

Conservation Division
266 N. Main St., Ste. 220
Wichita, KS 67202-1513



Phone: 316-337-6200
Fax: 346-337-6211
<http://kcc.ks.gov/>

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT

20-CONS-3182-CPEN

January 7, 2020

Robert P. Bukaty
Viva International, Inc.
13200 Metcalf Avenue, Suite 200
Overland Park, KS 66213-2821

This is a notice of a penalty assessment for violation(s) of Kansas Oil and Gas Conservation Statutes, Rules, and Regulations. For a full description of the penalty and process please refer to the Penalty Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

You have been assessed a \$10,000 penalty. You have 30 days from the service date of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission and mailed to the Conservation Division of the Kansas Corporation Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202. The payment must include a reference to the docket number of this proceeding. Payment by credit card may be made by calling the Conservation Division at 316-337-6200.

IF YOU CONTEST THE PENALTY:

You have the right to request a hearing. A written request for hearing must be made within 30 days after service of the Penalty Order setting forth the specific grounds upon which relief is sought. Respondent must submit the request to the Commission, at 266 N. Main St., Suite 220, Wichita, Kansas 67202. The Commission shall conduct a hearing in accordance with the provisions of the Kansas administrative procedure act within 30 days after receipt of such request. K.S.A. 55-164; K.S.A. 77-542; K.A.R. 82-1-215.

IF YOU FAIL TO ACT:

Failure to pay the fine amount, or in the alternative, provide a written request for a hearing, within thirty (30) days of service of the Penalty Order, will result in the attached Penalty Order becoming a Final Order and may result in additional sanctions, including additional monetary penalties, the suspension of your oil and gas operating license, and the shutting-in of all operations until compliance is obtained. K.S.A. 55-164; K.S.A. 77-537.

Respectfully,

Michael Glamann
Litigation Counsel
316-337-6200

3. 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 to any of the following:

- a. the exploration or drilling for oil or gas;
- b. the lease storage, treatment, or gathering of oil or gas; or
- c. the drilling, operating, abandonment, or post-abandonment of wells. For purposes of this regulation, “vicinity” means the area within six feet of the wellhead.

4. K.A.R. 82-3-603(b)(2) provides that each operator shall notify the appropriate district office of any spill, as defined in K.A.R. 82-3-101. For purposes of this regulation, the point of “discovery or knowledge” shall mean that point when the operator knew or reasonably should have known of the spill.¹

5. K.A.R. 82-3-603(e) provides that each operator shall clean up any spill which requires notification. Except as otherwise required by law or regulation, each operator shall complete the cleanup of the spill within 10 days after discovery or knowledge, or by the deadline prescribed in writing by the district office.²

II. FINDINGS OF FACT

6. Operator conducts oil and gas activities in Kansas under license number 5556, and is responsible for the care and control of the Wright lease containing the following wells (“the subject wells”), all in Section 18, Township 22 South, Range 22 East, Linn County, Kansas:

- a. Wright #4-87, API #15-107-22844;
- b. Wright #7-87, API #15-107-22867;
- c. Wright #9-87, API #15-107-22866;

¹ K.A.R. 2019 Supp. § 82-3-603(b)(4).

² K.A.R. 2019 Supp. § 82-3-603(e)(1).

- d. Wright #12-87, API #15-107-22905;
- e. Wright #20-89, API #15-107-23055;
- f. Wright #28-89, API #15-107-23096;
- g. Wright #29-89, API #15-107-23097; and
- h. Wright 40-90, API #15-107-23179.

7. On October 25, 2019, District Staff received a complaint concerning the subject wells leaking crude oil.

8. On October 28, 2019, District Staff conducted an investigation and located the subject wells. Staff discovered that the Wright #28-89 had leaked brine, killing vegetation on the ground, but was not actively leaking. The remaining subject wells were actively leaking oil at the time of Staff's investigation. The field report and pictures are attached hereto as Exhibit A.

9. On October 29, 2019, District Staff sent Operator a notice of violation for their failure to report the spills and providing Operator until November 4, 2019, to remediate the spills. A copy of the notice of violation is attached hereto as Exhibit B.

10. On November 7, 2019, District Staff conducted a follow-up inspection and found that conditions at the subject wells were unchanged. The follow-up inspection field report and pictures are attached hereto as Exhibit C.

11. To date, Operator has failed to report the spills to the District Office and has failed to remediate the spills by the deadline prescribed in writing by District Staff.

III. CONCLUSIONS OF LAW

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

13. The Commission concludes Operator committed eight violations of K.A.R. 82-3-603(b) because Operator did not timely report the spills at the subject wells and that Operator committed eight violations of K.A.R. 82-3-603(e) because Operator did not clean up the spills by the deadline prescribed in writing by the district office.

14. The Commission shall consider the eight violations of K.A.R. 82-3-603(b) and the eight violations of K.A.R. 82-3-603(d) to be first-time violations. Under K.A.R. 82-3-603(d), a first violation of K.A.R. 82-3-603(b) carries a \$250 penalty. Under K.A.R. 82-3-603(f), a first violation of K.A.R. 82-3-603(b) carries a \$1,000 penalty. Accordingly, the Commission concludes Operator should be assessed a \$10,000 penalty.³

THEREFORE, THE COMMISSION ORDERS:

- A. Operator shall pay a \$10,000 penalty.
- B. Operator shall clean up the spills and implement surface control at the subject wells within 30 days of the service of this order.
- C. If Operator fails to comply with Ordering Clause B, Staff may cause a contractor to clean up the spills and assess the costs to Operator.
- D. Any party 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. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Operator's right to a hearing.
- E. If no party requests a hearing, and Operator is not in compliance with this Order within 30 days, then Operator's license shall be suspended without further notice. The notice and

³ 8 x \$250 = \$2,000. 8 x \$1,000 = \$8,000. \$8,000+\$2,000 = \$10,000

opportunity for a hearing on this order shall constitute the notice required by K.S.A. 77-512 regarding license suspension. The Commission may impose further sanctions, including additional monetary penalties and any other remedies available to the Commission by law, without further notice.

F. Checks and money orders shall be payable to the Kansas Corporation Commission. For credit card payments, include the type of card (Visa, MasterCard, Discover, or American Express), account number, and expiration date. Payments shall be mailed to the Kansas Corporation Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202. The payment must include a reference to the docket number of this proceeding.

G. A corporation shall appear before the Commission by a Kansas licensed attorney.⁴

H. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 01/07/2020



Lynn M. Retz
Executive Director

Mailed Date: 01/07/2020

JMG

⁴ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

KCC OIL/GAS REGULATORY OFFICES

Inspection Date: 10/28/2019 District: 3 Incident Number: 6717

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

Operator License No: 5556 API: Q3: Q2: Q1:
Operator Name: Viva International, Inc. SEC 18 TWP 22 RGE 22 RGEDIR: E
Address: 13200 Metcalf Avenue Suite 200 FSL:
City: Overland Park FEL:
State: KS Zip Code: 66213-2821 Lease: Wright Well No.:
Phone contact: 913-681-1690 County: LN

Reason for Investigation:

Complaint #6710 on Wright lease located in Section 18, Township 22 South, Range 22 East, Linn County.

Problem:

Abandoned wells leaking crude oil on the ground, operator has failed to report the spills to the district #3 office in Chanute.

Persons contacted:

Findings:

I went to the Wright lease and located at least eight (8) wells leaking crude oil on the ground. The landowner has attempted to dam up the spillage to contain the spills but the oil is seeping through. The entire lease is abandoned and there is no electric power at the lease, the power company has pulled the electric meters. The eight spills were documented with twenty-three (23) attached pictures and I conducted a GPS survey on each of the spill locations. {See page 2 for additional findings}

Actions / Recommendations

Follow-up Required ☒

Deadline Date: 11/05/2019

I sent the operator an NOV letter on October 29, 2019 with a ten (10) day deadline of November 4, 2019 to clean up the eight (8) unreported spills, I will request penalty recommendations for failure to report the eight (8) spills and check the clean up on November 5, 2019.

