.R.S.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



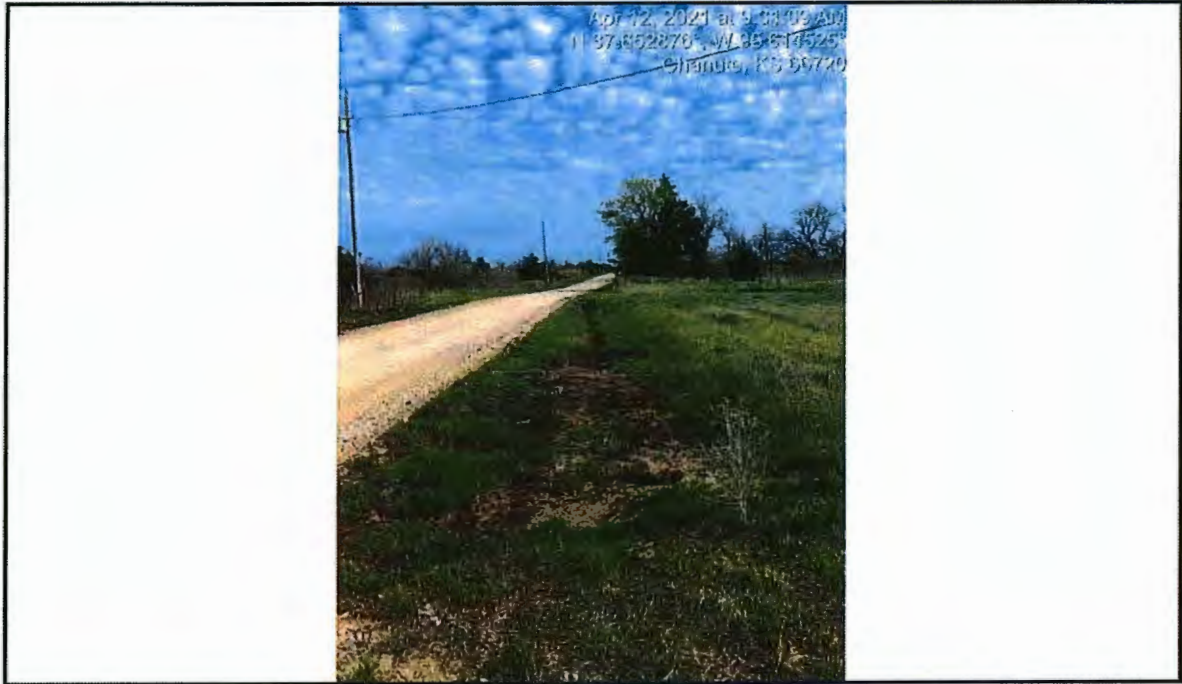
Operator: Viva International, Inc.
Lease: North Campbell
County: Wilson
Subject: Spill
FSL: 2630
FEL: 5304
API#: NA
Date: 4/12/2021
Staff: Dallas Logan

KLN: 5556
Legal: 36-27-16E NW NW SW
PIC ID#: 1
PIC Orientation: South
Latitude: 37.65287
Longitude: -95.61454

Time: 9:31 AM

Additional Information: You can see the operator has applied straw to this area. However oil can still be seen in the road ditch. The straw could have been removed and spag sorb could have been incorporated.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 36-27-16E NW NW SW
County: Wilson	PIC ID#: 2
Subject: Spill	PIC Orientation: North
FSL: 2630	Latitude: 37.65287
FEL: 5304	Longitude: -095.61454
API#: NA	
Date: 4/12/2021	Time: 9:31 AM
Staff: Dallas Logan	

Additional Information: You can see the operator has applied straw to this area. You can still see small patches of oil located in the ditch over this stretch.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 36-27-16E SW SW NW
County: Wilson	PIC ID#: 3
Subject: Spill	PIC Orientation: East
FSL: 2867	Latitude: 37.65352
FEL: 5321	Longitude: -095.61460
API#: NA	
Date: 4/12/2021	Time: 9:32 AM
Staff: Dallas Logan	

Additional Information: You can see there is oil stain in the grass over this area.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 36-27-16E SW SW NW
County: Wilson	PIC ID#: 4
Subject: Spill	PIC Orientation: West
FSL: 2867	Latitude: 37.65352
FEL: 5321	Longitude: -095.61460
API#: NA	
Date: 4/12/2021	Time: 9:32 AM
Staff: Dallas Logan	

