

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on January 27, 2000 in Room 423-S of the Capitol.

All members were present except: Rep. Henry Helgerson - excused  
Rep. Douglas Johnston - excused  
Rep. Melvin Minor - excused

Committee staff present: Raney Gilliland, Kansas Legislative Research Department  
Mary Torrence, Revisor of Statute's Office  
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Maurice Korphage, Director, Conservation Division, Kansas Corporation Commission, 130 S. Market Rm. 2078, Wichita, KS 67202  
James J. O'Connell, Kansas Commissioner,  
Attorney General Carla Stovall, Kansas Judicial Center, 301 SW 10<sup>th</sup> Room 224, Topeka, KS 66612-1597

Others attending: See Attached Sheet

Vice Chairperson Gerry Ray called the meeting to order at 3:30 p.m. She reminded the committee of the Kansas Water Office open house reception February 2, 3:30 to 5:30 p.m. and also the Kansas Water Authority quarterly meeting to be held at the same location on February 2 and 3.

The Chairperson asked if there were any agency bill requests.

Thomas Day, Legislative Liaison, Kansas Corporation Commission requested a bill that would amend KSA 55-164 to clarify that administrative penalties apply to all KCC rules and regulations and orders. Rep. Vaughn Flora made a motion the bill be introduced. Rep. Tom Sloan seconded the motion. Motion carried.

Kim Gulley, Director of Policy Development & Communications, League of Kansas Municipalities, requested a bill that would codify current policy regarding appointment and operations of basin advisory committees. Rep. Ray Merrick made a motion the bill be introduced.. Rep. Clay Aurand seconded the motion. Motion carried.

William Bider, Director, Bureau Waste Management, Kansas Department Health and Environment, requested a bill that would amend statutes relating to utilization of the solid waste management fund. Rep. Vaughn Flora made a motion the bill be introduced. Rep. Dan Johnson seconded the motion. Motion carried.

William Bider, Director, Bureau Waste Management, Kansas Department Health and Environment, requested a bill that would update waste tire statutes. Rep Dan Johnson made a motion the bill be introduced. Rep. Vaughn Flora seconded the motion. Motion carried.

The Chairperson welcomed Maurice Korphage, Director, Conservation Division, Kansas Corporation Commission. With the use of slides, (See attachment 1), Mr. Korphage briefed the committee on the Abandoned Oil and Gas Well Status Report, (See attachment 2) and the Remediation Site Status Report. (See attachment 3) During the 1996 legislative session House Substitute for **SB755** was passed. As a result of that legislation the Abandoned Oil and Gas Well/Remediation Fund was created for the expressed purpose of providing funding to the Kansas Corporation Commission with which to address the problem of abandoned exploration and production wells located within the state. The legislation requires in part that the Commission prepare and maintain an inventory of all abandoned wells with a special focus on wells which, (1) the State of Kansas has assumed the plugging liability because of the lack of a potentially responsible party (No PRP); and, (2) pose either an ongoing or potential threat to the environment (Priority I). The Commission was further directed to develop and maintain such an inventory on a computer database and report to the office of the Governor and certain legislative committees the status of the inventory as well as the Commission's

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 423-S of the Capitol  
at 3:30 p.m. on January 27, 2000.

efforts towards plugging those wells which pose a threat to the public safety and/or environment Also the legislation requires that the Kansas Corporation Commission prepare an annual Remediation Site Status Report. This report for the period January 1, 1999 through December 31, 1999 contains information for each of the sites with regard to the following: (1) A description and evaluation of the site; (2) the immediacy of the threat to public health and environment; (3) the level of remediation sought; (4) any unusual problems associated with the investigation or remediation; (5) any remedial efforts completed during the review period; (6) current contaminate level; (7) status of the site; (8) direct and indirect costs associated with remedial efforts; and (9) an estimate of the cost to achieve the recommended level of remediation or an estimate of the cost to conduct an investigation sufficient to determine the cost of remediation. Questions and discussion followed.

The Chairperson welcomed James J. O'Connell, Kansas Commissioner, Central Interstates Low Level Radioactive Waste Compact Commission. Mr. O'Connell gave the committee an update on the Interstate Compact on Low Level Radioactive Waste. (See attachment 4) Kansas participates as a member of a 5-state Compact under the authority of K.S.A. 65-34a01, enacted by the Legislature in 1982 and amended in 1993. Consent of Congress to the Compact was granted in 1986. Its purpose is to provide for disposal of low-level radioactive wastes generated by users of radioactive materials, including power plants, hospitals, universities research facilities and businesses, within the 5-state region. The other four states in the Compact are: Arkansas, Louisiana, Nebraska and Oklahoma.

A site for the development of an initial disposal facility was selected in the late 1980's in Boyd County, Nebraska and an application for a license for the facility was submitted and was deemed complete by the Nebraska Department of Environmental Quality in December, 1991. Over the ensuing years, much local and ultimately statewide opposition developed in Nebraska when the project became an issue in Governor Ben Nelson's campaign for the Governor's office. Candidate Nelson vowed that the facility would never be built and his administration acted consistent with this pledge during his 8 years in office.

In December, 1998, one of the two Nebraska utilities that operate nuclear power plants and all of the owners of nuclear power plants in the other four states filed a lawsuit in the U.S. District Court for Nebraska. In that lawsuit, the State, the agencies involved in the license review and certain individuals were named as defendants, along with the Compact Commission. Nebraska appealed to the 8<sup>th</sup> Circuit Court from the grant of the Preliminary Injunction and oral argument was heard by the Circuit Court on January 10. A decision is expected in 6 to 8 weeks and it is expected to be favorable to the Commission. Questions and discussion followed.

Chairperson Ray welcomed Attorney General Carla Stovall to the committee. The Attorney General gave the committee an update on the water lawsuits, Kansas versus Colorado and Kansas versus Nebraska. She reported that the hearing by the special master on the state's lawsuit against Colorado, for its alleged excessive consumption of water from the Arkansas River, is in progress as she spoke. This part of the lawsuit will determine how much money and water, Kansas will receive from Colorado. The U.S. Supreme Court adopted the special master's findings in 1995 that Colorado was liable for excessive depletion of Arkansas River water flows. The state is seeking approximately \$77 million in damages. Questions and discussion followed.

The Attorney General reported that a special master heard arguments concerning the lawsuit against Nebraska over water flows in the Republican River on January 4. Nebraska has filed a motion to dismiss the case based on its contention that groundwater taken by wells drilled in the Lower Republican basin didn't have anything to do with alleged depletion of water flows in the Republican River. The special master does not feel this case should string out for a long, long time and his decision is expected the end of the month or the first of February. Questions and discussion followed.

The Chairperson thanked the guests for their participation and the committee for their attention. She announced that Tuesday, February 1, will be the last day for bill requests.

The meeting adjourned at 5:20 p.m. The next meeting is scheduled for February 1, 2000.

# HOUSE ENVIRONMENT COMMITTEE GUEST LIST

DATE: January 27

NAME	REPRESENTING
Alvin Hutchins	Western Resource
JAN SIDES	KDHE
JOHN IRWIN	WESTERN RESOURCES
Patrick Murley	Wolf Creek
Bill Bider	KDHE
Jane Connell	Kansas Commissioner LLRW Compact Commission
Ken Hammschmidt	KDHE
Bill Brady	KS Gov't Consulting
Ann Dukes	DOB
Vick Cooper	KDHE-BAR
Joe Fund	KDHE
Sandy Braden	Mc Gill Catches & Assoc.
Tom Bruno	Allen Assoc.
M. L. Korpman	KANSAS Corp. Comm.
Margaret East	KS Water Office
Ken Peterson	KS Potvoteam Council

**Abandoned Well and Site Remediation  
Fund  
Status Report  
to the  
2000 Legislature  
Kansas Corporation Commission  
Conservation Division**



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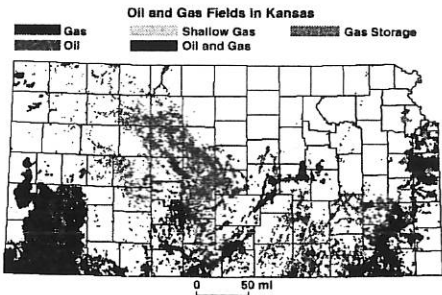
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**Abandoned Well / Site Remediation Fund**

- The fund was created during the 1996 Legislative Session with the passage of House Substitute for S.B. 755
- The purpose of the fund is to provide additional funding to the Kansas Corporation Commission, Conservation Division with which to address the problem of both abandoned oil and gas wells and exploration and production related contamination sites.
- In addition to the creation of the fund the legislation directed the Conservation Division to establish financial responsibility requirements for oil and gas operators within the State of Kansas. These requirements were to be in place by January 1, 1998.

