

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

Dwight D. Keen, Chair Shari Feist Albrecht, Commissioner Susan K. Duffy, Commissioner Fax: 346-337-6211 http://kcc.ks.gov/

Phone: 316-337-6200

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

THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners: Dwight D. Keen, Chair Shari Feist Albrecht

Susan K. Duffy

In the matter of the failure of Viva)	Docket No.: 20-CONS-3182-CPEN
International, Inc. ("Operator") to comply)	
with K.A.R. 82-3-603 at the Wright Lease in)	CONSERVATION DIVISION
Linn County, Kansas.)	
•)	License No.: 5556

PENALTY ORDER

The above captioned matter comes before the State Corporation Commission of the State of Kansas. Having examined the files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

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.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. <u>Failure to timely request a hearing will result in a waiver of Operator's right to a hearing</u>.
- E. <u>If no party requests a hearing, and Operator is not in compliance with this Order</u> within 30 days, then Operator's license shall be suspended without further notice. The notice and

4

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

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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. Keg
	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	Inc	ident Numb	er: 6717
□ Ne	w Situation	☐ Lease Ir	spection	
☐ Re	sponse to Request	✓ Complai	nt	
□ Fol	low-up	✓ Field Re	port	
Operator License No: 5556	API:		Q3:	Q2: Q1:
Operator Name: Viva International, I Address: 13200 Metcalf Avenue Suit		EC 18 TW	P 22 RGE F	E 22 RGEDIR: E SL:
City: Overland Park			F	EL:
State: KS Zip Code: 66213-2	821 Lease:	Wright	Well N	
Phone contact: 913-681-1690			County:	LN
Reason for Investigation:				
Complaint #6710 on Wright lease local	ted in Section 18, 1	Fownship 22 S	outh, Range	22 East, Linn County.
Problem:				
Abandoned wells leaking crude oil on t office in Chanute.	he ground, operato	or has failed to	report the s	pills to the district #3
Persons contacted:				
<u>Findings:</u>				
I went to the Wright lease and located a landowner has attempted to dam up the entire lease is abandoned and there is electric meters. The eight spills were do conducted a GPS survey on each of the	e spillage to contai no electric power a ocumented with tw	n the spills bu at the lease, th enty-three (23	t the oil is se e power con) attached pi	eping through. The npany has pulled the ctures and I
	,			
		*		
	ollow-up Require	N N	Deadline Da	
I sent the operator an NOV letter on Octo clean up the eight (8) unreported spi eight (8) spills and check the clean up of	lls, I will request p	enalty recomn		
		Þ	noto's Take	n: 23
□ RBDMS □ KGS □ TA DB			. Jed o i will	
	Report Prepare		n Carswell	

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.



Modified by: jalmond

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

Spill ID 26816 State ID

46327

Type of Report	INITIAL				(KCC st	aff) wh	10									
Who received th	ne call: Jo	ohn Almoi	nd		investi	gated:	Keith	Carsw	ell					hrs		
Date reported:	10/25/2	2019 Time	e: 11	.00	Dat	e recei	ved in	Centra	al Offic	e:				DIST.	3	
Date referred:	10/28/2	2019 Time	e: 80	00	Dat	e resol	ved:				Dist	. inci	dent#			
Reporting Pa	arty															
Name:	Jason Ke	nt			Age	ency Af	filiatio	n: P	rivate	Citize	n					
Phone:		7854484	4101	Surfac	e owne	r notifi	ed:		Opera	tor Re	ported	N	N	RC not	tified	: 🗆
Spiller Infor	mation	l														
Lease Name:	Wright				Off Lea	se 🗆	Quar	ter	SEC	TWP	RNG	DIR	FTNS	N/S F	TE	E/W
Well No.: #4-87	THE REAL PROPERTY.	: 151072	2844	0000	SGA:				18	22	22	Е				
Individual associ				D.		destate		Lat.		Long		Dat	um	GPS D	ate	
operates the lea				reu.	obert Bu	ікату										
License 5556	Viva Ir	nternation	al, In	c.			Gene	ral Loc	: Nor	thwes	t of Blu	е Мо	und, K	S.		
County LINN																
Spill Details																
Spill Date:	10/25/2	019 Tir	ne:	1000	Dis	scovery	/ Date:	10/	25/20:	19 Tin	ne: 10	00				
Control Method	: Opera	tor has do	ne no	othing t	o shut ir	n well o	r clear	up sp	illage.		-					
Material	Am	ount Spill	ed f	Recover	ed Volu	ume										
Saltwater					Barı	rels										
Crude Oil			2		Barı	rels			Ir	ciden	t Descr	iptior):			
Type of Spill	Oil	Lease		0	il is leak	king arc	ound th	ne stuf				Acres		spille	d.	
Media Affected	Soi	I														
Waterway Affect	ted															
Aganay who sare	dustad															
Agency who cor the field investi		KCC				1:	st Insp	ection	Date	2nd	Inspec	tion	Fi	nal Ins	pecti	on
Cleanup Metho	d(s):						10	/28/2	019							
Cleanup Descrip									C	omplia	nce Of	ficer	☐ Su	perviso	or [
Was SPILL a resu		er a Storm	n or Li	ightenin	ig? 🗆 S	Storm	☐ Lie	htenir	ng 🗆	SPILL	clean-	up co	mplete	but		
Comments:									Ü		ional re		PER STEEL		ed	
jalmond					ted the						_					
10/31/201	9 9:41:1:															
					he spilland the											
		ope	rator	did not	report t	he spil	l, staff	is goir	g to re	equest	a pena	alty				
					for fail											
				to clean	er on O		Z3, ZU	TA MIL	ii a ue	auiine	OI NOV	CITID	=1 4, Zl	713		



