

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

In the matter of the failure of Nacogdoches Oil) Docket No. 24-CONS-3373-CPEN
& Gas, LLC (Operator) to comply with K.A.R.)
82-3-407 at the Spradling #68 well in Labette) CONSERVATION DIVISION
County, Kansas.)
_____) License No. 32042

In the matter of the failure of Nacogdoches Oil) Docket No. 24-CONS-3374-CPEN
& Gas, LLC (Operator) to report activity that)
occurred during the 2023 calendar year in) CONSERVATION DIVISION
compliance with K.A.R. 82-3-409.)
_____) License No. 32042

**PRE-FILED DIRECT TESTIMONY OF
TODD BRYANT
ON BEHALF OF COMMISSION STAFF
DECEMBER 30, 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 Nacogdoches Oil & Gas, LLC (Operator) in
4 Docket 24-CONS-3374-CPEN (Docket 24-3374).

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

6 A. The Commission penalized Operator for nine 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 nine 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 the U3Cs allows Staff to make sure that operators are injecting fluids in
4 conformance with their injection permits. If an operator is injecting more fluid, or injecting
5 fluid at greater pressure than allowed in their injection permit, the unpermitted injection could
6 cause the well to fail or cause pollution to enter fresh or usable waters. Staff also reports the
7 number of wells with violations, the general type of violation, wells shut in, and wells returned
8 to compliance in a report to the EPA.

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

10 A. Yes. As I previously testified, K.A.R. 82-3-409 specifically states that all operators of
11 injection wells must submit their U3Cs on or before March 1. Consequently, for injection
12 activity that occurred during the 2023 calendar year, Operator had a deadline of March 1,
13 2024, to submit its U3Cs.

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

15 A. No, Operator did not.

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

17 A. Yes, on March 28, 2024, Staff sent a Notice of Violation (NOV) letter to Operator. The letter
18 stated that the Commission was not in receipt of Operator's U3Cs for activity during the 2023
19 calendar year for the Subject Wells. The NOV letter also stated that failure to submit the U3Cs
20 by April 11, 2024, would be punishable by a \$100 per well penalty. A copy of the letter is
21 attached to the Docket 24-3374 Penalty Order as Exhibit B.

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

2 A. No, Operator did not. Operator would not have been able to submit the U3C forms on KOLAR
3 since Operator's license appears to be expired. However, Operator could have submitted its
4 U3C forms on paper to the KCC's Central Office in Wichita by mail or in person.

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

6 A. No. To date, Operator has not submitted U3Cs for any of the Subject Wells.

7 **Q. Please summarize your recommendation.**

8 A. I believe the information gathered by Staff is sufficient to affirm the Commission's Penalty
9 Order in this docket. Operator did not timely submit U3Cs for the Subject Wells, therefore
10 Operator should be required to submit the reports and pay the \$900 penalty assessed by the
11 Commission.

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

13 A. Yes.

CERTIFICATE OF SERVICE

24-CONS-3373-CPEN, 24-CONS-3374-CPEN

I, the undersigned, certify that a true and correct copy of the attached Testimony has been served to the following by means of electronic service on December 30, 2024.

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