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*House Environment  
1-27-00  
Attachment 1*

## Abandoned Well / Site Remediation Fund

### Funding Sources

Funding to this abandoned well plugging and site remediation program was to be provided through four funding sources.

- Increased assessments on crude oil and natural gas production through the Conservation Fee Fund:
- General Fund monies:
- 50% of monies received by the State through the Federal mineral leasing program:
- State Water Plan monies:

Total Funding Package was in the amount of \$1,600,000 / year

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## Abandoned Well / Site Remediation Fund

### Status of the Abandoned Well Inventory

- The Kansas Corporation Commission abandoned well inventory currently contains 12,083 documented and verified wells. This represents an increase in the total inventory of 656 wells over that reported in January of 1999. Of this total 11,402 are listed in the Priority I inventory. Of these wells 9,438 wells still require plugging operations.
- Expenditures for fiscal year 1999 resulted in the plugging of 508 abandoned wells. Those wells were plugged at a cost of \$1,264,535 or \$2,489/ well. For the first 6 months of fiscal year 2000 231 have been authorized to be plugged or have been plugged with monies from the fund.
- Distribution of remaining Priority I wells needing plugging operations are by action level: Level A = 779 (8.0%), Level B = 1998 (21.0%), Level C = 6661 (71.0%).

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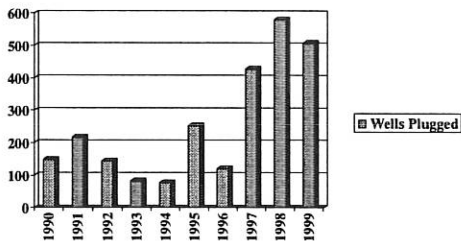
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## State Funded Plugging Operations



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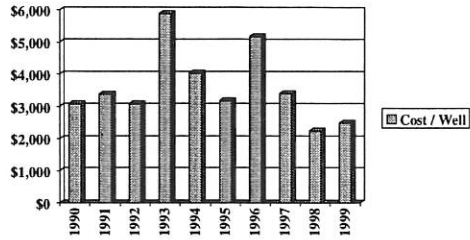
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### Per Well Costs State Funded Plugging Operations




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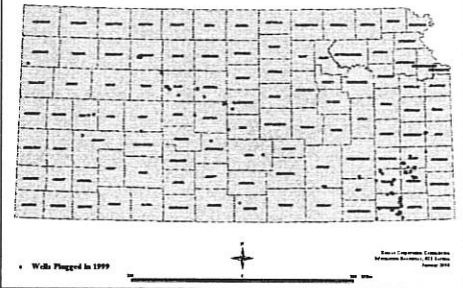
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### Abandoned Wells Sites Plugged During 1999




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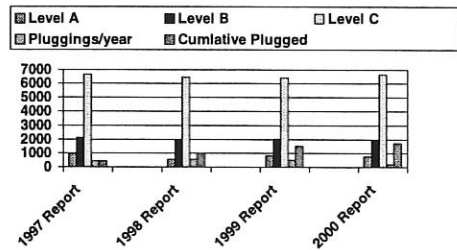
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### Abandoned Well / Site Remediation Fund Wells Requiring Action




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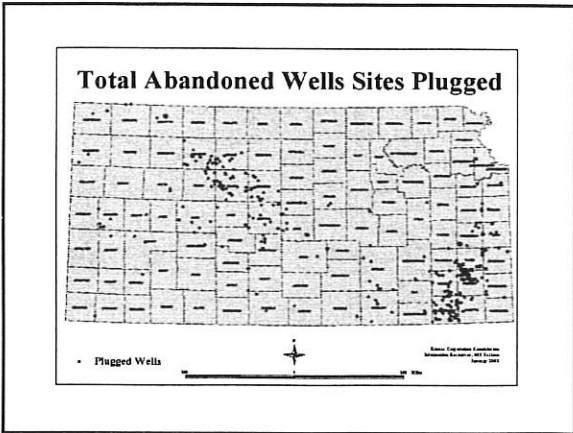
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### Abandoned Well / Site Remediation Fund Status of the Site Remediation Inventory

- When the Abandoned Well / Site Remediation Fund was first created the KCC carried a listing of 109 sites. During previous reporting periods (1997, 1998, & 1999) four sites were combined with other existing sites, nine sites were added and a total 21 sites were resolved. Of the 95 sites contained in the 2000 report 5 additional sites have been resolved thereby resulting in 90 active sites.
- Distribution of Sites with respect to Immediacy levels are: Low & Low to Moderate = 60.0%, Moderate = 14.45%, Moderate to High & High = 13.33%, Other (Under Remediation) = 12.2%.
- Expenditures / Authorizations against the fund since the last report include \$309,421 of direct costs to site projects. Indirect costs in staff hours to sites for this report period were in excess of \$84,800.

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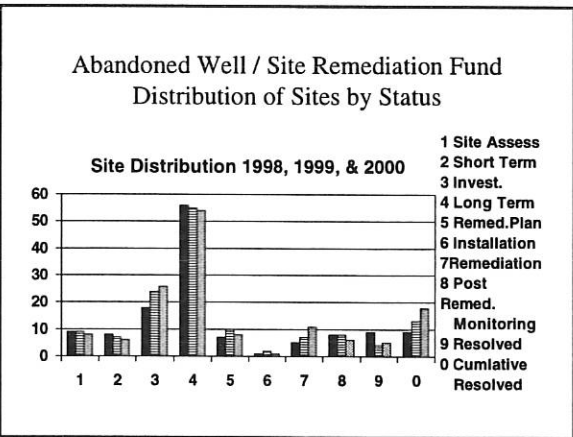
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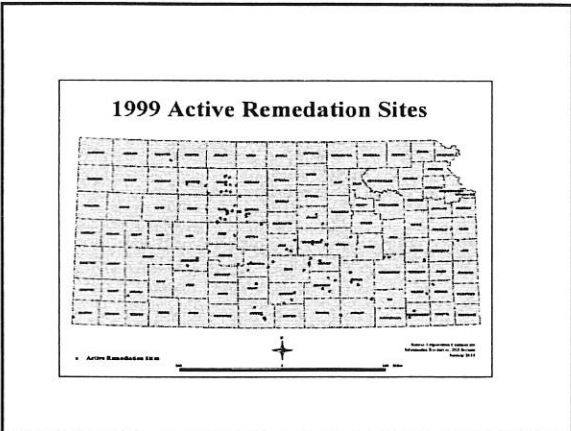
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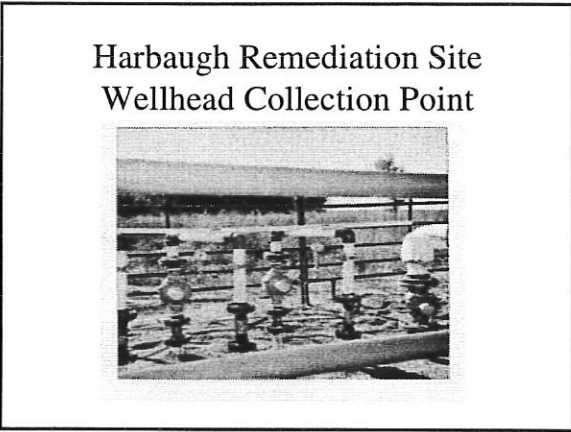
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Leon Project  
KCC / KBS  
Soil Remediation Project



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Leon Project  
Butler Co. Kansas  
KBS / KCC  
Soil Remediation Project



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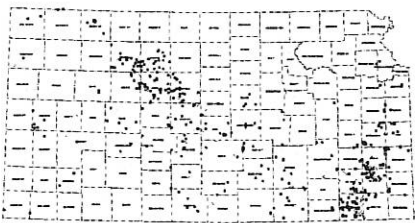
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Status of Well Plugging in Kansas



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**Abandoned Well / Site Remediation Fund  
Operator Financial Responsibility  
Requirements**

- Operators having an acceptable record of compliance with KCC rules and regulations over the proceeding 36 months may pay a \$50 nonrefundable fee.
- Operators that have not been licensed for at least the proceeding 36 months or have not met the acceptable record of compliance requirement must furnish one of the following on an annual basis:
  1. A performance bond or letter of credit in the amount equal to \$.75 x the aggregate depth of all wells under his control.
  2. A blanket bond or letter of credit between \$5000 and \$30,000 based on the depth and number of wells operated.
  3. A fee equal to 3% of the blanket bond required under 2.
  4. A first lien on equipment equal to the bond requirement.
  5. Other financial assurance approved by the Commission.