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.



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 2

PIC Orientation:

Latitude: 38.12637

Longitude: -095.03374

Time: 2:20 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.



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 3

PIC Orientation:

Latitude: 38.12637

Longitude: -095.03374

Time: 2:20 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.



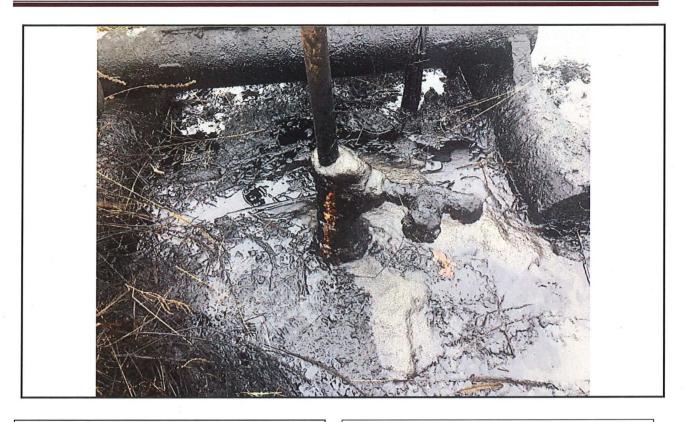
Modified by: jalmond

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

Spill ID 26819 State ID

46329

Type of Report	INITIAL			(KCC s	taff) wh	0										
Who received the	e call: John	Almond		At the second	igated:		CARSW	/ELL					hrs			
Date reported:	10/25/2019	Time: 1	100	Da	te receiv	ed in C	entral	Office	e:				DIST	. 3		
Date referred:	10/28/2019	7 Time: 80	00	Dat	te resolv	/ed:				Dist	. inci	dent#				
Reporting Pa	<u>rty</u>															
Name: Ja	ason Kent			Ag	ency Af	filiation	: Pr	ivate	Citizen)						
Phone:	78	354484101	Surfa	ce owne	er notifie	ed: 🗆	C	Opera	tor Re	ported	N	N	RC no	otified	l: 🗆	
Spiller Inforn	nation															
Lease Name: V	Vright			Off Lea	ase 🗆	Quart	er :	SEC	TWP	RNG	DIR	FTNS	N/S	FTE	E/W	
Well No.: #7-87	API#: 1	51072286	700	SGA:				18	22	22	E					
Individual associa operates the leas			D	obert B	ukaty	L	at.		Long.		Dat	um	GPS I	Date		
License 5556	Viva Interi									CDI						
County LINN						Genera	II LOC:	Nort	nwest	OT BIU	e IVIO	una, K	.5.			
Spill Details																
Spill Date:	10/25/2019	Time:	1000	Di	iscovery	Date:	10/2	5/201	9 Tim	e: 10	00					
Control Method:	Operator l	has done n	othing t	to shut i	n the we	ell or cl	ean up	spilla	ige.							
Material	Amour	nt Spilled	Recove	red Vol	ume											
Saltwater				Bar	rels											
								ln	cident	Descri	ption	n:				
Type of Spill	Oil Lea	se			does no					is leaki	ng be	etwee	n the	1" pip	e and	the
Media Affected	Soil		C	asing. A	bout 2 h	parrels	of oil s	pilled								
Waterway Affect	ed															
Agency who cond	ducted															
the field investig		С			15	t Inspe			2nd	Inspec	tion	Fi	nal In	spect	ion	
Cleanup Method	(s):					10/	28/20	19								
Cleanup Descript	ion:							Co	mplia	nce Of	ficer	☐ Su	pervi	sor []	
Was SPILL a result	t of either a	Storm or l	ighteni	ng? 🗆	Storm	☐ Ligh	tening	g 🗆		clean-ı	STATE OF THE PARTY					
Comments:									additi	onal re	emed	iation	requi	red		
jalmond 10/31/2019	40 40 45 48	Jason Ke														
10/31/2019	10:13:45 AN	tried to														
		several n										neters.	. The			
		operator recomm		30					-	-		ationa	Inc.	#		
		5556 an	NOV let	ter on C	October :	-										
		deadline	to clear	nup the	spill.											