Photo's Taken: 23

☐ RBDMS ☐ KGS ☐ TA DB ☐ T1 DBF ☐ District Files ☐ Courthouse
Report Prepared By: Keith Carswell
Position: E.C.R.S.

KCC OIL/GAS REGULATORY OFFICES

Additional Findings:

Well #4-87	API#15-107-22844	Leaking oil around stuffing box.
Well #7-87	API#15-107-22867	No stuffing box, leaking oil between the 1" and casing.
Well #9-87	API#15-107-22866	No stuffing box, leaking oil between the 1" and casing.
Well #28-89	API#15-107-23096	Shows brine has leaked on ground killing the vegetation.
Well #12-87	API#15- 107-22905	No stuffing box, leaking oil between the 1" and casing.
Well #20-89	API#15-107-23055	No stuffing box, leaking oil between the 1" and casing.
Well #40-90	API#15- 107-23179	No stuffing box, leaking oil between the 1" and casing.
Well #29-89	API#15- 107-23097	No stuffing box, leaking oil between the 1" and casing.



SPILL REPORT

Modified by: jalmond

Date: 10/31/2019 2:03:47 PM

Spill ID **26816** State ID **46327**

Type of Report **INITIAL**

(KCC staff) who

Who received the call: **John Almond**

investigated: **Keith Carswell**

hrs

Date reported: **10/25/2019** Time: **1100**

Date received in Central Office:

DIST. **3**

Date referred: **10/28/2019** Time: **800**

Date resolved:

Dist. incident#

Reporting Party

Name: **Jason Kent**

Agency Affiliation: **Private Citizen**

Phone: **7854484101**

Surface owner notified: ☐

Operator Reported **N**

NRC notified: ☐

Spiller Information

Lease Name: **Wright**

Off Lease ☐

Quarter

SEC

TWP

RNG

DIR

FTNS

N/S

FTE

E/W

Well No.: **#4-87** API#: **15107228440000**

SGA:

18

22

22

E

Individual associated with company who

Lat.

Long.

Datum

GPS Date

operates the lease where the spill occurred:

Robert Bukaty

License **5556** **Viva International, Inc.**

General Loc: **Northwest of Blue Mound, KS.**

County **LINN**

Spill Details

Spill Date: **10/25/2019** Time: **1000**

Discovery Date: **10/25/2019** Time: **1000**

Control Method: **Operator has done nothing to shut in well or clean up spillage.**

Material Amount Spilled Recovered Volume

Saltwater

Barrels

Crude Oil

2

Barrels

Incident Description:

Type of Spill **Oil Lease**

Oil is leaking around the stuffing box approximately 2 barrels spilled.

Media Affected

Soil

Waterway Affected

Agency who conducted

the field investigation: **KCC**

1st Inspection Date

10/28/2019

2nd Inspection

Final Inspection

Cleanup Method(s):

Cleanup Description:

Compliance Officer ☐ Supervisor ☐

Was SPILL a result of either a Storm or Lightning? ☐ Storm ☐ Lightning ☐ SPILL clean-up complete but

Comments:

additional remediation required

jalmond

10/31/2019 9:41:11 AM

Jason Kent reported the spill for the landowner Dale Wright. The landowner has recently harvested the corn on the property and found the spills, the landowner tried to dam up the spillage with his tractor. The lease has been shut down for several months and the electric company has removed the electric meters. The operator did not report the spill, staff is going to request a penalty recommendation for failure to report the spill. Staff sent Viva International Inc. # 5556 an NOV letter on October 29, 2019 with a deadline of November 4, 2019 deadline to cleanup the spill.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc

Lease: Wright

County: Linn

Subject: Spill at well number #4-87

FSL: 593

FEL: 2444

API#: 15-107-22844-00-00

Date: 10/28/2019

Staff: Keith Carswell

KLN: 5556

Legal: 18-22-22E

PIC ID#: 4-87 Pic 1

PIC Orientation:

Latitude: 38.12637

Longitude: -095.03374

Time: 2:19 PM

Additional Information: This is a picture taken at well location #4-87. The well is leaking up through the stuffing box and spilling on the ground. The spill area location has been outlined using GPS waypoints.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 4-87 Pic 2
Subject: Spill at well number #4-87	PIC Orientation:
FSL: 593	Latitude: 38.12637
FEL: 2444	Longitude: -095.03374
API#: 15-107-22844-00-00	
Date: 10/28/2019	Time: 2:20 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #4-87. The well is leaking up through the stuffing box and spilling on the ground. The spill area location has been outlined using GPS waypoints.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 4-87 Pic 3
Subject: Spill at well number #4-87	PIC Orientation:
FSL: 593	Latitude: 38.12637
FEL: 2444	Longitude: -095.03374
API#: 15-107-22844-00-00	
Date: 10/28/2019	Time: 2:20 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #4-87. The well is leaking up through the stuffing box and spilling on the ground. The spill area location has been outlined using GPS waypoints.



SPILL REPORT

Modified by: jalmond

Date: 10/31/2019 2:07:14 PM

Spill ID **26819** State ID **46329**

Type of Report **INITIAL**

(KCC staff) who

Who received the call: **John Almond**

investigated: **KEITH CARSWELL**

hrs

Date reported: **10/25/2019** Time: **1100**

Date received in Central Office:

DIST. **3**

Date referred: **10/28/2019** Time: **800**

Date resolved:

Dist. incident#

Reporting Party

Name: **Jason Kent**

Agency Affiliation: **Private Citizen**

Phone: **7854484101**

Surface owner notified: ☐

Operator Reported **N**

NRC notified: ☐

Spiller Information

Lease Name: **Wright**

Off Lease ☐

Quarter

SEC

TWP

RNG

DIR

FTNS

N/S

FTE

E/W

Well No.: **#7-87** API#: **151072286700**

SGA:

18

22

22

E

Individual associated with company who operates the lease where the spill occurred:

Robert Bukaty

Lat.

Long.

Datum

GPS Date

License **5556** **Viva International, Inc.**

General Loc: **Northwest of Blue Mound, KS.**

County **LINN**

Spill Details

Spill Date: **10/25/2019** Time: **1000**

Discovery Date: **10/25/2019** Time: **1000**

Control Method: **Operator has done nothing to shut in the well or clean up spillage.**

Material Amount Spilled Recovered Volume

Saltwater

Barrels

Incident Description:

Type of Spill **Oil Lease**

Media Affected **Soil**

Waterway Affected

The well does not have a stuffing box, oil is leaking between the 1" pipe and the casing. About 2 barrels of oil spilled.

