

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

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

In the matter of the failure of Viva International,) Docket No. 20-CONS-3255-CPEN
Inc. (“Operator”) to comply with K.S.A. 55-164)
and K.A.R. 82-3-120 at the Campbell, Carlson,) CONSERVATION DIVISION
and Gillian Simpson Leases in Wilson and)
Sedgwick County, Kansas.) License No. 5556
_____)

PRE-FILED DIRECT TESTIMONY

OF

KEITH CARSWELL

ON BEHALF OF COMMISSION STAFF

JULY 27, 2020

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

2 A. Keith Carswell, 137 E. 21st Street, Chanute KS 66720

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

4 A. I am employed by the Conservation Division of the Kansas Corporation Commission (KCC
5 or Commission), District #3 Office, as an Environmental Compliance and Regulatory
6 Specialist (ECRS).

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

8 A. In 2007, I graduated High School from Ottawa High School in Ottawa, Kansas. In 2009, I
9 graduated from Longview Community College in Lee's Summit, Missouri with an
10 Associate's Degree in Applied Science.

11 After graduating, I worked for eight years cementing, plugging, and completing oil, gas,
12 and injection wells for Consolidated Oil Well Services until July 2019, at which time I came
13 to work for the Kansas Corporation Commission as an ECRS.

14 **Q. Have you previously testified before this Commission?**

15 A. No.

16 **Q. What duties does your position with the Conservation Division involve?**

17 A. As an ECRS, I am responsible for the witnessing and monitoring of oil and gas related
18 activities in Anderson, Franklin, Linn, and Miami County, Kansas. My job involves
19 inspections, documentation, investigation, and consultation with lease operators, landowners,
20 and Commission Staff on compliance issues related to oil and gas production in Kansas. I
21 witness and monitor the drilling and completion of oil, gas, injection, and disposal wells. I
22 also investigate spills and complaints, inspect surface pits, witness mechanical integrity tests
23 (MITs), and witness the plugging and completion of wells. In addition, I conduct GPS surveys

1 on new and abandoned wells to verify the exact location and the status of wells. I work with
2 District Staff and Central Office Staff when required to complete various projects and
3 requests.

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

5 A. The purpose of my testimony is to discuss the evidence supporting the Commission's finding
6 in regard to the violations issued against Viva International, Inc. (Operator) in Docket No. 20-
7 CONS-3182-CPEN (the 20-3182 Docket). This docket was consolidated with Docket No. 20-
8 CONS-3255-CPEN on June 4, 2020, but my testimony is limited to the penalties involving
9 this docket, the 20-3182 Docket.

10 **Q. Are you familiar with the 20-3182 Docket?**

11 A. Yes, Operator was penalized for eight violations of K.A.R. 82-3-603(b) for failing to timely
12 report spills at the Wright #4-87, Wright #7-87, Wright #9-87, Wright #12-87, Wright #20-89,
13 Wright #28-89, Wright #29-89, and Wright #40-90 (Subject Wells) and eight violations of
14 K.A.R. 82-3-603(e) for failing to clean up the spills by the deadline prescribed in writing by
15 the district office at the Subject Wells located on the Wright Lease in Linn County, Kansas.

16 **Q. How did the Subject Wells come to your attention?**

17 A. On Friday October 25, 2019, a private citizen notified the District #3 Office regarding the
18 spills on behalf of the landowner. I was notified about the spills on Monday October 28, 2019.
19 The landowner had recently harvested corn on the property and found the spills. The
20 landowner tried to contain the spillage by creating berms; however, oil was still seeping
21 through. On Monday October 28, 2019, I investigated the landowner complaint concerning
22 the spillage on the Wright Lease and it appeared that the lease had been inactive for several
23 months. I documented eight wells leaking fluids onto the ground, I took photographs of each

1 of the Subject Wells and conducted a GPS survey to document the exact location of each well
2 and spill. I contacted the District #3 Office to see if Operator had reported any recent spills
3 on the Wright Lease. No spills had been reported.

4 **Q. Was there any type of surface control placed on the Subject Wells?**

5 A. No. None of the wells had surface control to contain fluids in the well at the surface.

6 **Q. Did you notify and provide Operator a deadline to clean-up the spills on the Wright**
7 **Lease?**

8 A. Yes, on October 29, 2019, I sent a Notice of Violation (NOV) letter to Operator. The NOV
9 stated that the District #3 Office received a complaint concerning oil spills from the Subject
10 Wells on the Wright Lease. The NOV went on to state that Staff is going to recommend
11 penalties to Operator for failure to report the eight spills on the Wright lease and gave Operator
12 a deadline of November 4, 2019, to clean up the spills. The NOV was attached to the Penalty
13 Order as *Exhibit B*.

14 **Q. Did Operator clean up the spillage by the November 4, 2019, deadline?**

15 A. No. On November 7, 2019, I conducted a follow-up inspection of the Wright Lease and found
16 the Operator had done nothing to implement surface control on the eight Subject Well
17 locations to stop the leaking of fluids or to clean-up the salt water and crude oil that had spilled
18 onto the ground. Operator also had not contacted the District #3 Office. Therefore, the District
19 #3 Compliance Officer, John Almond, made a penalty recommendation to Legal Staff in
20 Wichita for eight violations for failure to report the spills and an additional eight violations
21 for failure to clean up the spills at the Subject Wells on the Wright Lease. The Commission
22 issued a Penalty Order on January 7, 2020.

1 **Q. Did you have any contact with Operator regarding the spills at the Wright Lease?**

2 A. No, the only communication I had with Operator concerning the spills on the Wright Lease
3 was in the NOV letter I sent on October 29, 2019; however, on October 28, 2019, I did notify
4 Mr. Almond about the spills. He informed me that he would call Operator right away and tell
5 them about the spills on the Wright Lease. Please see Mr. Almond's testimony for more details
6 on his interaction with Operator.

7 **Q. Did Operator clean-up the eight spills on the Wright lease?**

8 A. No. However, another licensed operator has since taken over this lease and cleaned up the
9 eight spills at the Subject Wells.

10 **Q. Please summarize your recommendations.**

11 A. The Penalty Order should be affirmed, Operator failed to notify the District Office of the eight
12 spills on the Wright lease and failed to clean up the eight spills by the deadline prescribed in
13 writing by the NOV letter I sent on October 29, 2019. The assessment of the \$10,000.00
14 penalty is reasonable and should be upheld. The Commission found eight first-time violations
15 pursuant to K.A.R. 82-3-603(b); as well as, eight first-time violations pursuant to K.A.R. 82-
16 3-603(d), and Staff's testimony supports this assessment.

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

18 A. Yes.

CERTIFICATE OF SERVICE

20-CONS-3182-CPEN and 20-CONS-3255-CPEN

I, the undersigned, certify that a true copy of the attached Prefiled Testimony of Keith Carswell has been served to the following by means of electronic service on July 27, 2020.

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/S/ Paula J. Murray

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