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**Financial Assurance  
Posted In 1998**

Method of Assurance	Number of Licenses	Revenue	Assurance
\$50 Fee	2078	\$103,900	\$ 103,900 (Compliance)
Cash Bond to KCC	191	\$ 57,550	\$ 57,550
Surety Bond	36		\$ 662,850
CD / Ltr. of Credit	67		\$ 910,440
<b>Total</b>	<b>2372</b>	<b>\$161,450</b>	<b>\$1,740,740</b>

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**Financial Assurance  
Posted in 1999**

Method of Assurance	Number of Licenses	Revenue	Assurance
\$50 Fee	2,014	\$100,700	\$ 100,700 (Compliance)
Cash Bond To KCC	177	\$ 50,704	\$ 50,704
Surety Bond	41		\$ 772,245
CD / Letter of Credit	60		\$ 754,413
<b>Total</b>	<b>2,292</b>	<b>\$151,404</b>	<b>\$1,678,063</b>

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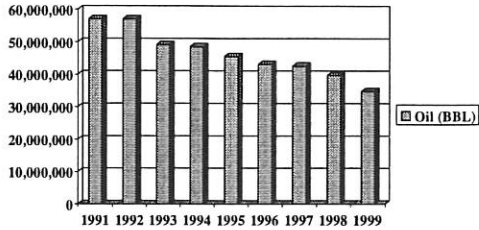
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### Oil Production FY91- FY99




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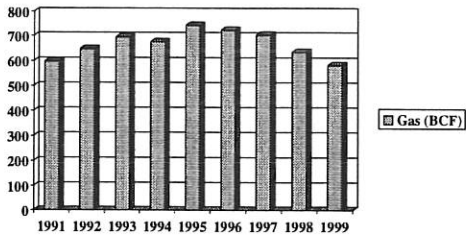
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### Gas Production FY91 -FY99 BCF




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### Policy Considerations KCC and Kansas Legislature

- Currently financial assurance fees are directed to Conservation Fee Fund. Is there a need for a future wells plugging fund? (i.e.: For wells drilled after July1, 1996) What was intent of HS/SB 755 on this point?
- KCC must continue to continue to increase emphasis on compliance and enforcement program while streamlining regulatory processes.
- Loss of Industry infrastructure of concern to both industry & KCC.
- With continued decline in production in both oil and gas additional assessments on production will be necessary to maintain Conservation Fee Fund which supports Division operations and contributions to the Abandoned Well / Site Remediation Fund. Over the long term alternate funding solutions need to be identified.

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# Abandoned Exploration and Production Wells

## Introduction

During the 1996 legislative session House Substitute for Senate Bill 755 was passed. As a result of that legislation the Abandoned Oil and Gas Well / Remediation Fund was created for the expressed purpose of providing funding to the Kansas Corporation Commission with which to address the problem of abandoned exploration and production wells located within the state. The legislation requires in part that the Commission prepare and maintain an inventory of all abandoned wells with a special focus on wells which, (1) the State of Kansas has assumed the plugging liability because of the lack of a potentially responsible party (No PRP); and, (2) pose either an ongoing or potential threat to the environment (Priority I). The Commission was further directed to develop and maintain such an inventory on a computer database and report to the office of the Governor and certain legislative committees the status of the inventory as well as the Commission's efforts towards plugging those wells which pose a threat to the public safety and / or environment.

## Computer Database / Data Collection

The database application used in the inventory tracking system is a Microsoft Access package on a PC based platform. Field data is collected on site in the four District Field areas. It is then entered into the system where it can be used to create a variety of reports concerning the wells. The amount of information on each well is extremely variable and is primarily dependent on the location of the well and its age. Those wells located in the Eastern portion of the state are in general older wells and there is very little detailed information available from industry or historical Commission files.

## Priority Ranking (Priority I)

Wells within the Priority I grouping have been further subdivided on the basis of resources impacted by the location or condition of the individual abandoned well. That is whether the impacts are to surface waters (SW), groundwater (GW), or concern public safety issues (PS). The listing below provides definitions for Priority Action Levels within the Priority I inventory. In general, Level "A" wells are the most serious cases while Level "C" wells are less serious situations.

### Priority Action Levels

#### Level A - Surface Water (SW)

Wells actively discharging oil or brine into surface waters with significant ongoing impacts to surface water. (Includes wells with moderate to high volumes of discharge impacting public water supplies or sole source water supplies.)

*House Environment  
1-27-00  
Attachment 2*

Abandoned Wells

Page 2

Level A – Groundwater (GW)	Wells creating significant ongoing or potential impacts to groundwater supplies through water quality degradation or loss of water supplies through downward drainage. (With emphasis on impacts to groundwater supplies used for public water supplies or sole source supplies and cases of active subsidence caused by downward drainage.)
Level A – Public Safety (PS)	Wells creating an ongoing or current threat to public safety. (Includes wells with active gas flows with danger of explosion or open large diameter wellbores or casings in urban or suburban settings.)
Level B – Surface Water (SW)	Wells intermittently to actively discharging oil or brine into surface waters with ongoing impacts to surface water. (Includes wells with low to moderate volumes of discharge impacting water resources outside of public water supplies. Alternative water supplies available.)
Level B – Groundwater (GW)	Wells creating ongoing or potential impacts to groundwater supplies through water quality degradation or loss of water supplies through downward drainage. (Includes wells with impacts to groundwater supplies outside of public water supply areas and cases of strong potential for subsidence.)
Level B – Public Safety (PS)	Wells creating a current or ongoing threat or potential danger to public safety. (Includes wells with active gas flows with danger of explosion and/or open large diameter wellbores or casings located in rural, low population areas.)
Level C – Surface Water (SW)	Wells located in sensitive groundwater areas, which are intermittently discharging oil and/or brine or have potential for discharge into surface waters. (Includes wells located in sensitive groundwater areas, which have low volume to intermittent discharges or high fluid levels.)
Level C – Groundwater (GW)	Wells located in sensitive groundwater areas which have potential impacts to groundwater supplies or loss of water resources through downward drainage. (Includes wells located in sensitive groundwater areas with abnormally high fluid levels.)
Level C – Public Safety (PS)	Wells creating a potential danger to public safety. (Includes secured gas wells in populated areas or large diameter wells in isolated settings.)

**Priority Ranking (Priority II)**

Wells within the Priority II grouping consist of wells of relatively modern construction which do not pose either an ongoing or potential threat to the public safety or the environment. These wells have adequate surface pipe in place with which to protect shallow freshwater aquifers and are generally located in environmentally non-sensitive areas. These wells fall within the lowest priority ranking for authorization of plugging with Abandoned Oil and Gas Well / Remediation Fund monies. It is important that these wells be documented within the inventory and periodically inspected to determine if well conditions have changed to a sufficient degree to warrant upgrading to Priority I status.

**Status of the Inventory**

The current status of the abandoned oil and gas well inventory stands at 12,083 wells. This total which includes both Priority I and Priority II wells represents a total increase of 656 wells over that reported in January 1999. This increase represents the addition of 651 Priority I wells and 5 Priority II wells to the inventory. The original estimate of wells fitting the criteria of Priority I ranking with no potential responsible party available to fund plugging operations was in excess of 14,750 wells. The field staff has of the date of this report checked and verified 11,402 of these types of wells. As a percentage of the original estimate the statewide inventory is approximately 77% complete. The accompanying map and diagrams provide an overview of the data collected with respect to Priority I severity levels and impacts on both a statewide basis and within individual field areas. The tables below summarize this data.

**PRIORITY 1 WELLS**

District	Level A	Level B	Level C	Total
1	11	7	33	51
2	86	38	59	183
3	1961	2107	6631	10699
4	176	142	151	469
Totals	2234	2294	6874	11402

**PRIORITY 1 WELLS**

District	Surface Water (SW)	Groundwater (GW)	Public Safety (PS)
1	1	50	0
2	14	130	39
3	708	9839	152
4	14	420	35
Totals	737	10439	226

TOTAL NO. OF ABANDONED WELLS REQUIRING ACTION

District	Priority 1	Priority 2	Total
1	10	0	10
2	114	33	147
3	9031	622	9653
4	283	6	289
Totals	9438	661	10099