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 1

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.



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.



Modified by: jalmond

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

Spill ID 26825 State ID 46332

Type of Report	INITIA	4L			(KCC	staff) wh	10									
Who received th	e call:	John A	lmond		inves	tigated:	KEITH	CARSV	VELL	NO.				hrs		
Date reported:	10/2	5/2019	Time:	1100	Da	ate recei	ved in (Centra	l Offic	e:	,			DIST.	3	
Date referred:	10/2	8/2019	Time:	0800	Da	ate resol	ved:				Dist	. inci	dent#			
Reporting Pa	arty															
Name:	Jason	Kent			А	gency Af	filiatio	n: Pi	rivate	Citizer	1					
Phone:		785	448410	1 Surfa	ace own	er notifi	ed: 🗆] (Opera	tor Re	ported	N	N	IRC not	ified:	
Spiller Infor	mati	<u>on</u>														
Lease Name:	Wright	t			Off Le	ase 🗆	Quart	ter	SEC	TWP	RNG	DIR	FTNS	N/S F	TE E	E/W
Well No.: #9-87	Α	PI#: 15	107228	660000	SGA:				18	22	22	Е				
Individual associ								Lat.		Long		Dat	um	GPS D	ate	
operates the lea			spill occ ational,							L.,		L				
	VIV	intern	ationai,	IIIC.			Gener	al Loc:	Nor	thwest	of Blu	е Мо	und, k	<s.< td=""><td></td><td></td></s.<>		
County LINN																
Spill Details																
Spill Date:	10/25	/2019	Time:	1000		iscovery	Date:	10/2	25/20:	19 Tim	ne: 10	00				
Control Method	: Ope	erator h	as done	nothing	to shut	in well o	r clean	up spi	illage.							
Material	,	Amount	Spilled	Recove	ered Vo	lume										
Saltwater					Ва	rrels										
Crude Oil				2	Ва	rrels			In	cident	Descri	ptior	n:			
Type of Spill	(Oil Leas	e			-87 does			4.5		oil is le	aking	betw	een the	1" pi	pe and
Media Affected	9	Soil			the casi	ng. Abou	ıt 2 bar	rels of	f oil sp	illed.						
Waterway Affect	ted															
Agency who con	ducte	d														
the field investi		1100				19				2nd	Inspec	tion	F	inal Ins	oectio	n
Cleanup Method	d(s):		-X-1-twant-street				10	/28/20	019							
Cleanup Descrip	tion:								C	omplia	nce Of	ficer	☐ Su	pervisc	or 🗆	
Was SPILL a resu	lt of ei	ither a S	Storm o	Lighten	ing?	Storm	☐ Lig	htenin	g 🗆	SPILL	clean-ı	ір со	mplet	e but		
Comments:										additi	onal re	med	iation	require	ed.	
jalmond	40.05					e spill for										
10/31/2019	10:25	:0/ AM				lage witl										
			several	months	and the	electric	compa	ny has	s remo	oved th	ne elec	tric n				
						the spill ilure to r							ations	line #		
						October										
			deadlin	e to clea	nup the	spill.										
														E.L	: L : L A	



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.



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.



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 3

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.