Agency who conducted the field investigation: **KCC**

1st Inspection Date

10/28/2019

2nd Inspection

Final Inspection

Cleanup Method(s):

Cleanup Description:

Compliance Officer ☐ Supervisor ☐

Was SPILL a result of either a Storm or Lightning? ☐ Storm ☐ Lightning ☐ SPILL clean-up complete but

Comments:

additional remediation required

jalmond

10/31/2019 10:13:45 AM Jason Kent reported the spill for the landowner Dale Wright. The landowner has recently harvested the corn on the property and found the spills, the landowner tried to dam up the spillage with his tractor. The lease has been shut down for several months and the electric company has removed the electric meters. The operator did not report the spill, staff is going to request a penalty recommendation for failure to report the spill. Staff sent Viva International Inc. # 5556 an NOV letter on October 29, 2019 with a deadline of November 4, 2019 deadline to cleanup the spill.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 7-87 Pic 1
Subject: Spill at well number #7-87	PIC Orientation:
FSL: 1482	Latitude: 38.12881
FEL: 2409	Longitude: -095.03369
API#: 15-107-22867-00-00	
Date: 10/28/2019	Time: 2:33 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #7-87. The well is not equipped with a stuffing box. The well is leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc

Lease: Wright

County: Linn

Subject: Spill at well number #7-87

FSL: 1482

FEL: 2409

API#: 15-107-22867-00-00

Date: 10/28/2019

Staff: Keith Carswell

KLN: 5556

Legal: 18-22-22E

PIC ID#: 7-87 Pic 2

PIC Orientation:

Latitude: 38.12881

Longitude: -095.03369

Time: 2:33 PM

Additional Information: This is a picture taken at well location #7-87. The well is not equipped with a stuffing box. The well is leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints.



SPILL REPORT

Modified by: jalmond

Date: 10/31/2019 2:49:28 PM

Spill ID **26825** State ID **46332**

Type of Report **INITIAL**

(KCC staff) who

Who received the call: **John Almond**

investigated: **KEITH CARSWELL**

hrs

Date reported: **10/25/2019** Time: **1100**

Date received in Central Office:

DIST. **3**

Date referred: **10/28/2019** Time: **0800**

Date resolved:

Dist. incident#

Reporting Party

Name: **Jason Kent**

Agency Affiliation: **Private Citizen**

Phone: **7854484101**

Surface owner notified: ☐

Operator Reported **N**

NRC notified: ☐

Spiller Information

Lease Name: **Wright**

Off Lease ☐

Quarter

SEC

TWP

RNG

DIR

FTNS

N/S

FTE

E/W

Well No.: **#9-87** API#: **15107228660000**

SGA:

18

22

22

E

Individual associated with company who operates the lease where the spill occurred:

Lat.

Long.

Datum

GPS Date

License **5556** **Viva International, Inc.**

General Loc: **Northwest of Blue Mound, KS.**

County **LINN**

Spill Details

Spill Date: **10/25/2019** Time: **1000**

Discovery Date: **10/25/2019** Time: **1000**

Control Method: **Operator has done nothing to shut in well or clean up spillage.**

Material Amount Spilled Recovered Volume

Saltwater

Barrels

Crude Oil

2

Barrels

Incident Description:

Type of Spill **Oil Lease**

Media Affected **Soil**

Waterway Affected

Well #9-87 does not have a stuffing box, oil is leaking between the 1" pipe and the casing. About 2 barrels of oil spilled.

Agency who conducted the field investigation: **KCC**

1st Inspection Date

10/28/2019

2nd Inspection

Final Inspection

Cleanup Method(s):

Cleanup Description:

Compliance Officer ☐ Supervisor ☐

Was SPILL a result of either a Storm or Lightning? ☐ Storm ☐ Lightning ☐ SPILL clean-up complete but additional remediation required

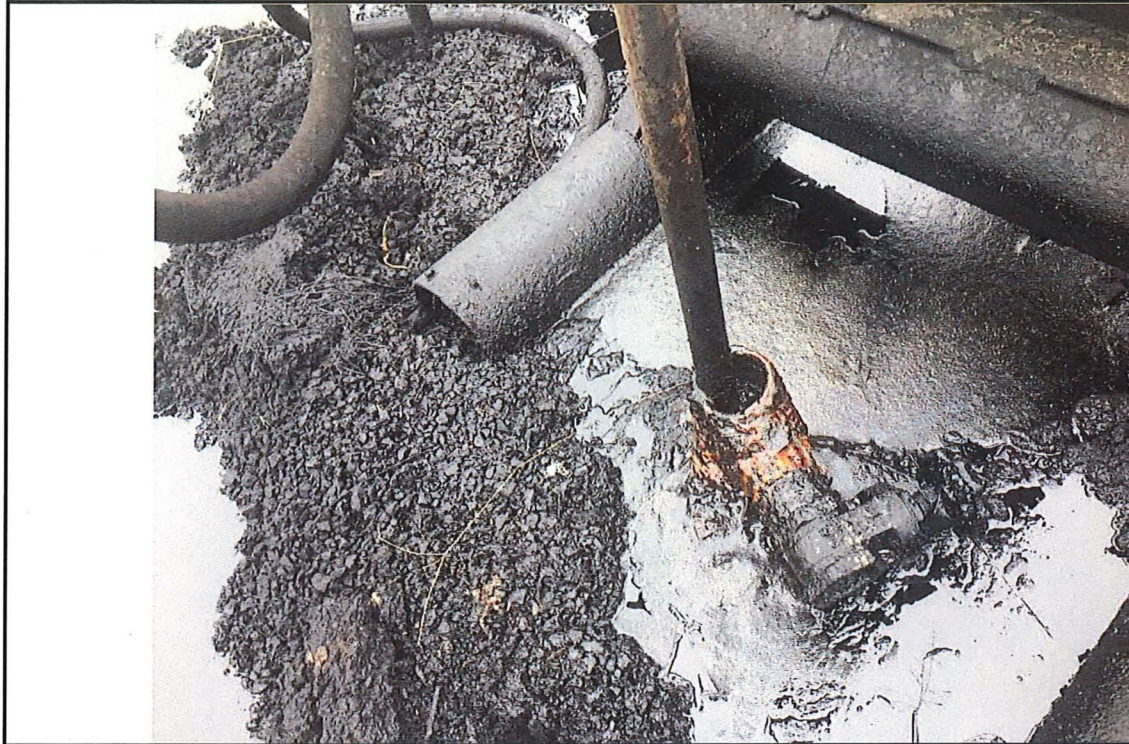
Comments:

jalmond

10/31/2019 10:25:07 AM

Jason Kent reported the spill for the landowner Dale Wright. The landowner has recently harvested the corn on the property and found the spills, the landowner tried to dam up the spillage with his tractor. The lease has been shut down for several months and the electric company has removed the electric meters. The operator did not report the spill, staff is going to request a penalty recommendation for failure to report the spill. Staff sent Viva International Inc. # 5556 an NOV letter on October 29, 2019 with a deadline of November 4, 2019 deadline to cleanup the spill.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc

Lease: Wright

County: Linn

Subject: Spill at well number #9-87

FSL: 1923

FEL: 2406

API#: 15-107-22866-00-00

Date: 10/28/2019

Staff: Keith Carswell

KLN: 5556

Legal: 18-22-22E

PIC ID#: 9-87 Pic 1

PIC Orientation:

Latitude: 38.13002

Longitude: -095.03364

Time: 2:44 PM

Additional Information: This is a picture taken at well location #9-87. The well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints. The landowner had tried to dam up the area around the well to keep the spill from spreading but it was leaching out through the dam.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc

Lease: Wright

County: Linn

Subject: Spill at well number #9-87

FSL: 1923

FEL: 2406

API#: 15-107-22866-00-00

Date: 10/28/2019

Staff: Keith Carswell

KLN: 5556

Legal: 18-22-22E

PIC ID#: 9-87 Pic 2

PIC Orientation:

Latitude: 38.13002

Longitude: -095.03364

Time: 2:44 PM

Additional Information: This is a picture taken at well location #9-87. The well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints. The landowner had tried to dam up the area around the well to keep the spill from spreading but it was leaching out through the dam.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 9-87 Pic 3
Subject: Spill at well number #9-87	PIC Orientation:
FSL: 1923	Latitude: 38.13002
FEL: 2406	Longitude: -095.03364
API#: 15-107-22866-00-00	
Date: 10/28/2019	Time: 2:44 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #9-87. The well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints. The landowner had tried to dam up the area around the well to keep the spill from spreading but it was leaching out through the dam.