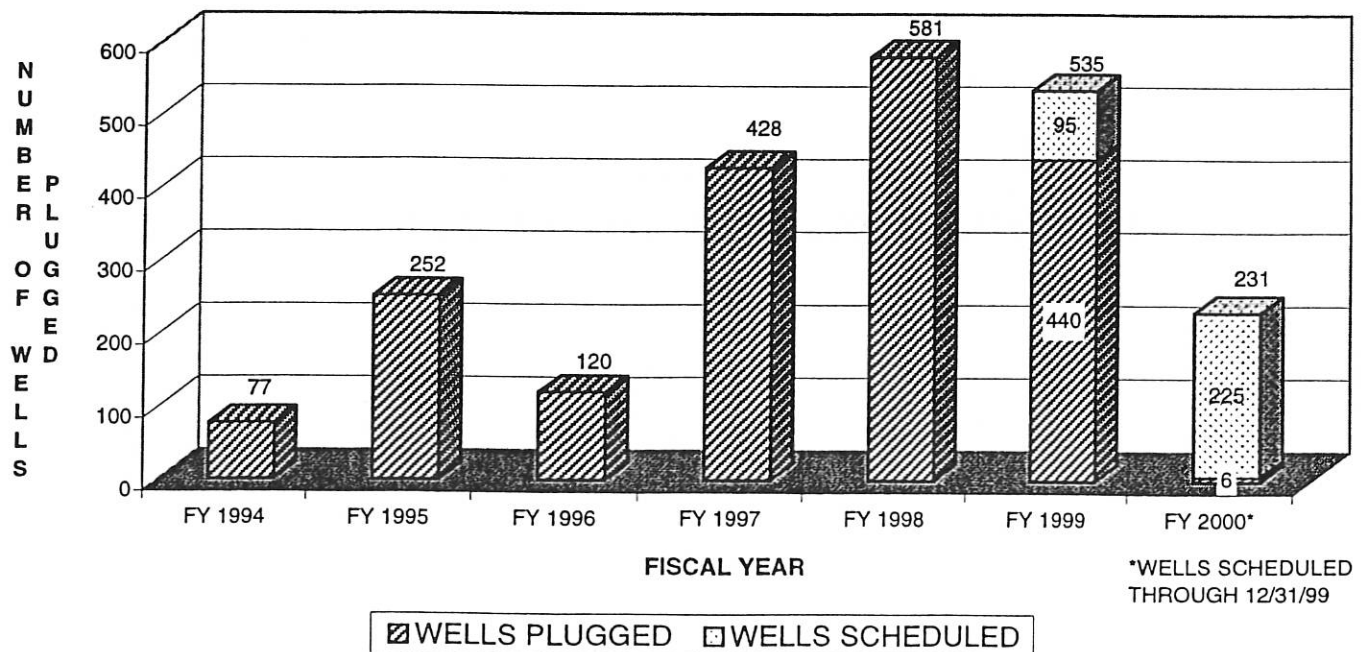
PRIORITY 1 WELLS BY POLLUTION LEVEL - REQUIRING ACTION

District	Level A	Level B	Level C	Total
1	3	0	7	10
2	40	30	44	114
3	678	1844	6509	9031
4	58	124	101	283
Totals	779	1998	6661	9438

It should be emphasized that this inventory is an ongoing and active system that is currently being updated on a weekly basis. While certain trends can be recognized within the system, specific well data must be considered as part of a dynamic process and subject to change as the inventory proceeds.

The complete inventory of individual wells awaiting plugging authorization is provided in Appendix A and B of this report. The wells in these listings show the following data for each well: Priority Level, Lease Name, Well Number, District, County, Spot Location, Section, Township, Range, and Impact. Appendix C provides data for wells which have either been plugged or have been approved for plugging with expenditures from the Abandoned Oil and Gas Well / Remediation Fund. An accounting of approved expenditures to date is also enclosed within this section. The number of wells plugged has increased significantly since the inception of the Abandoned Oil and Gas Well / Remediation Fund. The graph below summarizes this data:

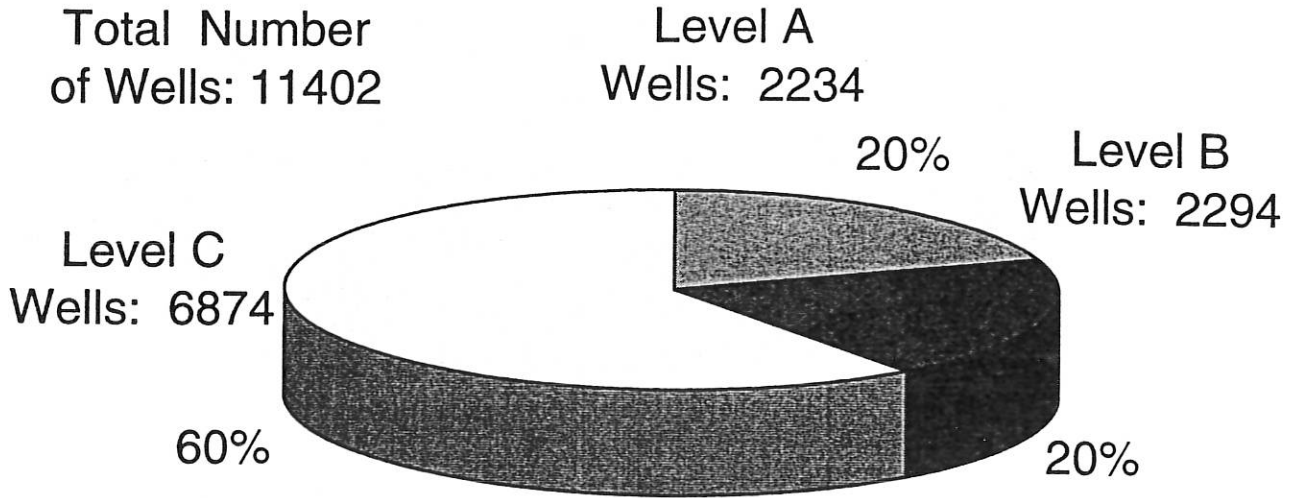
ABANDONED WELLS PLUGGED / SCHEDULED TO BE PLUGGED



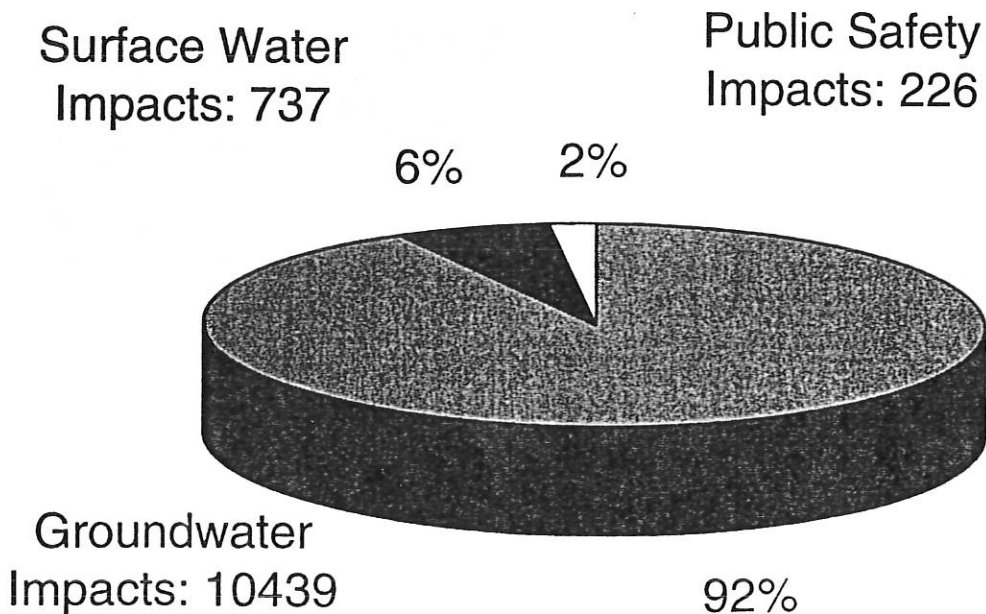


# STATEWIDE PRIORITY 1 WELLS

Inventory Status December 31, 1999



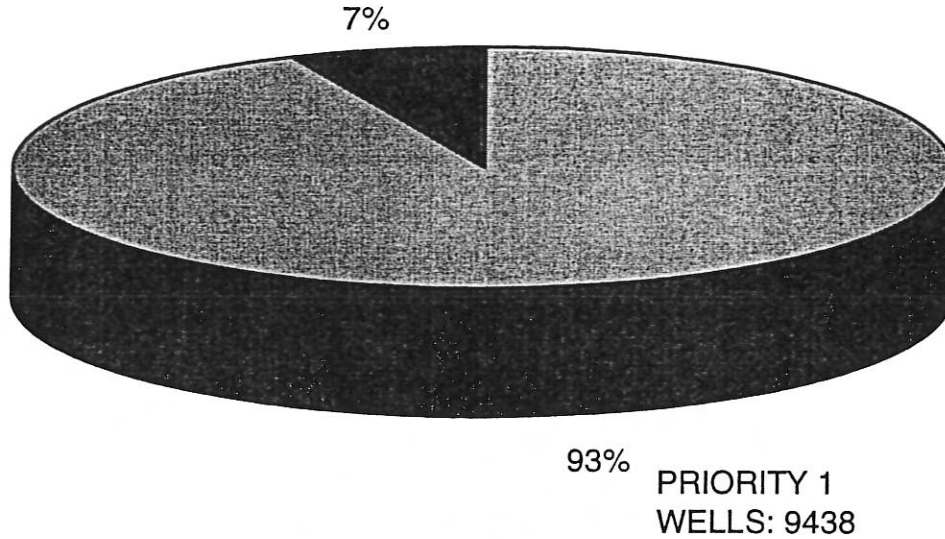
## Impact of Priority 1 Wells



# ABANDONED WELLS TOTAL NUMBER OF WELLS REQUIRING ACTION

TOTAL NO. OF  
WELLS: 10099

PRIORITY 2  
WELLS: 661

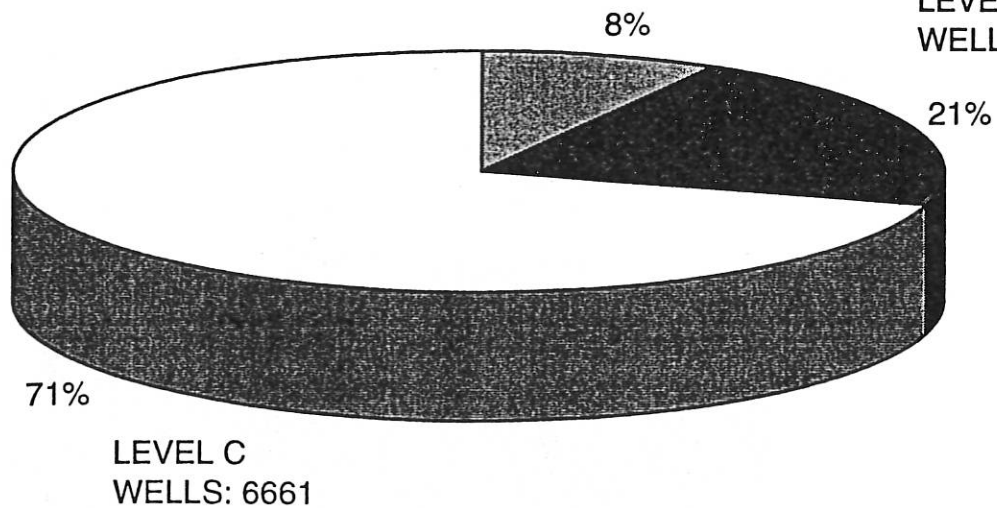


# ABANDONED WELLS BY POLLUTION LEVEL PRIORITY 1 WELLS REQUIRING ACTION

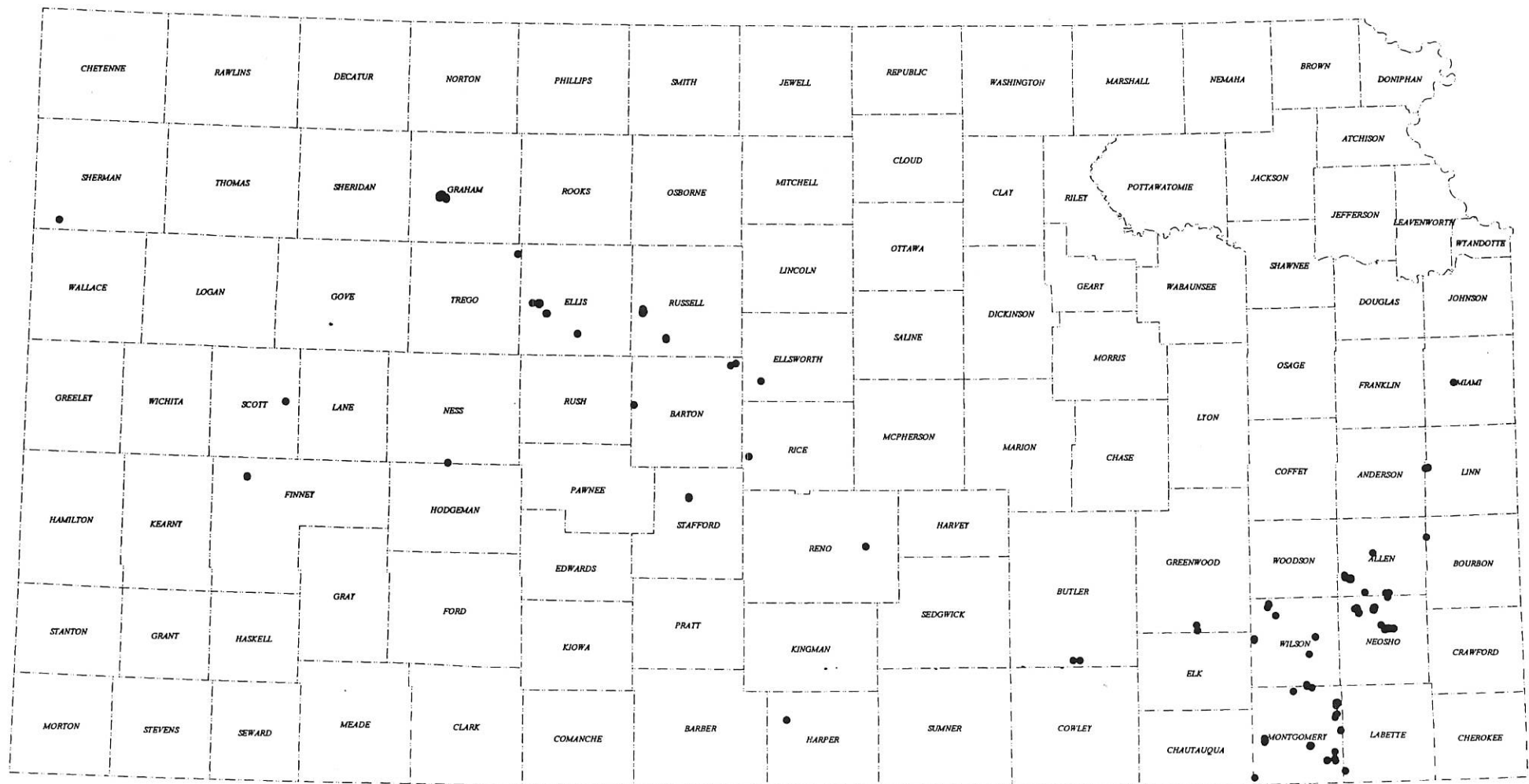
PRIORITY 1  
WELLS: 9438

LEVEL A  
WELLS: 779