Modified by: jalmond

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

Spill ID 26833 State ID

46341

Type of Report	INITIAL	-			(KO	CC staff) wh	10									
Who received th	ne call:	John A	lmond		inv	estigated:	KEITH	CARS	WELL	41				hrs		
Date reported:	10/25	/2019	Time:	1100		Date recei	ved in	Centra	al Offic	e:				DIST	Г. 3	
Date referred:	10/28	/2019	Time:	0800		Date resol	ved:				Dist	. inci	dent#			
Reporting Pa	<u>arty</u>															
Name:	Jason K	ent				Agency A	ffiliatio	on: F	Private	Citizer	1					
Phone:		785	448410	1 Surf	ace o	wner notifi	ed: [Opera	tor Re	ported	N	N	IRC no	otified	: □
Spiller Infor	matio	<u>n</u>														
Lease Name:	Wright		r ser combine		Of	Lease 🗆	Qua	rter	SEC	TWP	RNG	DIR	FTNS	N/S	FTE	E/W
Well No.: #12-8	37 AP	l#: 15	107229	050000	SG	A:			18	22	22	E				
Individual associ					Rohe	rt Bukaty		Lat.		Long		Dat	um	GPS	Date	
operates the lea				urreu.	Nobe	Lbukaty										
License 5556	viva	interna	itional,	inc.			Gene	eral Loc	: Nor	thwest	of Blu	е Мо	und, k	S.		
County LINN																
Spill Details																
Spill Date:	10/25/	2019	Time:	1000		Discovery	y Date	: 10/	25/20	19 Tim	ne: 10	00				
Control Method	d: Oper	ator ha	as done	nothing	to sh	ut in the w	ell or	clean u	p the	spillage	≥.					
Material	A	mount	Spilled	Recov	ered	Volume										
Saltwater						Barrels										
Crude Oil				2		Barrels			lr	cident	Descri	ption	ո։			
Type of Spill	0	il Lease	9			#12-87 do										20074
Media Affected	Sc	oil	وران المراد والم		betw	een the 1"	pipe a	and the	e casing	g, abou	it 2 bar	rel o	ıl spill	ed tro	m the	well.
Waterway Affect	cted															
Agency who cor	nducted															
the field invest		KCC				1	Secretary of the Park Street Street Street	ection		2nd	Inspec	tion	F	inal In	specti	on
Cleanup Metho	d(s):		(ALTERNATION STREET				1	0/28/2	019							
Cleanup Descrip	otion:								C	omplia	nce Of	ficer	☐ Su	pervi	sor []
Was SPILL a resu	ılt of eit	her a S	torm o	r Lighter	ning?	☐ Storm	☐ Li	ghteniı	ng 🗆	SPILL	clean-ı	ир со	mplet	e but		
Comments:										additi	onal re	emed	liation	requi	red	
jalmond						the spill fo										
10/31/2019	9 10:46:					ne corn on spillage wit										
			severa	month	and	the electric	comp	any ha	as remo	oved th	ne elec	tric n				
					(5)	ort the spil failure to							ationa	Inc	#	
			5556 a	n NOV le	etter o	on October	-									
			deadlir	e to cle	anup	the spill.										



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.



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 2

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.



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 3

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.



