

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

In the matter of the failure of Utah Oil, LLC) Docket No.: 24-CONS-3315-CPEN
(Operator) to report activity that occurred)
during the 2023 calendar year in compliance) CONSERVATION DIVISION
with K.A.R. 82-3-409.)
_____) License No.: 34223

**PRE-FILED DIRECT TESTIMONY
OF
TODD BRYANT
ON BEHALF OF COMMISSION STAFF
JULY 19, 2024**

1 **Q. What is your name and business address?**

2 A. Todd Bryant, 266 N. Main St., Suite 220, Wichita, KS 67202.

3 **Q. By whom are you employed and in what capacity?**

4 A. I am employed by the Conservation Division of the Kansas Corporation Commission (KCC
5 or Commission), as Supervisor of the Production and Underground Injection Control (UIC)
6 Departments.

7 **Q. Would you please briefly describe your educational background and work experience?**

8 A. I received my Bachelor of Science in Geology from Wichita State University (WSU) in May
9 2017. Prior to that, I began working at the KCC on March 5, 2012, as a Geology Intern while
10 I was completing my studies at WSU. I was promoted to a Research Analyst on September
11 28, 2014. I was again promoted to Geologist Specialist on September 10, 2017, and most
12 recently promoted to Supervisor of the Production and UIC Departments on July 24, 2022.

13 **Q. What are your duties with the Conservation Division?**

14 A. I manage the Conservation Division's UIC and Production Departments. This includes
15 providing technical support concerning various applications involving UIC wells. I enforce
16 the Commission's UIC regulations through injection permitting, I perform file reviews of
17 active injection wells, and I monitor daily injection volumes that are reported monthly from
18 Harper and Sumner Counties.

19 **Q. Have you previously testified before the Commission?**

20 A. Yes.

1 **Q. What is the purpose of your testimony in this matter?**

2 A. The purpose of my testimony is to discuss the evidence supporting the Commission's findings
3 in regard to the Penalty Order issued against Utah Oil, LLC (Operator) in Docket 24-CONS-
4 3315-CPEN (Docket 24-3315).

5 **Q. Please provide a brief overview of the facts in this docket.**

6 A. The Commission penalized Operator for 40 violations of K.A.R. 82-3-409 because Operator
7 failed to timely submit annual fluid injection reports (U3Cs) for activity during the 2023
8 calendar year for 40 of its injection wells (Subject Wells).

9 **Q. What are the requirements of K.A.R. 82-3-409?**

10 A. K.A.R. 82-3-409(a) provides that each operator of an injection well shall keep current,
11 accurate records of the amount and kind of fluid injected into the well, and shall preserve the
12 records for five years. K.A.R. 82-3-409(b) states that each operator of an injection well shall
13 submit a report to the Conservation Division, on a form required by the Commission, showing
14 for the previous calendar year the following information: 1) monthly average wellhead
15 pressure; 2) maximum wellhead pressure; 3) amount and kind of fluid injected into each well;
16 and 4) any other performance information that may be required by the Conservation Division.
17 The regulation also provides that the report shall be submitted on or before March 1 of the
18 following year. Finally, K.A.R. 82-3-409(c) states that failure to file or timely file a U3C shall
19 be punishable by a \$100 penalty.

20 **Q. Why does the Commission require operators to submit U3Cs detailing the amount and
21 pressure of fluids being injected into each of their injection wells every year?**

22 A. The information operators provide on their U3Cs is important for the UIC Department in
23 understanding the current and historical rates of injection occurring in different geological

1 zones throughout the State of Kansas. That knowledge is useful when permitting future
2 injection wells and when researching seismic activity. Additionally, the information operators
3 provide on their U3Cs allows Staff to make sure that operators are injecting fluids in
4 conformance with their injection permits.

5 **Q. What could potentially happen if an operator injected fluids at a rate or pressure beyond**
6 **those allowed in the injection permit?**

7 A. If an operator is injecting more fluid than allowed in the permit, or injecting fluid at a greater
8 pressure than allowed, the injection could cause the well to fail. Such a failure could
9 potentially allow pollution to enter fresh or usable waters. Injecting at a rate or pressure
10 outside the permitted amounts could also cause nearby wells to blow out, thereby causing
11 spills on the surface. The information operators provide on their U3Cs is essential for Staff to
12 ensure the safe operation of injection wells in Kansas. For that reason, it is very important to
13 get the information on the U3Cs in a timely manner—every day that an operator injects fluids
14 into one of its wells at a rate or pressure beyond those allowed in its injection permit is another
15 day that the well might fail or harm the environment.

16 **Q. Was there a deadline for Operator to submit U3Cs for the Subject Wells?**

17 A. Yes. As I previously testified, K.A.R. 82-3-409 specifically states that operators must submit
18 their U3Cs on or before March 1. Consequently, for injection activity that occurred during the
19 2023 calendar year, Operator had a deadline of March 1, 2024, to submit its U3Cs.

20 **Q. Did Operator successfully submit U3Cs for the Subject Wells by March 1, 2024?**

21 A. No, Operator did not.

1 **Q. Did Staff send a letter to Operator regarding the Subject Wells?**

2 A. Yes, on March 28, 2024, Staff sent a Notice of Violation (NOV) letter to Operator. The letter
3 stated that the Commission was not in receipt of Operator's U3Cs for activity during the 2023
4 calendar year for the Subject Wells. The NOV letter also stated that failure to submit the U3Cs
5 by April 11, 2024, would be punishable by a \$100 per well penalty. A copy of the letter is
6 attached to the Docket 24-3315 Penalty Order as Exhibit B.

7 **Q. Did Operator successfully submit U3Cs for the Subject Wells by April 11, 2024?**

8 A. No, Operator did not.

9 **Q. Has Operator successfully submitted U3Cs for the Subject Wells?**

10 A. Yes, Operator successfully submitted U3Cs for all the Subject Wells on May 1, 2024.

11 **Q. Please summarize your recommendation.**

12 A. I believe the information gathered by Staff is sufficient to affirm the Commission's Penalty
13 Order in this docket. Operator did not timely submit U3Cs for the Subject Wells, therefore
14 Operator should be required to pay a \$4,000 penalty.

15 **Q. Does this conclude your testimony?**

16 A. Yes.

CERTIFICATE OF SERVICE

24-CONS-3315-CPEN

I, the undersigned, certify that a true and correct copy of the attached Prefiled Testimony of Todd Bryant has been served to the following by means of electronic service on July 19, 2024.

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