

18-CONS-3273-CUIC

October 20, 2017

Received  
KANSAS CORPORATION COMMISSION

**OCT 23 2017**

CONSERVATION DIVISION  
WICHITA, KS

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

Dear Rene Stucky,

Please deny the permit to JTC Oil, Inc. of Osawatomie, Ks 66064, for enhanced recovery of oil by injection of saltwater into the Blunk Lease, Wells I-10 and I-11 located in Franklin County (Section 18, Township 17 South, Range 21 East).

I live at 1824 Nevada Rd., Princeton, Kansas 66078, a distance of approximately 10 miles from the designated location. My objections to the permit are based on the following:

**1. Water Quality Concerns**

There are seven known water wells within approximately 1 mile of these proposed JTC wells. Six of these wells serve as sources of public water for the city of Rantoul, Kansas and the largest Rural Water District in Franklin County, which serves approximately 1038 meters (including my home). A 7<sup>th</sup> water well is privately owned. Proposed well Blunk #I-11 is located at only about 200 feet from the main channel of the Maris des Cygnes just upstream from the intake locations for Rantoul, Kansas and RWD #6.

In addition this general area in the vicinity of Blunt I-10 and I-11, and in the vicinity of intake locations and water wells that serve Rantoul, Kansas and RWD #6, has for decades been the site of oil exploration and extraction. As a result, it is common knowledge that many of these abandoned wells are not only unknown as to location, but are only discovered when they begin to leak and are found to be either unplugged entirely or improperly and inadequately plugged. When pressure is applied in currently operational enhanced recovery wells, oil and associated fluids then often begin migrating up these abandoned wells, eventually appearing at the surface. The vertical casings of these old wells are porous and degraded which allows these fluids to leak throughout the strata through which they extend, including into the water table layer. Within the last couple of weeks, one such well was found leaking near the holding pond of RWD #6. These unplugged and inadequately plugged wells present perhaps one of the greatest threats to contamination of drinking water. There is inadequate requirement for the recipient of the enhanced recovery permit to verify the absence of these hazardous abandoned unplugged wells. The cost of leaking wells is transferred to the public as the expense of plugging these abandoned wells is borne by the State of Kansas. Given the climate of severe budgetary deficits the state of Kansas has experienced in

recent years, I have to wonder if there has been adequate funding for plugging all of these leaking, abandoned wells.

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The mission of the KCC is to serve the people of **Kansas** by regulating the State's energy infrastructure, oil and gas production, and commercial trucking to ensure public safety. With the prevalence of fracking and enhanced oil recovery activity now occurring within Kansas, it would not seem that the KCC can fulfill its mission in the absence of monitoring of public water sources near enhanced oil recovery fields to assure that fracking contaminants are not leaching into the water supply. Standard water quality monitoring protocols followed by public water treatment facilities do not include the measurement of substances such as benzene, formaldehyde, glutaraldehyde, or methanol, all toxic substances reported by many experts to be included in hydraulic fracking processes.

## 2. Seismic Activity

Given the latitudinal coordinates of the proposed well (38.56, -95.12), the USGS (<https://earthquake.usgs.gov/earthquakes/map/>) indicates there was an earthquake on March 23, 2007 with a magnitude of 3.1 (@39.46, -95.34). This is a distance of ~16.1 miles, using a lat/long calculator. (<http://www.movable-type.co.uk/scripts/latlong.html>), indicating there is some sort of fault or geological instability in this area. Permitting regulations for enhanced oil recovery operations do not take into account the total accumulation of volume and pressure of multiple wells in a vicinity, but rather consider only the volume and pressure of each well as an independent non-interactive entity. Yet recent review of the data preceding the 3 >5M earthquakes at Fairview Pawnee and Cushing, OK, (1) would indicate that the >5M earthquake experienced in the past year in central Oklahoma correlated quite precisely with increasing total volume injected for fracking-related activities in the area surrounding the earthquake zone. Further this same study showed that in the approximate 2 years preceding the >5M earthquake, there had been steadily increasing numbers of quakes >3 M. Consequently, it would seem prudent to look at increasing numbers of quakes in fields where enhanced recovery wells and waste injection wells are located as a harbinger of a significant damaging quake and to change permitting policy to consider total volume of all material injected into a specified geological formation within a 20 mile radius of each permit request.