Additional Information: This photo better shows oil stained in the grass when standing fluids covering the area. This oil stain has not been addressed and the fluids that travel over it are capable of allowing the oil to travel.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 36-27-16E SW SW NW
County: Wilson	PIC ID#: 5
Subject: Spill	PIC Orientation: Southeast
FSL: 2867	Latitude: 37.65352
FEL: 5321	Longitude: -095.61460
API#: NA	
Date: 4/12/2021	Time: 9:32 AM
Staff: Dallas Logan	

Additional Information: This shows were the spill area narrows down traveling east. You can still see oil stain with fluids traveling over the spill area. The grass just south of the free standing fluids also has oil stain amongst the grass from being carried by rain.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 36-27-16E SW SW NW
County: Wilson	PIC ID#: 6
Subject: Spill	PIC Orientation: Down
FSL: NA	Latitude: NA
FEL: NA	Longitude: NA
API#: NA	
Date: 4/12/2021	Time: 9:33 AM
Staff: Dallas Logan	

Additional Information: This photo shows that there is spag sorb present however it is not incorporated in the oil it is just laying on top of the oil.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 36-27-16E SW SW NW
County: Wilson	PIC ID#: 7
Subject: Spill	PIC Orientation: West
FSL: NA	Latitude: NA
FEL: NA	Longitude: NA
API#: NA	
Date: 4/12/2021	Time: 9:35 AM
Staff: Dallas Logan	

Additional Information: This photo shows oil stain in a narrow path.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.
Lease: North Campbell
County: Wilson
Subject: Spill
FSL: NA
FEL: NA
API#: NA
Date: 4/12/2021
Staff: Dallas Logan

KLN: 5556
Legal: 36-27-16E SW SW NW
PIC ID#: 8
PIC Orientation: West
Latitude: NA
Longitude: NA

Time: 9:35 AM

Additional Information: This photo shows oil stain with free standing fluids covering it.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.
Lease: North Campbell
County: Wilson
Subject: Spill
FSL: NA
FEL: NA
API#: NA
Date: 4/12/2021
Staff: Dallas Logan

KLN: 5556
Legal: 36-27-16E SW SW NW
PIC ID#: 9
PIC Orientation: East
Latitude: NA
Longitude: NA

Time: 9:36 AM

Additional Information: This photo shows oil stained grass with a small amount of spag sorb spread over the area.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 36-27-16E SW SW NW
County: Wilson	PIC ID#: 10
Subject: Spill	PIC Orientation: East
FSL: NA	Latitude: NA
FEL: NA	Longitude: NA
API#: NA	
Date: 4/12/2021	Time: 9:36 AM
Staff: Dallas Logan	

Additional Information: This photo shows oil present on the ground with free standing fluid covering it.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 36-27-16E SW SW NW
County: Wilson	PIC ID#: 11
Subject: Spill	PIC Orientation: West
FSL: NA	Latitude: NA
FEL: NA	Longitude: NA
API#: NA	
Date: 4/12/2021	Time: 9:37 AM
Staff: Dallas Logan	

Additional Information: This is another photo of directly after the spill turned east after leaving the road ditch. You can see that there is still oil present. You can also see nothing has been done to keep fluid from continuing to spread the oil.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 35-27-16E SE SE NE
County: Wilson	PIC ID#: 12
Subject: Spill	PIC Orientation: South
FSL: 2921	Latitude: 37.65367
FEL: 128	Longitude: -095.61513
API#: NA	
Date: 4/12/2021	Time: 9:40 AM
Staff: Dallas Logan	

Additional Information: This photo shows a small oil sheen or rainbow of oil along the pond edge. You can also see that the oil has stained the vegetation along the bank.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc.	KLN: 5556
Lease: North Campbell	Legal: 35-27-16E SE SE NE
County: Wilson	PIC ID#: 13
Subject: Spill	PIC Orientation: North
FSL: NA	Latitude: NA
FEL: NA	Longitude: NA
API#: NA	
Date: 4/12/2021	Time: 9:42 AM
Staff: Dallas Logan	

Additional Information: This photo shows a small oil sheen or rainbow of oil along the pond edge. You can also see that the oil has stained the vegetation along the bank, and in the pond.

CERTIFICATE OF SERVICE

21-CONS-3295-CPEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 06/10/2021.

JOHN ALMOND
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 3
137 E. 21ST STREET
CHANUTE, KS 66720
Fax: 785-271-3354
j.almond@kcc.ks.gov

ROBERT P BUKATY
VIVA INTERNATIONAL, INC.
PO BOX 7034
OVERLAND PARK, KS 66207-0034
vivainternational@sbcglobal.net

RICHARD HESTERMANN
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KELCEY MARSH, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
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TROY RUSSELL
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/s/ DeeAnn Shupe

DeeAnn Shupe