SPILL REPORT

Modified by: jalmond

Date: 10/31/2019 2:59:27 PM

Spill ID **26833** State ID **46341**

Type of Report **INITIAL**

(KCC staff) who

Who received the call: **John Almond**

investigated: **KEITH CARSWELL**

hrs

Date reported: **10/25/2019** Time: **1100**

Date received in Central Office:

DIST. **3**

Date referred: **10/28/2019** Time: **0800**

Date resolved:

Dist. incident#

Reporting Party

Name: **Jason Kent**

Agency Affiliation: **Private Citizen**

Phone: **7854484101**

Surface owner notified: ☐

Operator Reported **N**

NRC notified: ☐

Spiller Information

Lease Name: **Wright**

Off Lease ☐

Quarter

SEC

TWP

RNG

DIR

FTNS

N/S

FTE

E/W

Well No.: **#12-87** API#: **15107229050000**

SGA:

18

22

22

E

Individual associated with company who operates the lease where the spill occurred:

Robert Bukaty

Lat.

Long.

Datum

GPS Date

License **5556** **Viva International, Inc.**

General Loc: **Northwest of Blue Mound, KS.**

County **LINN**

Spill Details

Spill Date: **10/25/2019** Time: **1000**

Discovery Date: **10/25/2019** Time: **1000**

Control Method: **Operator has done nothing to shut in the well or clean up the spillage.**

Material Amount Spilled Recovered Volume

Saltwater

Barrels

Crude Oil

2

Barrels

Incident Description:

Type of Spill **Oil Lease**

Media Affected **Soil**

Waterway Affected

Well #12-87 does not have a stuffing box to shut in the well, oil is leaking between the 1" pipe and the casing, about 2 barrel oil spilled from the well.

Agency who conducted

the field investigation: **KCC**

1st Inspection Date

10/28/2019

2nd Inspection

Final Inspection

Cleanup Method(s):

Cleanup Description:

Compliance Officer ☐ Supervisor ☐

Was SPILL a result of either a Storm or Lightning? ☐ Storm ☐ Lightning ☐ SPILL clean-up complete but additional remediation required

Comments:

jalmond
10/31/2019 10:46:23 AM Jason Kent reported the spill for the landowner Dale Wright. The landowner has recently harvested the corn on the property and found the spills, the landowner tried to dam up the spillage with his tractor. The lease has been shut down for several months and the electric company has removed the electric meters. The operator did not report the spill, staff is going to request a penalty recommendation for failure to report the spill. Staff sent Viva International Inc. # 5556 an NOV letter on October 29, 2019 with a deadline of November 4, 2019 deadline to cleanup the spill.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc

Lease: Wright

County: Linn

Subject: Spill at well number #12-87

FSL: 2375

FEL: 1984

API#: 15-107-22905-00-00

Date: 10/28/2019

Staff: Keith Carswell

KLN: 5556

Legal: 18-22-22E

PIC ID#: 12-87 Pic 1

PIC Orientation:

Latitude: 38.13125

Longitude: -095.03218

Time: 3:13 PM

Additional Information: This is a picture taken at well location #12-87. The well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 12-87 Pic 2
Subject: Spill at well number #12-87	PIC Orientation:
FSL: 2375	Latitude: 38.13125
FEL: 1984	Longitude: -095.03218
API#: 15-107-22905-00-00	
Date: 10/28/2019	Time: 3:13 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #12-87. The well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 12-87 Pic 3
Subject: Spill at well number #12-87	PIC Orientation:
FSL: 2375	Latitude: 38.13125
FEL: 1984	Longitude: -095.03218
API#: 15-107-22905-00-00	
Date: 10/28/2019	Time: 3:13 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #12-87. The well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints.



SPILL REPORT

Modified by: jalmond

Date: 10/31/2019 3:07:56 PM

Spill ID **26837** State ID **46345**

Type of Report **INITIAL** (KCC staff) who
Who received the call: **John Almond** investigated: **KEITH CARSWELL** hrs
Date reported: **10/25/2019** Time: **1100** Date received in Central Office: DIST. **3**
Date referred: **10/28/2019** Time: **0800** Date resolved: Dist. incident#

Reporting Party

Name: **jason Kent** Agency Affiliation: **Private Citizen**
Phone: **7854484101** Surface owner notified: ☐ Operator Reported **N** NRC notified: ☐

Spiller Information

Lease Name: **Wright** Off Lease ☐ Quarter SEC TWP RNG DIR FTNS N/S FTE E/W
Well No.: **#20-89** API#: **15107230550000** SGA: **18 22 22 E**
Individual associated with company who operates the lease where the spill occurred: **Robert Bukaty** Lat. Long. Datum GPS Date
License **5556** **Viva International, Inc.** General Loc: **Northwest of Blue Mound, KS.**
County **LINN**

Spill Details

Spill Date: **10/25/2019** Time: **1000** Discovery Date: **10/25/2019** Time: **1000**
Control Method: **The operator has done nothing to shut in the well or clean up the spillage.**
Material Amount Spilled Recovered Volume
Saltwater Barrels
Crude Oil **2** Barrels
Incident Description:
Type of Spill **Oil Lease** Well #20-89 does not have a stuffing box, oil is leaking between the 1" pipe and the casing, spilled about 2 barrel oil.
Media Affected **Soil**
Waterway Affected

Agency who conducted the field investigation: **KCC** 1st Inspection Date **10/28/2019** 2nd Inspection Final Inspection
Cleanup Method(s):
Cleanup Description: Compliance Officer ☐ Supervisor ☐

Was SPILL a result of either a Storm or Lightening? ☐ Storm ☐ Lightening ☐ SPILL clean-up complete but additional remediation required

Comments:

jalmond Jason Kent reported the spill for the landowner Dale Wright. The landowner has
10/31/2019 10:53:56 AM recently harvested the corn on the property and found the spills, the landowner tried to dam up the spillage with his tractor. The lease has been shut down for several months and the electric company has removed the electric meters. The operator did not report the spill, staff is going to request a penalty recommendation for failure to report the spill. Staff sent Viva International Inc. # 5556 an NOV letter on October 29, 2019 with a deadline of November 4, 2019 deadline to cleanup the spill.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc

Lease: Wright

County: Linn

Subject: Spill at well number #20-89

FSL: 2808

FEL: 1986

API#: 15-107-23055-00-00

Date: 10/28/2019

Staff: Keith Carswell

KLN: 5556

Legal: 18-22-22E

PIC ID#: 20-89 Pic 1

PIC Orientation:

Latitude: 38.13244

Longitude: -095.03220

Time: 3:23 PM

Additional Information: This is a picture taken at well location #20-89. The well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints. The landowner had tried to dam up the area around the well to keep the spill from spreading but it was leaching out through the dam.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 20-89 Pic 2
Subject: Spill at well number #20-89	PIC Orientation:
FSL: 2808	Latitude: 38.13244
FEL: 1986	Longitude: -095.03220
API#: 15-107-23055-00-00	
Date: 10/28/2019	Time: 3:23 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #20-89. The well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints. The landowner had tried to dam up the area around the well to keep the spill from spreading but it was leaching out through the dam.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 20-89 Pic 3
Subject: Spill at well number #20-89	PIC Orientation:
FSL: 2808	Latitude: 38.13244
FEL: 1986	Longitude: -095.03220
API#: 15-107-23055-00-00	
Date: 10/28/2019	Time: 3:23 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #20-89. The well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints. The landowner had tried to dam up the area around the well to keep the spill from spreading but it was leaching out through the dam.