In the case of damaging earthquakes, the oil drilling and enhanced recovery operations are transferring the economic risk to the general public. Homeowner's insurance for earthquake coverage often includes an exclusion rider for quakes deemed to be induced by fracking and/or enhanced oil recovery operations or to have an usually high deductible for any damage related to earthquake activity. In the last year in Kansas, there were more than 800 earthquakes of 1.5M or greater recorded. Kansas is one of the 4 leading states in the nation with the greatest number of fracking operations. It seems relevant here to remind the commission that the >5M quake sustained in central Oklahoma was experienced as far away as the metropolitan area of Kansas City and structures as far away as Wichita sustained

damage. The commission needs to take into consideration the fact that the site designated for this permit, in addition to being in an area in which there is already a significant presence of enhanced oil recovery operations is in close proximity to major population centers of eastern Kansas, including but not limited to I-35 corridor and Johnson Co. and I-70 corridor from Topeka through Kansas City, Kansas and Kansas City, Missouri.

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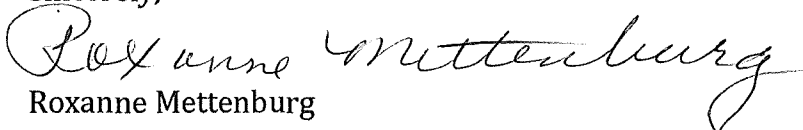
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In conclusion, in addition to denying this permit, I request the following:

- Sensitive groundwater latitudinal and longitudinal coordinates to this well request be plotted on the "Sensitive Groundwater Areas" map made by the Kansas Corporation Commission and this information be made public before this permit is considered.
- Update the permitting process to take into account the total volumes of injected fluids from all oil operations within a minimum 20 mile radius of a designated new permit for either waste water injection or for enhanced oil recovery.
- Upgrade the permit fee to cover the costs of plugging multiple leaking wells that might be discovered leaking after the disposal well or the enhanced recover well becomes operational.
- Require companies asking for enhanced oil recovery, fracking or disposal well permits to search for, disclose and plug abandoned wells in a significant radius of their permit site.
- Make a recommendation to the legislature to upgrade the statutes to require companies filing for permits related to oil recovery or disposal of fracking fluids, to demonstrate proof that their operation will neither contribute to ground water contamination or increase seismic activity. Currently, it is the public that must prove there will be harm. This is backwards. The burden of proof of **no harm** should be on the company filing for a permit.

Sincerely,

  
Roxanne Mettenburg

(1) McGarr A, Barbour A; Wastewater Disposal and the Earthquake Sequences During 2016 Near Fairview, Pawnee, and Cushing, Oklahoma; *Geophysical Research Letters*, Sept. 30, 2017.

<http://onlinelibrary.wiley.com/doi/10.1002/2017GL075258/epdf>

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Pat Apple, Chairman  
Shari Feist Albrecht, Commissioner  
Jay Scott Emler, Commissioner

Sam Brownback, Governor

October 30, 2017

ROXANNE METTENBURG  
1824 NEVADA ROAD  
PRINCETON KS 66078-9130

**RE: Application for Injection Authority**  
JTC Oil, Inc.  
Blunk I-10 & I-11  
Sec. 18-17S-21E  
Franklin County, Kansas

Dear Ms. Mettenburg:

This letter acknowledges receipt of the protest/objection you filed on October 23, 2017, for the above-referenced application. Be advised the KCC has not received an application for injection as of today's date.

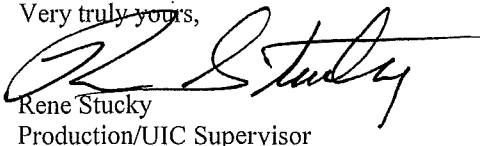
Procedurally, this letter is mailed out regarding protested injection applications asking if the protestant would like to schedule the matter for hearing. Your letter will be made part of the file and available to technical staff during the research and analysis of the application.

If you wish to proceed with a hearing please advise me within ten (10) days of receiving this letter if you feel a hearing should be scheduled in this matter. If a hearing is scheduled, you will be expected to participate in the hearing either in person or through legal counsel. Should you decide that you will not participate in a hearing, none will be scheduled and the application will be handled administratively and your protest will be noted. The U.S. Environmental Protection Agency (EPA) requires a hearing be held where significant interest is demonstrated. Failure to participate in the hearing process after filing a protest or objection indicates a lack of significant interest and no useful purpose would be served by holding a hearing if you, as opposing party, are not there to present testimony or cross-examine applicant's witnesses. If you are going to appear, you will receive a Notice of Hearing and should carefully comply with that Notice, including the requirement of pre-filed testimony. Any person requiring special accommodations under The Americans with Disabilities Act needs to give notice to the Commission at least ten (10) days prior to the scheduled hearing date. If you have questions regarding the hearing process, please contact John McCannon 316-337-6214 of our legal staff.

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

Enclosed is a copy of the Conservation Division regulations regarding applications, hearings and protestant's. If you have any other questions, please do not hesitate contacting me at 316-337-6197.

Very truly yours,



Rene Stucky  
Production/UIC Supervisor

Cc: JTC Oil, Inc.  
District Office #3  
Legal  
File ✓