Modified by: jalmond

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

Spill ID 26837 State ID 46345

Type of Report	INITIA	٩L			(K	CC st	aff) wl	10										
Who received th	ne call	John	Almond		THE RESERVE			KEITH	CARS	NELL					hrs			
Date reported:	10/2	5/2019	Time:	1100		Date	e recei	ved in	Centra	al Offic	e:				DIS	T. 3		
Date referred:	10/2	8/2019	Time:	0800		Date	e resol	ved:				D	ist. inc	ident#				
Reporting Pa	<u>arty</u>																	
Name:	jason	Kent				Age	ency A	ffiliatio	n: P	rivate	Citize	n						
Phone:		78	544841	01 Sur	face o	wne	r notifi	ed: 🗆]	Opera	tor R	eporte	ed N	1	NRC n	otified	l: 🗆]
Spiller Infor	mati	on																
Lease Name:	Wrigh	t	DESTRUCTIVE OF		Of	ff Lea	se 🗆	Quar	ter	SEC	TWP	RNG	DIR	FTNS	N/S	FTE	E/W	
Well No.: #20-8	89 A	PI#: 1	5107230	550000	SG	SA:				18	22	22						
Individual associ			The state of the s		Robe	ert Bu	katy		Lat.		Long	ζ.	Da	tum	GPS	Date		
operates the lea License 5556			spill oc national		повс	.ic bu	Racy											
	VIV	a milen	iational	IIIC.				Gener	al Loc	: Nort	thwes	t of B	lue Mo	ound, l	KS.			
County LINN																		
Spill Details																		
Spill Date:	10/25	5/2019	Time	: 1000		Dis	cover	Date:	10/	25/201	L9 Tir	ne: 1	1000					
Control Method	d: The	opera	tor has o	done not	thing	to sh	ut in th	ne well	or cle	an up t	the sp	illage	•					
Material		Amoun	t Spilled	Recov	ered	Volu	ıme											
Saltwater						Barr	els											
Crude Oil				2		Barr	els			In	ciden	t Des	criptio	n:				
Type of Spill		Oil Leas	se					es not l			100	, oil is	s leaki	ng bet	ween	the 1'	' pipe	and
Media Affected		Soil	afamini/nosca		tne	casing	g, spille	ed abou	at 2 ba	arrei oi								
Waterway Affect	cted																	
Agency who cor	nducte	d																
the field investi	igation	: KC					1	st Insp			2nd	Insp	ection	F	inal Ir	nspecti	ion	
Cleanup Method	d(s):			any and a second	- uncertaint			10	/28/2	019								
Cleanup Descrip	tion:									Co	ompli	ance (Officer	· □ Sı	ıpervi	sor [
Was SPILL a resu	lt of e	ither a	Storm o	r Lighte	ning?		torm	☐ Lig	htenir	ng 🗆			The state of the s	omplet				
Comments:														diation				
jalmond 10/31/2019	10:53	3:56 AN	tried to several operat recom 5556 a	o dam u I month or did n mendati n NOV I	sted to the sand ot replaced on the sand on formal on formal etter	the co spilla the e port t or faild on Oc	orn on ge wit electric he spil ure to ctober	the pro h his tr compa l, staff report	operty actor. any ha is goin the sp	and for The leads removed The second removed The second removed the second removed removed the second removed removed the second removed removed the second removed	ound to ease hoved to eques	the sp as bee the ele t a pe t Viva	ills, the en shu ectric r nalty Intern	e lande t down meters	owner of for of the of the	r		
			deadiii	ne to cle	anup	tne s	pill.								9 5052		^	

Exhibit A Page 18 of 33



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.



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 2

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.



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 3

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.



Modified by: jalmond

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

Spill ID 26830 State ID

46336

Type of Report	INITIAL				(KC	C staff	f) who	0									
Who received th	ne call: Jo	hn Alı	mond		inv	estigat	ted:	KEITH	CARS	WELL					hrs		
Date reported:	10/25/2	019 T	ime: 1	.100		Date r	eceiv	ed in	Centra	al Offic	e:				DIST	Г. 3	
Date referred:	10/28/2	019 T	ime: 0	800		Date r	esolv	ed:				Dist	. inci	dent#			
Reporting P	<u>arty</u>																
Name:	Jason Kei	nt				Agen	cy Aff	iliatio	n: F	rivate	Citizer	1					
Phone:		7854	1484101	L Surfa	ace ov	vner n	otifie	d: [Opera	tor Re	ported	N	N	IRC no	otified	: 🗆
Spiller Infor	mation																
Lease Name:	Wright				Off	Lease		Quar	ter	SEC	TWP	RNG	DIR	FTNS	N/S	FTE	E/W
Well No.: #28-8	39 API#	: 151	.072309	60000	SGA	۸:				18	22	22	E				
Individual assoc				The second second second second	Roher	t Buka	tv		Lat.		Long		Dat	tum	GPS	Date	
operates the lea			pill occu tional, l	irreu.	NODE	C DUNG	-				l		L				
	viva iii	iterria	tional, i	iic.				Gener	ral Loc	: Nor	thwest	of Blu	e Mo	ound, k	ίS.		
County LINN																	
Spill Details																	
Spill Date:	10/25/2	019	Time:	1000		Disco	very	Date:	10/	25/20	19 Tim	ne: 10	00				
Control Method	d: Operat	tor has	s done r	nothing	to sh	ut in w	ell or	clear	up sp	oillage.							
Material	Am	ount S	Spilled	Recove	ered	Volum	е										
Saltwater			2			Barrel	S										
Crude Oil						Barrel	S			Ir	cident	Descri	iption	n:			
Type of Spill	Oil	Lease									_		_				ell where
Media Affected	Soil				the bi	rine w	ater v	was co	ming	from,	about .	2 barre	el soa	ked in	to so	il.	
Waterway Affect	cted																
Agency who cor	nducted																
the field invest		KCC					1s	The second second	ection		2nd	Inspec	tion	Fi	inal In	specti	on
Cleanup Metho	d(s):							10	/28/2	019							
Cleanup Descrip	otion:									C	omplia	nce Of	ficer	☐ Su	pervi	sor []
Was SPILL a resu	lt of eithe	er a St	orm or	Lighten	ing?	☐ Sto	rm	☐ Lig	htenir	ng 🗆		clean-ı					
Comments:												onal re					
jalmond 10/31/2019	10.20.11		ason Ke													100000000000000000000000000000000000000	
10/31/2019	10:39:11		ried to														
			everal i											neters	. The		
			perato ecomm		-							-		ationa	l Inc.	#	
		5	5556 an	NOV le	tter o	n Octo	ber 2										
		C	deadline	to clea	nup t	he spi	II.										