LEVEL B  
WELLS: 1998



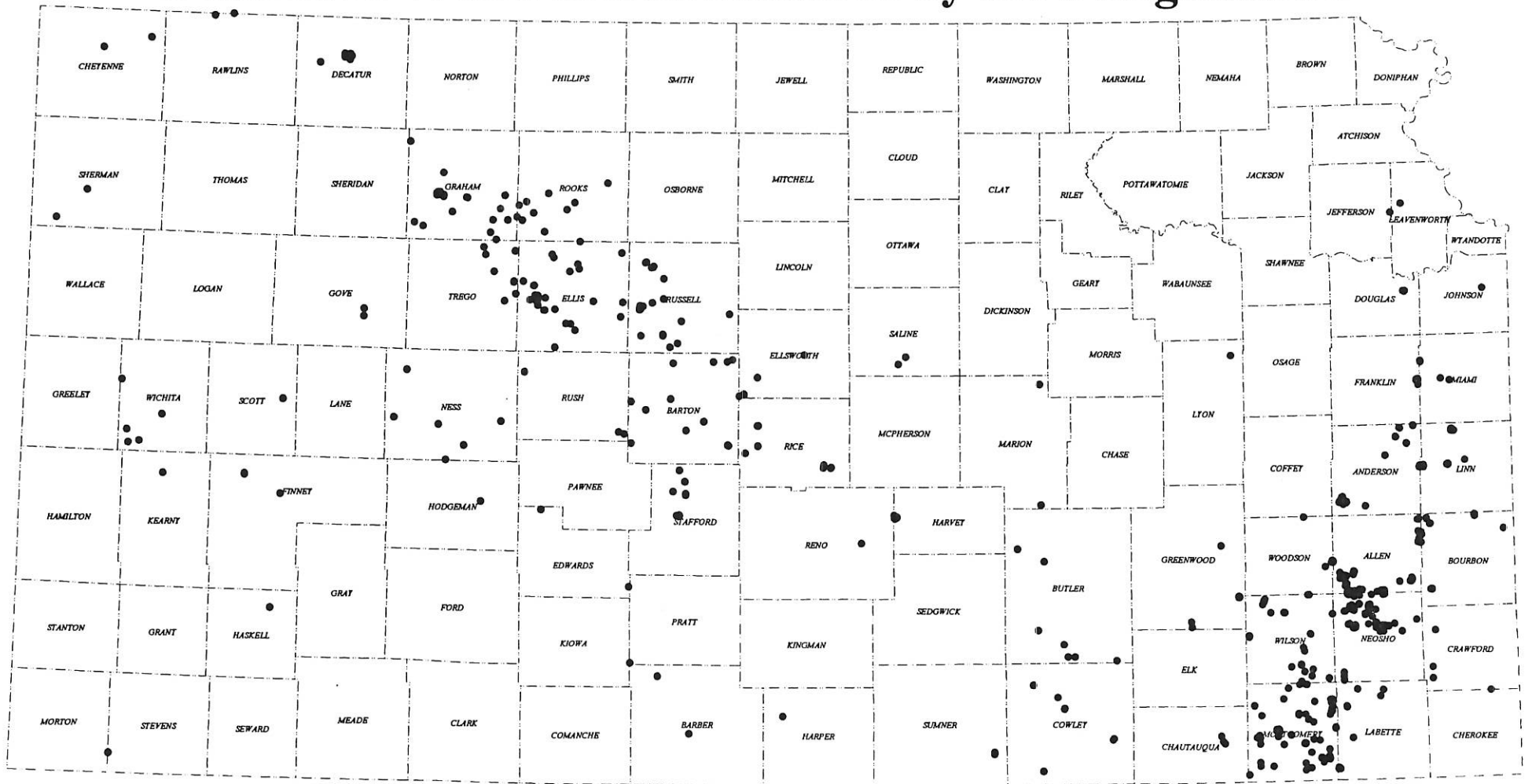
# Abandoned Wells Plugged During 1999



● Wells Plugged in 1999



# Total Abandoned Wells Plugged Since Inception of Abandoned Well Fund Established by 1996 Legislature

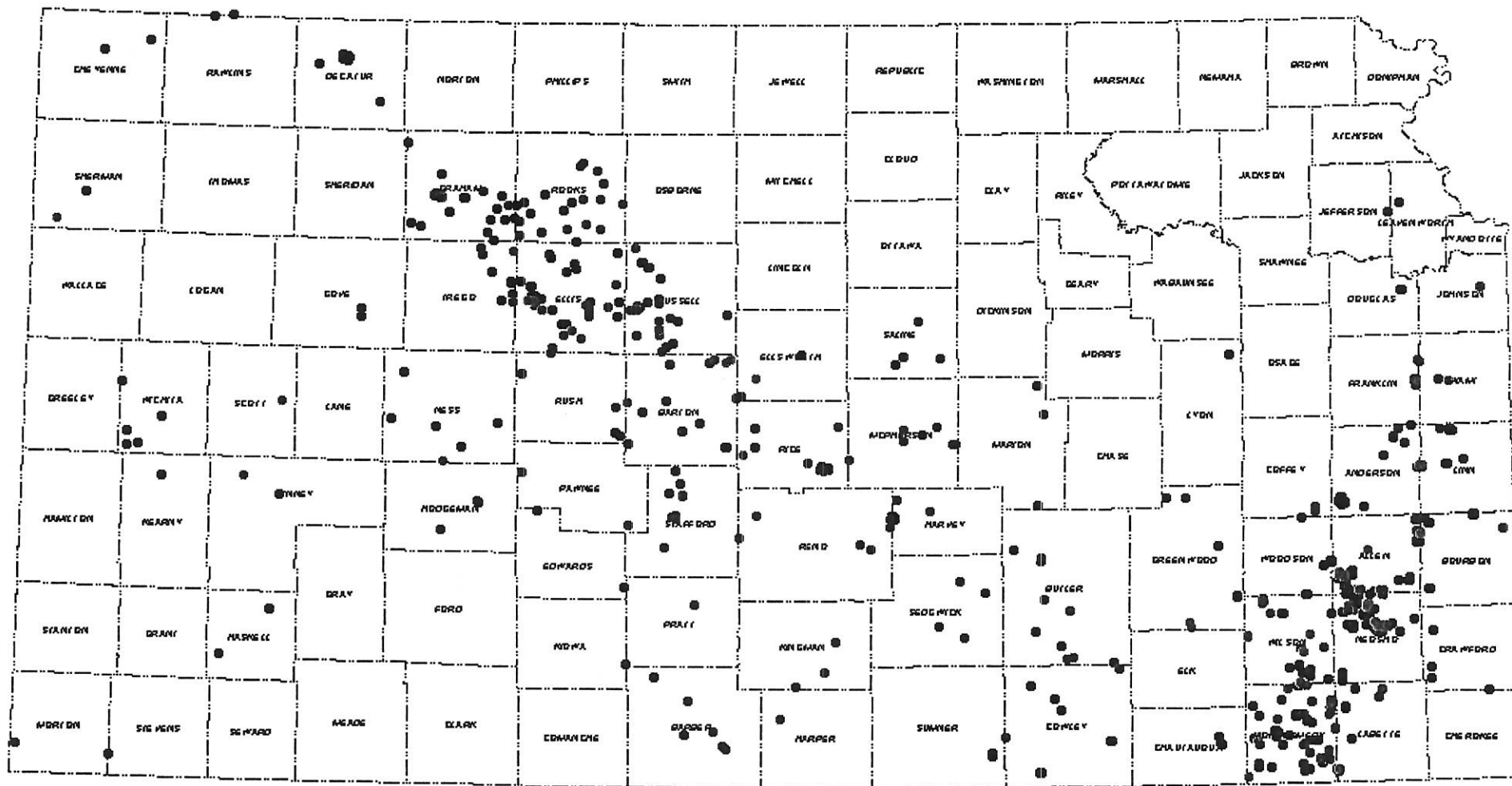


● Plugged Wells



# Status of Well Plugging in Kansas

2-9



- Active Remediation Sites
- Wells Plugged in 1999
- Plugged Well



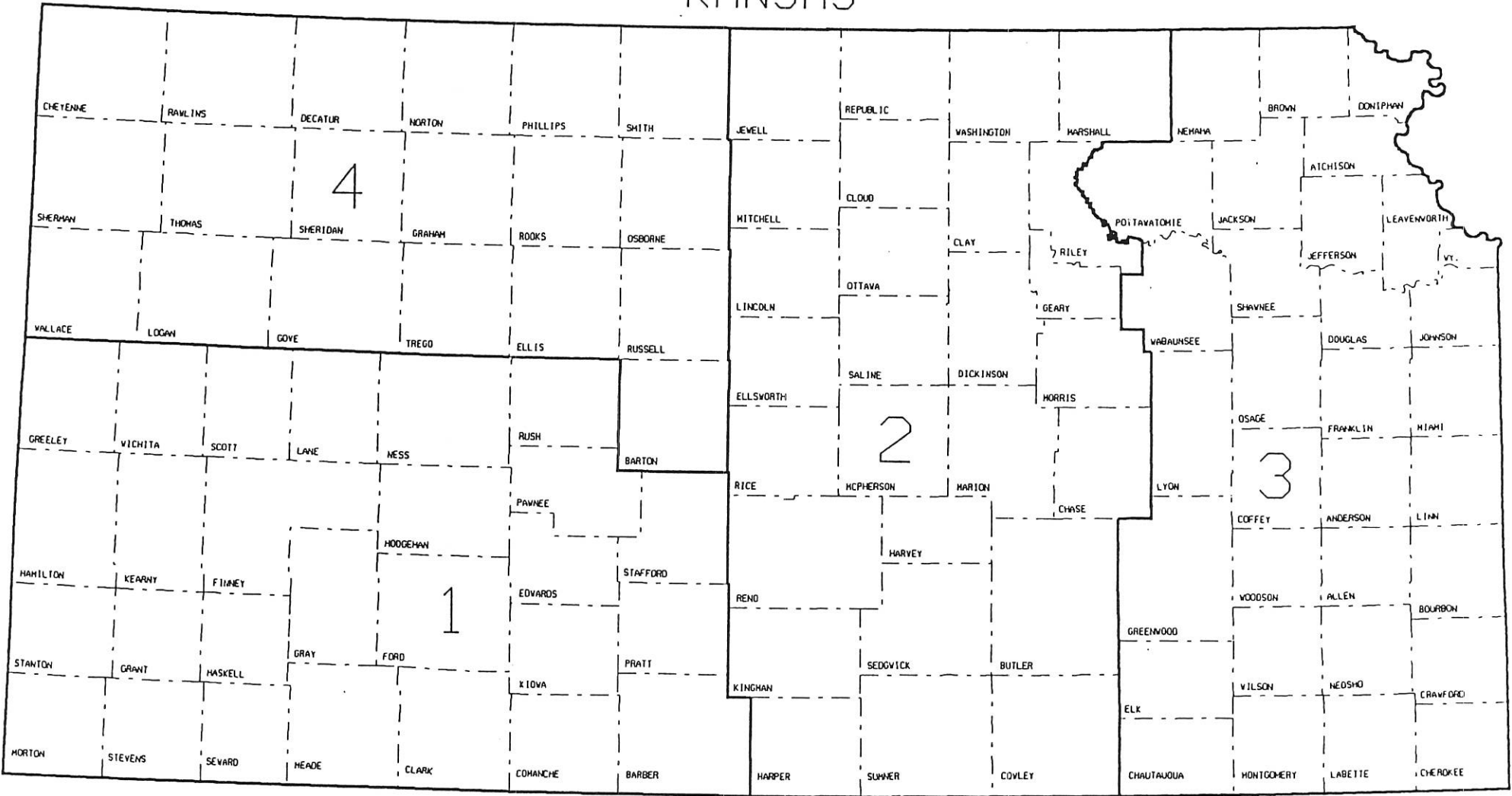
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Kansas Corporation Commission  
 Information Resources, GIS Section  
 January 2000

