

STATE OF KANSAS



CORPORATION COMMISSION
CONSERVATION DIVISION
266 N. MAIN ST., STE. 220
WICHITA, KS 67202-1513

2018-09-14 14:16:52

Kansas Corporation Commission

/s/ Lynn M. Retz

PHONE: 316-337-6200

FAX: 316-337-6211

<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

August 28, 2018

SUSAN ROYD-SYKES
504 S 6TH STREET
BURLINGTON KS 66839

RE: Application(s) for Injection Authority
Merritt #5 & #10
Sec. 07-23S-15E
Coffey, Kansas

19-CONS-3106-CUIC

Dear Ms. Royd-Sykes:

This letter acknowledges receipt of your protest/objection to the above-referenced applications. **Be advised the KCC has not received these applications for injection as of today's date.** Your letter will be made part of the file and available to technical staff during the research and analysis of the application.

If you wish to proceed with a hearing please advise me within ten (10) days of receiving this letter if you feel a hearing should be scheduled in these matters. If a hearing is scheduled, you will be expected to participate in the hearing either in person or through legal counsel. Should you decide that you will not participate in a hearing, none will be scheduled and the application will be handled administratively and your protest will be noted. The U.S. Environmental Protection Agency (EPA) requires a hearing be held where significant interest is demonstrated. Failure to participate in the hearing process after filing a protest or objection indicates a lack of significant interest and no useful purpose would be served by holding a hearing if you, as opposing party, are not there to present testimony or cross-examine applicant's witnesses. If you are going to appear, you will receive a Notice of Hearing and should carefully comply with that Notice, including the requirement of pre-filed testimony. Any person requiring special accommodations under The Americans With Disabilities Act needs to give notice to the Commission at least ten (10) days prior to the scheduled hearing date. If you have questions regarding the hearing process, please contact Lauren Wright at 316-337-6200 of our legal staff.

Commission staff has the duty to represent the public in general in recommending approval or denial of applications for injection or disposal well authority. One of the Commission's primary concerns is the protection of our groundwater and environment. If no hearing is held on this application, your objection will be taken into consideration by our staff in making a recommendation on this application. All of our staff geologists and technicians have qualified as expert witnesses and are sensitive to the concerns expressed by you and the citizens of our State.

Enclosed is a copy of the Conservation Division regulations regarding applications, hearings, and protestants. If you have any other questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rene Stucky".

Rene Stucky
Environmental Program
(UIC/Production Department)
Administrator Supervisor

Cc: Brian L. Birk dba Birk Petroleum
District Office #3
Legal
File

27 August, 2018

Rene Stucky, Kansas Corporation Commission
Conservation Division, 266 N. Main St., Ste. 220
Wichita, KS 67202-1513

Dear Mr. Stucky:

I am writing to protest application by Brian L. Birk dba Birk Petroleum, published Aug. 23, 2018 to commence disposal of saltwater into the Kansas City Formation at Merritt #5 located in the NW NW SW, and Merrit #10 located in the SW NE SW SW, all in Section 7, Township 23, Range 15E, Coffey County, KS, with a maximum operating pressure of 300 psi and a maximum injection rate of 100 bbls. per day.

My grounds for this protest include the following:

These wells, located on local farmland within easy walking distance of North Creek and Big South Creek and are also located about 8 miles south of where my home is. The wells are located at elevation approximately 50 to 60 feet higher than that of the North and South Creeks and about 1500 feet higher than the point 7 miles east where the creeks feed into the Neosho River. As a result, I have serious concerns that such injection of saltwater could lead to pollution of the immediate vicinity through leakage or spillage, and, subsequently, violate water rights in the area to include local range and farmlands, and clean drinking water sources on which myself and the local Kansas citizens depend.

Saltwater disposal wells are also proven sources of earthquakes in Kansas, with areas of heavy saltwater disposal in central/south/western Kansas experience tremors on an almost daily basis and larger quakes are no longer a rare event or experience of the past. My home and property has damage resulting from the September 3, 2016 5.8M earthquake that originated 14 miles NW of Pawnee, Oklahoma. Pawnee is about 189 miles or about 3 ¼ hours from my home. That earthquake was felt as far north as Fargo, ND. A second Oklahoma quake event also affected my home on the following Nov. 6, 2016, when the 5.3 M earthquake occurred at Cushing which is located approximately 205 miles or about 3 ½ hours from my home. If my home can suffer damage from those events, what is to prevent damage from working saltwater disposal wells located just 8 miles down the road?

I believe that as a 5th generation, life-long resident of Kansas, I have inherent rights to the guarantee of clean drinking water, especially since this area of Kansas is currently in officially recognized extreme drought conditions and any threat to local clean water systems is contradictory to efforts to conserve and use water resources in wise and responsible ways. I also believe that my status as a citizen and the proposed location of these wells just 8 miles from my home gives me proximity and standing to file this protest. With this protest I charge the KCC, by its own mission statement, ***to protect correlative rights and environmental resources (of Kansas) in part by preventing waste and by enforcing regulations that provide guidelines of producing resources efficiently***, and, therefore, demand that the KCC place preserving the basic water needs of its human population first and foremost and high above those of the oil producing industry and ***DENY*** Brian L. Birk dba Birk Petroleum, application to commence the disposal of saltwater into the Kansas City Formation at the Merritt #5 located in the NW NW SW, and the Merrit #10 located in the SW NE SW SW, all in Section 7, Township 23, Range 15E, Coffey County, KS, with a maximum operating pressure of 300 psi and a maximum injection rate of 100 bbls. per day.

Sincerely,

Susan Royd-Sykes
504 S. 6th St., Burlington, Ks 66839
moondrummer88@gmail.com

e-mailed to Renee Stucky, KCC, with hard copy following
cc. via regular mail to:
Brian L. Birk dba Birk Petroleum
874 12th Rd, Burlington, KS 66839

KCC WICHITA
AUG 27 2018
RECEIVED