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 1

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.



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.



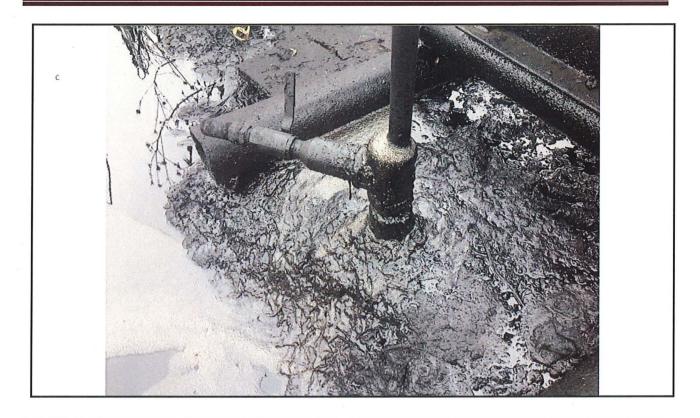
Modified by: jalmond

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

Spill ID 26841 State ID

46352

Type of Report	INITIA	٩L			(KC	C staf	f) wh	0										
Who received th	ne call	: John	Almond		inv	estiga	ted:	KEITH	CARSW	/ELL					hrs			
Date reported:	10/2	5/2019	Time:	1100		Date	eceiv	ved in	Centra	Offic	e:				DIST	ī. 3		
Date referred:	10/2	8/2019	Time:	0800		Date i	esol	ved:				Dist	t. inci	dent#				
Reporting Pa	<u>arty</u>																	
Name:	Jason	Kent				Agen	cy Af	filiatio	n: Pi	rivate	Citizer	1						
Phone:		, 78	5448410	1 Surf	ace o	vner r	otifie	ed:		Opera	tor Re	ported	N	N	RC no	otified	d:	
Spiller Infor	mati	on																
Lease Name:	Wrigh	t			Off	Lease		Quar	ter	SEC	TWP	RNG	DIR	FTNS	N/S	FTE	E/W	
Well No.: 29-89	A	PI#: 15	5107-230	97000	SGA	A:				18	22	22	E					
Individual associ operates the lea					Rober	t Buka	ity		Lat.		Long		Dat	um	GPS	Date		
License 5556	SALE NAME OF		national,					Cono	ral Loc:	nort	hwast	of Plu	0 1/10	und K	C			
County LINN								Gene	rai Loc:	nort	nwest	OI BIU	e ivio	una, K	3.			
Spill Details																		
Spill Date:	10/25	5/2019	Time:	1000		Disco	overy	Date:	10/2	5/201	19 Tim	ne: 10	00					
Control Method	l: The	operat	tor has d	one not	hing to	shut	in th	e well	or clea	n up t	he spi	llage.						
Material		Amoun	t Spilled	Recov	ered	Volum	ie											
Saltwater						Barrel	s											
Crude Oil			2			Barrel	s			In	cident	Descr	iption	n:				
Type of Spill		Oil Leas	se						have a		_		leaki	ng oil l	betwe	een th	ie 1" a	and
Media Affected		Soil	arak jeru katalana		the ca	asing,	abou	t 2 ba	rrel oil	spilled	l on gr	ound.						
Waterway Affect	ted																	
Agency who cor														_				
the field investi		n: KCC			102 Tallet School		19		ection 0/28/20		2nd	Inspec	tion	FI	nai in	spect	ion	
Cleanup Method			tract conclusions of the		ART STATE	8			,, 20, 2			01	· ·			ŕ	7	
Cleanup Descrip												nce Of						
Was SPILL a resu	lt of e	ither a	Storm or	Lighter	ning?	∐ Sto	rm	☐ Lig	htenin	g 🗆		clean- onal re						
Comments: jalmond			Jason K	ant ran	orted	the cn	ill for	the la	andowr	er Da								
10/31/2019	11:14	1:22 AN										_						
			tried to			_												
			several operato											neters	. The			
			recomn	nendati	on for	failur	e to r	eport	the spi	II. Stat	ff sent	Viva Ir	ntern			#		
			5556 ar deadlin					29, 20	19 with	n a de	adline	of Nov	emb/	er 4, 2	019			
			Bestern		REPORT OF											.l. :l. :4		



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 1

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.