SPILL REPORT

Modified by: jalmond

Date: 10/31/2019 2:53:43 PM

Spill ID **26830** State ID **46336**

Type of Report	INITIAL	(KCC staff) who	
Who received the call:	John Almond	investigated:	KEITH CARSWELL
Date reported:	10/25/2019	Time:	1100
Date referred:	10/28/2019	Time:	0800
Date received in Central Office:		DIST.	3
Date resolved:		Dist. incident#	

Reporting Party

Name: Jason Kent Agency Affiliation: Private Citizen
Phone: 7854484101 Surface owner notified: ☐ Operator Reported N NRC notified: ☐

Spiller Information

Lease Name: Wright Off Lease ☐ Quarter SEC TWP RNG DIR FTNS N/S FTE E/W
Well No.: #28-89 API#: 15107230960000 SGA: 18 22 22 E
Individual associated with company who operates the lease where the spill occurred: Robert Bukaty Lat. Long. Datum GPS Date
License 5556 Viva International, Inc. General Loc: Northwest of Blue Mound, KS.
County LINN

Spill Details

Spill Date: 10/25/2019 Time: 1000 Discovery Date: 10/25/2019 Time: 1000
Control Method: Operator has done nothing to shut in well or clean up spillage.
Material Amount Spilled Recovered Volume
Saltwater 2 Barrels
Crude Oil Barrels
Incident Description:
Type of Spill Oil Lease Saltwater has leaked from the well killing the vegetation, I could not tell where the brine water was coming from, about 2 barrel soaked into soil.
Media Affected Soil
Waterway Affected

Agency who conducted the field investigation: KCC
Cleanup Method(s):
Cleanup Description:
1st Inspection Date 10/28/2019 2nd Inspection Final Inspection
Compliance Officer ☐ Supervisor ☐

Was SPILL a result of either a Storm or Lightning? ☐ Storm ☐ Lightning ☐ SPILL clean-up complete but additional remediation required

Comments:

jalmond 10/31/2019 10:39:11 AM Jason Kent reported the spill for the landowner Dale Wright. The landowner has recently harvested the corn on the property and found the spills, the landowner tried to dam up the spillage with his tractor. The lease has been shut down for several months and the electric company has removed the electric meters. The operator did not report the spill, staff is going to request a penalty recommendation for failure to report the spill. Staff sent Viva International Inc. # 5556 an NOV letter on October 29, 2019 with a deadline of November 4, 2019 deadline to cleanup the spill.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 28-89 Pic 1
Subject: Spill at well number #28-89	PIC Orientation:
FSL: 3244	Latitude: 38.13365
FEL: 2441	Longitude: -095.03379
API#: 15-107-23096-00-00	
Date: 10/28/2019	Time: 3:05 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #28-89. The well is not equipped with a stuffing box. This well wasn't currently leaking at time of inspection but shows signs of leaking in the past with the discoloration of the ground and the kill area outlined with GPS waypoints.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc

Lease: Wright

County: Linn

Subject: Spill at well number #28-89

FSL: 3244

FEL: 2441

API#: 15-107-23096-00-00

Date: 10/28/2019

Staff: Keith Carswell

KLN: 5556

Legal: 18-22-22E

PIC ID#: 28-89 Pic 2

PIC Orientation:

Latitude: 38.13365

Longitude: -095.03379

Time: 3:05 PM

Additional Information: This is a picture taken at well location #28-89. The well is not equipped with a stuffing box. This well wasn't currently leaking at time of inspection but shows signs of leaking in the past with the discoloration of the ground and the kill area outlined with GPS waypoints.



SPILL REPORT

Modified by: jalmond

Date: 10/31/2019 3:14:17 PM

Spill ID **26841** State ID **46352**

Type of Report INITIAL

(KCC staff) who

Who received the call: John Almond

investigated: KEITH CARSWELL

hrs

Date reported: 10/25/2019 Time: 1100

Date received in Central Office:

DIST. 3

Date referred: 10/28/2019 Time: 0800

Date resolved:

Dist. incident#

Reporting Party

Name: Jason Kent

Agency Affiliation: Private Citizen

Phone: 7854484101

Surface owner notified: ☐

Operator Reported N

NRC notified: ☐

Spiller Information

Lease Name: Wright

Off Lease ☐

Quarter

SEC

TWP

RNG

DIR

FTNS

N/S

FTE

E/W

Well No.: 29-89 API#: 15107-23097000

SGA:

18

22

22

E

Individual associated with company who operates the lease where the spill occurred:

Robert Bukaty

Lat.

Long.

Datum

GPS Date

License 5556 Viva International, Inc.

General Loc: northwest of Blue Mound, KS.

County LINN

Spill Details

Spill Date: 10/25/2019 Time: 1000

Discovery Date: 10/25/2019 Time: 1000

Control Method: The operator has done nothing to shut in the well or clean up the spillage.

Material Amount Spilled Recovered Volume

Saltwater

Barrels

Crude Oil

2

Barrels

Incident Description:

Type of Spill Oil Lease

Well #29-89 does not have a stuffing box and is leaking oil between the 1" and the casing, about 2 barrel oil spilled on ground.

Media Affected Soil

Waterway Affected

Agency who conducted

the field investigation: KCC

1st Inspection Date

10/28/2019

2nd Inspection

Final Inspection

Cleanup Method(s):

Cleanup Description:

Compliance Officer ☐ Supervisor ☐Was SPILL a result of either a Storm or Lightning? ☐ Storm ☐ Lightning ☐ SPILL clean-up complete but

Comments:

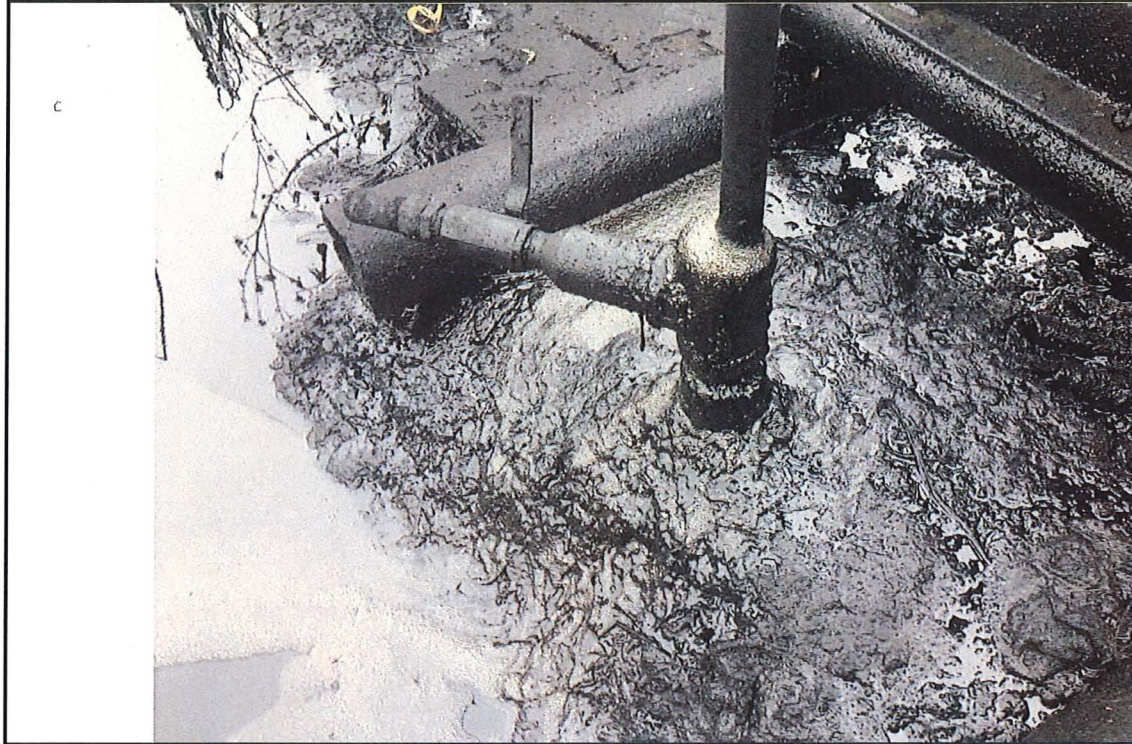
additional remediation required

jalmond

10/31/2019 11:14:22 AM

Jason Kent reported the spill for the landowner Dale Wright. The landowner has recently harvested the corn on the property and found the spills, the landowner tried to dam up the spillage with his tractor. The lease has been shut down for several months and the electric company has removed the electric meters. The operator did not report the spill, staff is going to request a penalty recommendation for failure to report the spill. Staff sent Viva International Inc. # 5556 an NOV letter on October 29, 2019 with a deadline of November 4, 2019 deadline to cleanup the spill.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 29-89 Pic 1
Subject: Spill at well number #29-89	PIC Orientation:
FSL: 3205	Latitude: 38.13353
FEL: 1984	Longitude: -095.03220
API#: 15-107-23097-00-00	
Date: 10/28/2019	Time: 3:42 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #29-89. Well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints. The landowner had tried to dam up the area around the well to keep the spill from spreading but it was leaching out through the dam and has ran over the dam in the past.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc

Lease: Wright

County: Linn

Subject: Spill at well number #29-89

FSL: 3205

FEL: 1984

API#: 15-107-23097-00-00

Date: 10/28/2019

Staff: Keith Carswell

KLN: 5556

Legal: 18-22-22E

PIC ID#: 29-89 Pic 2

PIC Orientation:

Latitude: 38.13353

Longitude: -095.03220

Time: 3:42 PM

Additional Information: This is a picture taken at well location #29-89. Well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints. The landowner had tried to dam up the area around the well to keep the spill from spreading but it was leaching out through the dam and has ran over the dam in the past.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 29-89 Pic 3
Subject: Spill at well number #29-89	PIC Orientation:
FSL: 3205	Latitude: 38.13353
FEL: 1984	Longitude: -095.03220
API#: 15-107-23097-00-00	
Date: 10/28/2019	Time: 3:42 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #29-89. Well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints. The landowner had tried to dam up the area around the well to keep the spill from spreading but it was leaching out through the dam and has ran over the dam in the past.



SPILL REPORT

Modified by: jalmond

Date: 10/31/2019 3:11:44 PM

Spill ID **26838** State ID **46349**

Type of Report	(KCC staff) who		
Who received the call: John Almond	investigated: KEITH CARSWELL	hrs	
Date reported: 10/25/2019 Time: 1100	Date received in Central Office:	DIST. 3	
Date referred: 10/28/2019 Time: 0800	Date resolved:	Dist. incident#	

Reporting Party

Name: Jason Kent	Agency Affiliation: Private Citizen
Phone: 7854484101	Surface owner notified: <input type="checkbox"/> Operator Reported N NRC notified: <input type="checkbox"/>

Spiller Information

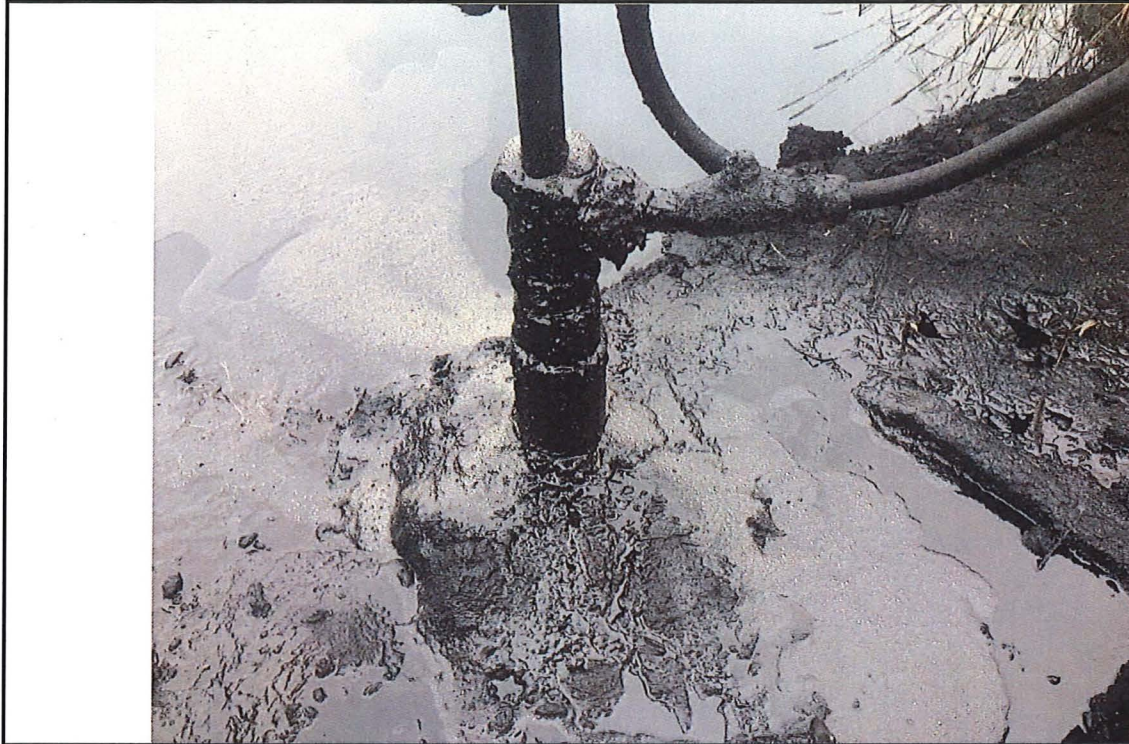
Lease Name: Wright	Off Lease <input type="checkbox"/>	Quarter	SEC	TWP	RNG	DIR	FTNS	N/S	FTE	E/W
Well No.: #40-90 API#: 15107231790000	SGA:		18	22	22	E				
Individual associated with company who operates the lease where the spill occurred: Robert Bukaty	Lat.	Long.	Datum	GPS Date						
License 5556 Viva International, Inc.	General Loc: Northwest of Blue Mound, KS									
County LINN										

Spill Details

Spill Date: 10/25/2019 Time: 1000	Discovery Date: 10/25/2019 Time: 1000		
Control Method: The operator has done nothing to shut in the well or clean up spillage.			
Material	Amount Spilled	Recovered	Volume
Saltwater			Barrels
Crude Oil	2		Barrels
Incident Description:			
Type of Spill	Oil Lease	Well #40-90 does not have a stuffing box, oil is leaking between the 1" pipe and the casing, spilled about 2 barrel oil on ground.	
Media Affected	Soil		
Waterway Affected			
Agency who conducted the field investigation: KCC	1st Inspection Date	2nd Inspection	Final Inspection
Cleanup Method(s):	10/28/2019		
Cleanup Description:	Compliance Officer <input type="checkbox"/> Supervisor <input type="checkbox"/>		
Was SPILL a result of either a Storm or Lightening? <input type="checkbox"/> Storm <input type="checkbox"/> Lightening <input type="checkbox"/> SPILL clean-up complete but additional remediation required			
Comments:			

jalmond 10/31/2019 11:07:38 AM Jason Kent reported the spill for the landowner Dale Wright. The landowner has recently harvested the corn on the property and found the spills, the landowner tried to dam up the spillage with his tractor. The lease has been shut down for several months and the electric company has removed the electric meters. The operator did not report the spill, staff is going to request a penalty recommendation for failure to report the spill. Staff sent Viva International Inc. # 5556 an NOV letter on October 29, 2019 with a deadline of November 4, 2019 deadline to cleanup the spill.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc

Lease: Wright

County: Linn

Subject: Spill at well number #40-90

FSL: 3191

FEL: 1552

API#: 15-107-23179-00-00

Date: 10/28/2019

Staff: Keith Carswell

KLN: 5556

Legal: 18-22-22E

PIC ID#: 40-90 Pic 1

PIC Orientation:

Latitude: 38.13348

Longitude: -095.03070

Time: 3:34 PM

Additional Information: This is a picture taken at well location #40-90. Well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints. The landowner had tried to dam up the area around the well to keep the spill from spreading but it is currently running over the dam.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 40-90 Pic 2
Subject: Spill at well number #40-90	PIC Orientation:
FSL: 3191	Latitude: 38.13348
FEL: 1552	Longitude: -095.03070
API#: 15-107-23179-00-00	
Date: 10/28/2019	Time: 3:34 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #40-90. Well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints. The landowner had tried to dam up the area around the well to keep the spill from spreading but it is currently running over the dam.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 40-90 Pic 3
Subject: Spill at well number #40-90	PIC Orientation:
FSL: 3191	Latitude: 38.13348
FEL: 1552	Longitude: -095.03070
API#: 15-107-23179-00-00	
Date: 10/28/2019	Time: 3:34 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #40-90. Well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints. The landowner had tried to dam up the area around the well to keep the spill from spreading but it is currently running over the dam.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 40-90 Pic 4
Subject: Spill at well number #40-90	PIC Orientation:
FSL: 3191	Latitude: 38.13348
FEL: 1552	Longitude: -095.03070
API#: 15-107-23179-00-00	
Date: 10/28/2019	Time: 3:34 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #40-90. Well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints. The landowner had tried to dam up the area around the well to keep the spill from spreading but it is currently running over the dam.

NOTICE OF VIOLATIONS

October 29, 2019

Viva International, Inc. #5556
Attention: Robert Bukaty
13200 Metcalf Avenue Suite 200
Overland Park, Kansas 66213

Re: Un-reported Spills on the Wright lease located in Section 18, Township 22 South, Range 22 East, Linn County.

Mr. Bukaty,

The District #3 Office received a complaint concerning oil spills from abandoned wells on the above-mentioned Wright lease. My initial investigation of the complaint was conducted on October 28, 2019, I located at least eight (8) un-reported spills. The spills are located at well #4-87, #7-87, #9-87, #28-89, #12-87, #20-89, #40-90 and well #29-89. The Wright lease has been shut off and abandoned for several months and the electric company has pulled the electric meters from the electric disconnect boxes. Staff is going to recommend penalties to Viva International for failure to report the eight (8) spills and you have a deadline of ten (10) days to clean up the spills. **The deadline is Monday November 4, 2019 to clean up the spills and if the spills are not cleaned up by the November 4, 2019 deadline, penalty recommendations will be made to Viva International for failure to clean up eight (8) spills.**

According to K.A.R.82-3-603, SPILL NOTIFICATION AND CLEANUP; PENALTY;

(a) Spill prevention. Each operator shall act with reasonable diligence to prevent spills and safely confine saltwater, oil, and refuse in tanks, pipelines, pits, or dikes.

(b) Notification.

(1) Each operator shall notify the appropriate district office in accordance with subsection

(c) Immediately upon discovery or knowledge of any spill that has reached or threatens to reach surface water or that has impacted or threatens to impact groundwater. Each operator shall take immediate action in accordance with procedures specified or approved by the district office to contain and prevent the saltwater, oil, or refuse from reaching surface water or impacting groundwater.

(2) Except as otherwise specified in this regulation, each operator shall notify the appropriate district office of any spill, as defined in K.A.R. 82-3-101. This notification shall meet the requirements of subsection (c) and shall be made not later than the next business day following the date of discovery or knowledge of the spill.

(3) The notification requirement for spills in paragraph (b)(2) shall not apply to very minor amounts of saltwater, oil, or refuse that unavoidably or unintentionally leak or drip from pumps, machinery, pipes, valves, fittings, well rods, or tubing during the conduct of normal prudent operations and that are not confined in dikes or pits or within the vicinity of the well. This exception shall not apply to ongoing, continual, or repeated leaks or drips, or to leaks or drips that are the result of intentional spillage or abnormal operations, including unrepaired or improperly maintained pumps, machinery, pipes, valves, and fittings.

(4) For purposes of this regulation, the point of "discovery or knowledge" shall mean that point when the operator knew or reasonably should have known of the spill.

(5) The notification requirement in this subsection shall apply even if the operator knows or believes that the appropriate district office is already aware of the spill.

(c) Information required with notification. Each operator shall submit the following information in conjunction with the notification requirement in subsection (b):

- (1) The operator's name and license number;
- (2) The lease name, legal description, and approximate spill location;
- (3) The time and date the spill occurred;
- (4) A description of the spilled materials, including type and amount;
- (5) A description of the circumstances creating the spill;
- (6) The location of the spill with respect to the nearest fresh and usable water resources;
- (7) The proposed method for containing and cleaning up the spill; and
- (8) Any other information that the commission may require.

(d) **Penalty for failure to notify. The failure to comply with subsection (b) shall be punishable by a \$250 penalty for the first violation, a \$500 penalty for the second violation, and a \$1,000 penalty for the third violation and each violation thereafter.**

(e) Cleanup of spill.

(1) Each operator shall clean up any spill that requires notification under this regulation in accordance with the cleanup method approved by the appropriate district office. The cleanup techniques deemed appropriate and acceptable to the appropriate district office shall be physical removal, dilution, treatment, and bioremediation. Except as otherwise required by law or regulation, each operator shall complete the cleanup of the spill within 10 days after discovery or knowledge, or by the deadline prescribed in writing by the district office.

(2) Each operator shall clean up all leaks, drips, and escapes that are excepted from notification under this regulation in accordance with cleanup techniques recognized as appropriate and acceptable by the commission. The following cleanup techniques shall be deemed appropriate and acceptable to the commission: physical removal, dilution, treatment, and bioremediation. Each operator shall accomplish this cleanup upon completion of the routine operation or condition that caused the leak, drip, or escape or within 24 hours of discovery or knowledge of the leak, drip, or escape, whichever occurs sooner.

(3) If refuse is transferred in conjunction with a cleanup pursuant to paragraph (e)(1) or (e)(2), each operator shall submit any required forms according to K.A.R. 82-3-608.

(f) Penalties. Failure to contain and clean up the spill in accordance with this regulation shall be punishable by the following penalties:

- (1) \$1,000 for the first violation;**
- (2) \$2,500 for the second violation;**
- (3) \$5,000 for the third violation and each violation thereafter and an operator license review.**

K.A.R. 82-3-603a. SPILL NOTIFICATION TO LANDOWNER OR REPRESENTATIVE;
PENALTY.

(a) Notification required. Each operator shall make good faith efforts to notify the landowner or the landowner's representative of any spill or escape that is required to be reported to the conservation division under K.A.R. 82-3-603(b)(1) or (b)(2). This notification to the landowner or landowner's representative shall meet the requirements of subsection (b) and shall be made no later than five business days following the discovery or knowledge of the spill or escape.

(b) Required information. Each notification shall include the following information:

- (1) The operator's name;
- (2) The lease name and approximate spill location;
- (3) The time and date the spill or escape occurred;
- (4) A description of the escaped materials, including each type and amount; and
- (5) The methods being used to clean up the spill.