# CONSERVATION DIVISION DISTRICTS KANSAS



**Fee Fund Well Plugging and Remediation**

*Summary Listing*

December 28, 1999

**Total # Wells**

537      535 Wells – 2 Sites

*Summary of Completed Wells*

<b>Total # Completed Wells</b>	<b>Avg Cost of Completed Wells</b>	<b>Total Cost of Completed Wells</b>	<b>Total Estimated Cost of Completed Wells</b>
440	2,678.01	1,178,325.39	1,377,473.98

*Summary of Problem Type/Impacts*

Problem Type	Impacts	Total Cost by Problem Type/Impact	Total Estimated Cost by Problem Type/Impact
Abandoned Well	GW	5,006.40	6,620.00
Abandoned Well		1,164,961.15	1,610,442.59
KCC Remediation SB755		9,055.34	9,491.19

*Summary of Problem Type/Impacts*

Priority	Total Cost by Priority	Total Estimated Cost by Priority
-	213,489.74	281,712.19
1-A	894,921.17	1,241,204.85
1-B	32,040.10	57,800.00
1-C	33,245.73	36,661.74
2-C	5,326.15	9,175.00

*Summary of FY Work Initiated*

<b>FY Work Initiated</b>	<b>Number of Sites</b>	<b>Total Cost to Date</b>	<b>Total Estimated Cost</b>
1999	537	1,179,022.89	1,626,553.78

**Fee Fund Well Plugging and Remediation**

*Summary Listing*

December 28, 1999

**Total # Wells**

233      231 Wells – 2 Sites

*Summary of Completed Wells*

<b>Total # Completed Wells</b>	<b>Avg Cost of Completed Wells</b>	<b>Total Cost of Completed Wells</b>	<b>Total Estimated Cost of Completed Wells</b>
6	4,028.54	24,171.23	28,512.90

*Summary of Problem Type/Impacts*

Problem Type	Impacts	Total Cost by Problem Type/Impact	Total Estimated Cost by Problem Type/Impact
Abandoned Well	GW		663,938.96
Abandoned Well	PS		3,175.00
Abandoned Well	SW		128,115.00
Abandoned Well		25,238.71	90,308.46
KCC Remediation SB755	DM,GW,IR,P WS,SD		
KCC Remediation SB755	DM,GW,SD,S TK		

*Summary of Problem Type/Impacts*

Priority	Total Cost by Priority	Total Estimated Cost by Priority
-		
1-A	25,238.71	878,425.90
1-B		7,111.52

*Summary of FY Work Initiated*

<b>FY Work Initiated</b>	<b>Number of Sites</b>	<b>Total Cost to Date</b>	<b>Total Estimated Cost</b>
2000	233	25,238.71	885,537.42



**FY 1999  
 Fee Fund Well Plugging and Remediation  
 Summary Listing  
 December 28, 1999**

**Total # Wells**  
 537      535 Wells – 2 Sites

**Summary of Completed Wells**

<b>Total # Completed Wells</b>	<b>Avg Cost of Completed Wells</b>	<b>Total Cost of Completed Wells</b>	<b>Total Estimated Cost of Completed Wells</b>
440	2,678.01	1,178,325.39	1,377,473.98

**Summary of Problem Type/Impacts**

<b>Problem Type</b>	<b>Impacts</b>	<b>Total Cost by Problem Type/Impact</b>	<b>Total Estimated Cost by Problem Type/Impact</b>
Abandoned Well	GW	5,006.40	6,620.00
Abandoned Well		1,164,961.15	1,610,442.59
		9,055.34	9,491.19

**Summary of Problem Type/Impacts**

<b>Priority</b>	<b>Total Cost by Priority</b>	<b>Total Estimated Cost by Priority</b>
-	213,489.74	281,712.19
1-A	894,921.17	1,241,204.85
1-B	32,040.10	57,800.00
1-C	33,245.73	36,661.74
2-C	5,326.15	9,175.00

**Summary of FY Work Initiated**

<b>FY Work Initiated</b>	<b>Number of Sites</b>	<b>Total Cost to Date</b>	<b>Total Estimated Cost</b>
1999	537	1,179,022.89	1,626,553.78

2-14

**FY 2000  
 Fee Fund Well Plugging and Remediation  
 Summary Listing  
 December 28, 1999**

**Total # Wells:**  
 233      231 Wells – 2 Sites

**Summary of Completed Wells**

<b>Total # Completed Wells</b>	<b>Avg Cost of Completed Wells</b>	<b>Total Cost of Completed Wells</b>	<b>Total Estimated Cost of Completed Wells</b>
6	4,028.54	24,171.23	28,512.90

**Summary of Problem Type/Impacts**

Problem Type	Impacts	Total Cost by Problem Type/Impact	Total Estimated Cost by Problem Type/Impact
Abandoned Well	GW		663,938.96
Abandoned Well	PS		3,175.00
Abandoned Well	SW		128,115.00
Abandoned Well		25,238.71	90,308.46

**Summary of Problem Type/Impacts**

Priority	Total Cost by Priority	Total Estimated Cost by Priority
-		
1-A	25,238.71	878,425.90
1-B		7,111.52

**Summary of FY Work Initiated**

<b>FY Work Initiated</b>	<b>Number of Sites</b>	<b>Total Cost to Date</b>	<b>Total Estimated Cost</b>
2000	233	25,238.71	885,537.42

**Abandoned Oil and Gas Well / Remediation Site Fund  
Remediation Sites  
Status Report**

**Introduction**

During the 1996 legislative session House Substitute for Senate Bill 755 was passed. A part of this legislation created an Abandoned Oil and Gas Well / Remediation Fund the expressed purpose of which was to provide funding to the Kansas Corporation Commission with which to both plug abandoned wells and remediate contamination sites related to oil and gas activities. The legislation requires that the Kansas Corporation Commission prepare an annual Remediation Site Status Report for the office of the Governor and certain legislative committees. This report for the period January 1, 1999 through December 31, 1999 contains information for each of the sites with regard to the following: (1) A description and evaluation of the site; (2) the immediacy of the threat to public health and environment; (3) the level of remediation sought; (4) any unusual problems associated with the investigation or remediation; (5) any remedial efforts completed during the review period; (6) current contaminate level; (7) status of the site; (8) direct and indirect costs associated with remedial efforts; and (9) an estimate of the cost to achieve the recommended level of remediation or an estimate of the cost to conduct an investigation sufficient to determine the cost of remediation.

**Site Inventory**

The inventory of sites listed in the current Remediation Site Status Report consists of 95 sites. This report includes sites that were transferred to the control of the Kansas Corporation Commission (KCC) from the Kansas Department of Health and Environment (KDHE) by legislative action in 1995 and in-house sites already under KCC jurisdiction. Of the original 109 sites, four were combined with other sites and eight were resolved during the initial evaluation period. The second evaluation period showed nine sites resolved. During the third evaluation period nine sites were added and four sites were resolved. The current evaluation period, January 1, 1999 through December 31, 1999, resulted in the addition of two sites and the resolution of five sites, resulting in a total of 90 active sites. Summary tables for site impacts and immediacy levels as well as estimated costs are found at the beginning of the report. The tables below provide an overview of distribution of sites with respect to both resources impacted and the range of immediacy levels for required remediation.