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.



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 3

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.



Modified by: jalmond

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

Spill ID 26838 State ID

46349

Type of Report				(KCC	staff) wh	10										
Who received the	he call: Johr	n Almond		invest	igated:	KEITH	CARS	WELL		w-11/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/			hrs	Separation.		
Date reported:	10/25/201	L9 Time:	1100	Da	te recei	ved in	Centra	al Offic	e:				DIST	. 3		
Date referred:	10/28/201	19 Time:	0800	Da	te resol	ved:				Dis	t. inci	dent#				
Reporting P	<u>arty</u>															
Name:	Jason Kent			A	gency Af	filiatio	n: F	rivate	Citize	n						
Phone:	7	8544841	01 Surf	ace own	er notifi	ed:		Opera	tor R	eported	N b	N	RC no	otified	: 🗆	
Spiller Infor	mation															
Lease Name:	Wright	NOTATION OF THE PARTY OF THE PA		Off Le	ase \square	Quar	ter	SEC	TWP	RNG	DIR	FTNS	N/S	FTE	E/W	
Well No.: #40-9	The second	15107231	1790000	SGA:				18	22	22	Е					
Individual assoc		AND THE RESERVE OF THE PARTY OF		Robert B	ukaty		Lat.		Long	ξ .	Dat	tum	GPS I	Date		
operates the lea		ne spill oc rnational,	curreu.	Nobert E	ukaty											
	viva iiite	mational,	, IIIC.			Gene	ral Loc	: Nort	thwes	t of Blu	ie Mo	und, K	S			
County LINN																
Spill Details	_															
Spill Date:	10/25/201	9 Time	: 1000	D	iscovery	/ Date:	10/	25/202	19 Tir	me: 10	000					
Control Method	d: The oper	ator has o	done not	hing to s	hut in th	e well	or cle	an up s	spillag	ge.						
Material	Amou	ınt Spilled	Recov	ered Vo	lume											
Saltwater				Ba	rrels											
Crude Oil			2	Ba	rrels			In	ciden	t Desci	riptio	n:				
Type of Spill	Oil Le	ase		Well #4								ng betv	veen	the 1'	' pipe	and
Media Affected	Soil		toran communitation of	the casi	ng, spille	ea abo	ut Z ba	arrei oi	ı on g	rouna.						
Waterway Affe	cted															
Agency who co	nducted															
the field invest	igation: K	CC		the same and the s	1	st Insp			2nd	d Inspe	ction	Fi	nal In	specti	ion	
Cleanup Metho	d(s):		en en anne en Erry gân	animies courses plus		10	0/28/2	019								
Cleanup Descrip	otion:							C	ompli	ance O	fficer	☐ Su	pervi	sor [
Was SPILL a resu	ult of either	a Storm c	or Lighter	ning? 🗆	Storm	☐ Lig	ghtenir	ng 🗆		clean-	STATE OF THE PARTY					
Comments:										tional r						
jalmond	9 11:07:38 A		Kent repo													
10/31/2013	7 11.07.30 P		o dam up													
			l months									neters	The			
			tor did no mendati									ationa	l Inc.	#		
		5556 a	an NOV le	etter on (October											
		deadli	ne to cle	anup the	spiil.											



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.



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 2

PIC Orientation:

Latitude: 38.13348

Longitude: -095.03070

Time: 3:34 PM



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 3

PIC Orientation:

Latitude: 38.13348

Longitude: -095.03070

Time: 3:34 PM



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 4

PIC Orientation:

Latitude: 38.13348

Longitude: -095.03070

Time: 3:34 PM

Conservation Division District Office No. 3 137 E. 21st Street Chanute, KS 66720



Phone: 620-902-6450 http://kcc.ks.gov/

Laura Kelly, Governor

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

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 within10 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
		v Situation		se Inspection	
		sponse to Requ		nplaint	
	✓ Foll		✓ Field	d Report	
Operator License No		API:		Q3: Q2	
Operator Name: Viv Address: 13200 Met			SEC 18	TWP 22 RGE 22 FSL:	RGEDIR: E
City: Overland Pa		200		FEL:	
State: KS Zip	Code: 66213-28	321 Lease	: Wright	Well No.:	
Phone contact:	913-681-1690			County: LN	
Reason for Investiga					
Follow up on complair	ıt #6710 in Sectio	n 18, Township	o 22 South, R	Range 22 East, Linn C	County.
Problem:					. *
Unreported spills on Woof November 4, 2019				on October 29, 2019	with a deadline
0.7101011120111, 2010	10 010a11ap 1110 (0)	amoportou op			
Persons contacted:					
Landowner Dale Wrig	ght				
Findings					
Findings:	or 7 2010 Linana	atad the sight	(9) anill loogti	ions on the Wright lo	and The energies
On Thursday Novemb has done nothing to sh	hut in the wells to	stop the leakin	g of fluids or	to cleanup the crude	oil on the
ground. I took the attacat Well #4-87, API#15					
Well#28-89, API#15-1	07-23096, Well#	12-87, API#15	- 107-22905,	Well #20-89, API#15	
#40-90, API#15- 107-2	23 179 and vveii #.	29-69, API#15-	- 107-23097	(See page 2)	
,					
Actions / Recommen	dations Fo	ollow-up Requ	iired 🗆	Deadline Date:	
I will forward my docur					
recommendations for trequest a Commission					lease and
	4				
				Photo's Takan	8
□ RBDMS □ KGS	□ TA DB	Report Prep	ared Ry	Photo's Taken: Keith Carswell	O
_					,
☐ T1 DBF ☐ Dis	strict Files \Box (Courthouse	Position:	E.C.R.S. District #3	2

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.



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: 11/07/2019

Staff: Keith Carswell

KLN: 5556

Legal: 18-22-22E

PIC ID#: 4-87

PIC Orientation:

Latitude: 38.12637

Longitude: -095.03374

Time: 2:40 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.



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: 11/07/2019

Staff: Keith Carswell

KLN: 5556

Legal: 18-22-22E

PIC ID#: 7-87

PIC Orientation:

Latitude: 38.12881

Longitude: -095.03369

Time: 2:46 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.



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: 11/07/2019

Staff: Keith Carswell

KLN: 5556

Legal: 18-22-22E

PIC ID#: 9-87

PIC Orientation:

Latitude: 38.13002

Longitude: -095.03364

Time: 2:49 PM



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: 11/07/2019

Staff: Keith Carswell

KLN: 5556

Legal: 18-22-22E

PIC ID#: 12-87

PIC Orientation:

Latitude: 38.13125

Longitude: -095.03218

Time: 3:17 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.



Time: 3:19 PM

Lease: Wright

County: Linn

Subject: Spill at well number #20-89

FSL: 2808

FEL: 1986

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

Date: 11/07/2019

Staff: Keith Carswell

KLN: 5556

Legal: 18-22-22E

PIC ID#: 20-89

PIC Orientation:

Latitude: 38.13244

Longitude: -095.03220



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: 11/07/2019

Staff: Keith Carswell

KLN: 5556

Legal: 18-22-22E

PIC ID#: 28-89

PIC Orientation:

Latitude: 38.13365

Longitude: -095.03379

Time: 3:11 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.



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: 11/07/2019

Staff: Keith Carswell

KLN: 5556

Legal: 18-22-22E

PIC ID#: 29-89

PIC Orientation:

Latitude: 38.13353

Longitude: -095.03220

Time: 3:21 PM



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: 11/07/2019

Staff: Keith Carswell

KLN: 5556

Legal: 18-22-22E

PIC ID#: 40-90

PIC Orientation:

Latitude: 38.13348

Longitude: -095.03070

Time: 3:30 PM

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

OHN ALMOND	ROBERT P BUKATY
KANSAS CORPORATION COMMISSION	VIVA INTERNATIONAL, INC.
DISTRICT OFFICE NO. 3	13200 METCALF AVE STE 200
137 E. 21ST STREET	OVERLAND PARK, KS 66213-2821
CHANUTE, KS 66720	vivainternational@sbcglobal.net
Fax: 785-271-3354	
.almond@kcc.ks.gov	
MICHAEL GLAMANN, LITIGATION COUNSEL	JONELLE RAINS
KANSAS CORPORATION COMMISSION	KANSAS CORPORATION COMMISSION
CENTRAL OFFICE	266 N. Main St., Ste. 220
266 N. MAIN ST, STE 220	WICHITA, KS 67202-1513
VICHITA, KS 67202-1513	Fax: 785-271-3354
Fax: 785-271-3354	j.rains@kcc.ks.gov
m.glamann@kcc.ks.gov	

/S/ DeeAnn Shupe DeeAnn Shupe