(c) "Discovery and knowledge" defined. For the purpose of this regulation, the point of "discovery and knowledge" shall mean the point at which the operator knew or reasonably should have known of the spill or escape.

(d) Record of notification and retention of records. Each operator shall keep accurate records of each notification made to a landowner or a landowner's representative regarding spills or escapes required under subsection (a). These records may include correspondence, electronic mail, telephone records, and field notes. The operator shall keep these records for at least three years. The records shall be made available to the conservation division upon request.

(e) Penalty for failure to notify. Failure to comply with subsection (a) shall be punishable by a \$250 penalty for the first violation, a \$500 penalty for the second violation, and a \$1,000 for the third violation and \$1,000 for each violation thereafter.

I will return to the Wright lease on Monday November 4, 2019 and if the eight (8) spills are not cleaned up satisfactory, I will request the penalty recommendations for failure to clean up the spills. Again, the deadline to clean up the eight (8) spills on the wright lease is Monday November 4, 2019. If you have any questions, please call me at 620-902-6461 or 620-432-6523.

Sincerely,

Keith Carswell E.C.R.S.
Kansas Corporation Commission
District #3 Chanute

CC: John Almond District #3 Compliance Officer

KCC OIL/GAS REGULATORY OFFICES

Inspection Date: 11/07/2019 District: 3 Incident Number: 6734

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

Operator License No: 5556 API: Q3: Q2: Q1:
Operator Name: Viva International, Inc. SEC 18 TWP 22 RGE 22 RGEDIR: E
Address: 13200 Metcalf Avenue Suite 200 FSL:
City: Overland Park FEL:
State: KS Zip Code: 66213-2821 Lease: Wright Well No.:
Phone contact: 913-681-1690 County: LN

Reason for Investigation:

Follow up on complaint #6710 in Section 18, Township 22 South, Range 22 East, Linn County.

Problem:

Unreported spills on Wright lease, I sent NOV letter to the operator on October 29, 2019 with a deadline of November 4, 2019 to cleanup the (8) unreported spills.

Persons contacted:

Landowner Dale Wright

Findings:

On Thursday November 7, 2019 I inspected the eight (8) spill locations on the Wright lease. The operator has done nothing to shut in the wells to stop the leaking of fluids or to cleanup the crude oil on the ground. I took the attached pictures of the well locations to document my findings, the spillage is located at Well #4-87, API#15-107-22844, Well #7-87, API#15-107-22867, Well #9-87, API#15-107-22866, Well#28-89, API#15-107-23096, Well #12-87, API#15- 107-22905, Well #20-89, API#15-107-23055, Well #40-90, API#15- 107-23179 and Well #29-89, API#15- 107-23097 (See page 2)

Actions / Recommendations

Follow-up Required ☐

Deadline Date:

I will forward my documentaiton to the district #3 compliance officer and request him to submit penalty recommendations for the operator for failure to cleanup the eight (8) spills on the Wright lease and request a Commisison Order for the operator to cleanup the eight (8) spills.

Photo's Taken:

8

☐ RBDMS ☐ KGS ☐ TA DB Report Prepared By: Keith Carswell
☐ T1 DBF ☐ District Files ☐ Courthouse Position: E.C.R.S. District #3

KCC OIL/GAS REGULATORY OFFICES

Additional Findings:

On November 7, 2019 the eight (8) wells were still leaking and nothing has been done by the operator.
The well locations are:

Well #4-87	API#15-107-22844	Leaking oil around stuffing box.
Well #7-87	API#15-107-22867	No stuffing box, leaking oil between the 1" and casing.
Well #9-87	API#15-107-22866	No stuffing box, leaking oil between the 1" and casing.
Well #28-89	API#15-107-23096	Shows brine leaking on ground killing the vegetation.
Well #12-87	API#15- 107-22905	No stuffing box, leaking oil between the 1" and casing.
Well #20-89	API#15-107-23055	No stuffing box, leaking oil between the 1" and casing.
Well #40-90	API#15- 107-23179	No stuffing box, leaking oil between the 1" and casing.
Well #29-89	API#15- 107-23097	No stuffing box, leaking oil between the 1" and casing.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 4-87
Subject: Spill at well number #4-87	PIC Orientation:
FSL: 593	Latitude: 38.12637
FEL: 2444	Longitude: -095.03374
API#: 15-107-22844-00-00	
Date: 11/07/2019	Time: 2:40 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #4-87. The well is leaking up through the stuffing box and spilling on the ground. The spill area location has been outlined using GPS waypoints.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 7-87
Subject: Spill at well number #7-87	PIC Orientation:
FSL: 1482	Latitude: 38.12881
FEL: 2409	Longitude: -095.03369
API#: 15-107-22867-00-00	
Date: 11/07/2019	Time: 2:46 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #7-87. The well is not equipped with a stuffing box. The well is leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 9-87
Subject: Spill at well number #9-87	PIC Orientation:
FSL: 1923	Latitude: 38.13002
FEL: 2406	Longitude: -095.03364
API#: 15-107-22866-00-00	
Date: 11/07/2019	Time: 2:49 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #9-87. The well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints. The landowner had tried to dam up the area around the well to keep the spill from spreading but it was leaching out through the dam.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 12-87
Subject: Spill at well number #12-87	PIC Orientation:
FSL: 2375	Latitude: 38.13125
FEL: 1984	Longitude: -095.03218
API#: 15-107-22905-00-00	
Date: 11/07/2019	Time: 3:17 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #12-87. The well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Time: 3:19 PM	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 20-89
Subject: Spill at well number #20-89	PIC Orientation:
FSL: 2808	Latitude: 38.13244
FEL: 1986	Longitude: -095.03220
API#: 15-107-23055-00-00	
Date: 11/07/2019	
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #20-89. The well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints. The landowner had tried to dam up the area around the well to keep the spill from spreading but it was leaching out through the dam.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 28-89
Subject: Spill at well number #28-89	PIC Orientation:
FSL: 3244	Latitude: 38.13365
FEL: 2441	Longitude: -095.03379
API#: 15-107-23096-00-00	
Date: 11/07/2019	Time: 3:11 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #28-89. The well is not equipped with a stuffing box. This well wasn't currently leaking at time of inspection but shows signs of leaking in the past with the discoloration of the ground and the kill area outlined with GPS waypoints.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 29-89
Subject: Spill at well number #29-89	PIC Orientation:
FSL: 3205	Latitude: 38.13353
FEL: 1984	Longitude: -095.03220
API#: 15-107-23097-00-00	
Date: 11/07/2019	Time: 3:21 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #29-89. Well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints. The landowner had tried to dam up the area around the well to keep the spill from spreading but it was leaching out through the dam and has ran over the dam in the past.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: Viva International, Inc	KLN: 5556
Lease: Wright	Legal: 18-22-22E
County: Linn	PIC ID#: 40-90
Subject: Spill at well number #40-90	PIC Orientation:
FSL: 3191	Latitude: 38.13348
FEL: 1552	Longitude: -095.03070
API#: 15-107-23179-00-00	
Date: 11/07/2019	Time: 3:30 PM
Staff: Keith Carswell	

Additional Information: This is a picture taken at well location #40-90. Well is not equipped with a stuffing box. The well is bubbling and leaking crude and spilling on the ground. The spill area location has been outlined using GPS waypoints. The landowner had tried to dam up the area around the well to keep the spill from spreading but it is currently running over the dam.

CERTIFICATE OF SERVICE

20-CONS-3182-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 01/07/2020.

JOHN ALMOND
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 3
137 E. 21ST STREET
CHANUTE, KS 66720
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vivainternational@sbcglobal.net

MICHAEL GLAMANN, LITIGATION COUNSEL
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/S/ DeeAnn Shupe

DeeAnn Shupe