**Distribution of Active Sites with Respect to Impacted Resources**

<b>Impacted Resources</b>	<b>Number of Sites</b>
Public Water Supply	8
Domestic Supply	38
Stock Supply	17
Irrigation Supply	9
Other	123

\*Some sites have impacts to multiple resources

*House Environment  
1-27-00  
Attachment 3*

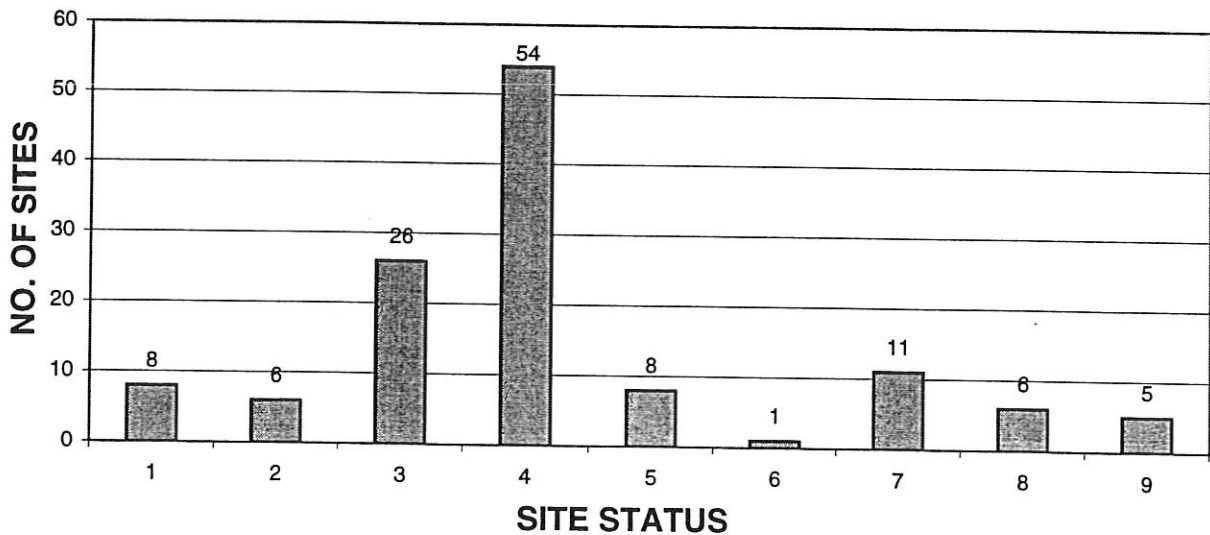
### Distribution of Active Sites with Respect to Immediacy Levels

Range of Immediacy Level	No. of Sites
Low & Low to Moderate	54
Moderate	13
Moderate to High & High	12
Other (Under Remediation)	11
Total	90

### Site Status

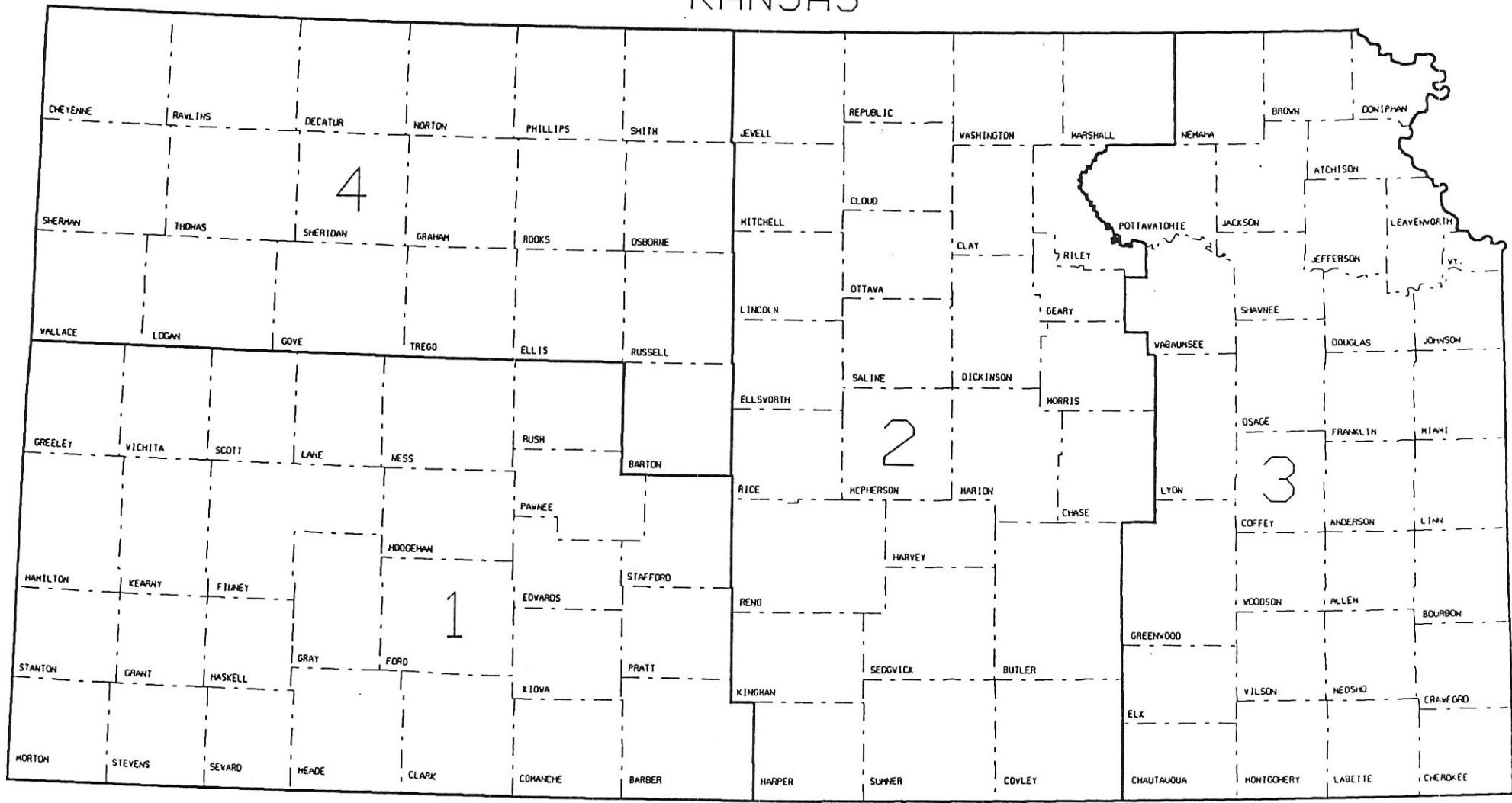
In general each contamination site has a definable life cycle. This cycle follows a sequence of investigatory and remedial activities which move the site towards ultimate resolution. The first phase of the cycle is the site assessment. This phase defines general site parameters and conditions that form the basis for additional efforts at the site. Once the assessment is complete the site moves on to a new phase. This next phase may be short term or long term monitoring followed closely by resolution of the site. While another scenario may include an extensive investigation phase followed by the installation of a monitoring system whose sample results may indicate the necessity for certain remedial activities and additional post remediation monitoring prior to resolution of the site. The following graphs depict the current status of the 95 listed sites on a statewide and K.C.C. District basis.

### STATEWIDE DISTRIBUTION OF SITES BY STATUS

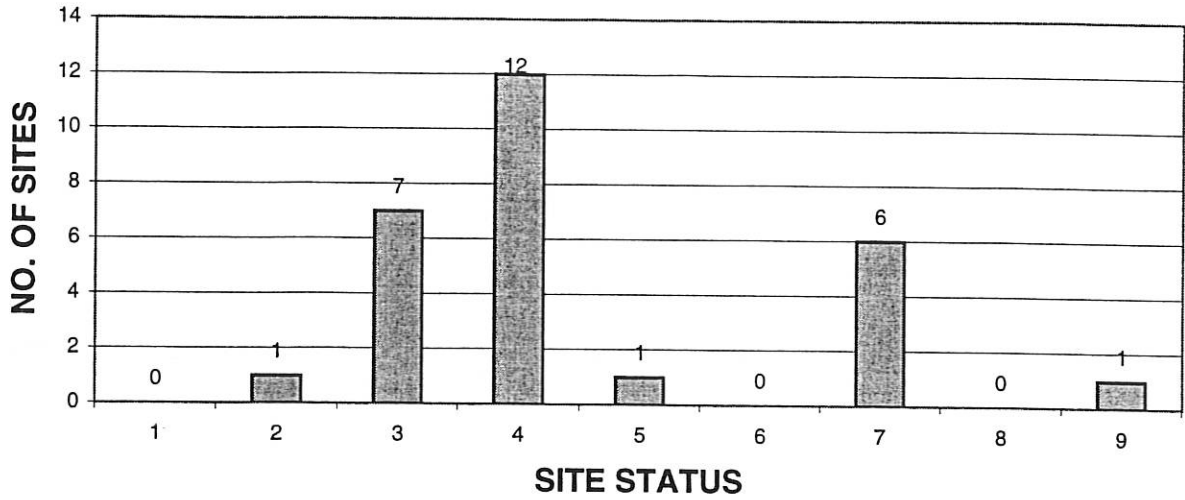


- |                         |                                |                  |
|-------------------------|--------------------------------|------------------|
| 1. SITE ASSESSMENT      | 2. SHORT TERM MONITORING       | 3. INVESTIGATION |
| 4. LONG TERM MONITORING | 5. REMEDIATION PLAN            | 6. INSTALLATION  |
| 7. REMEDIATION          | 8. POST REMEDIATION MONITORING | 9. RESOLVED      |

# CONSERVATION DIVISION DISTRICTS KANSAS

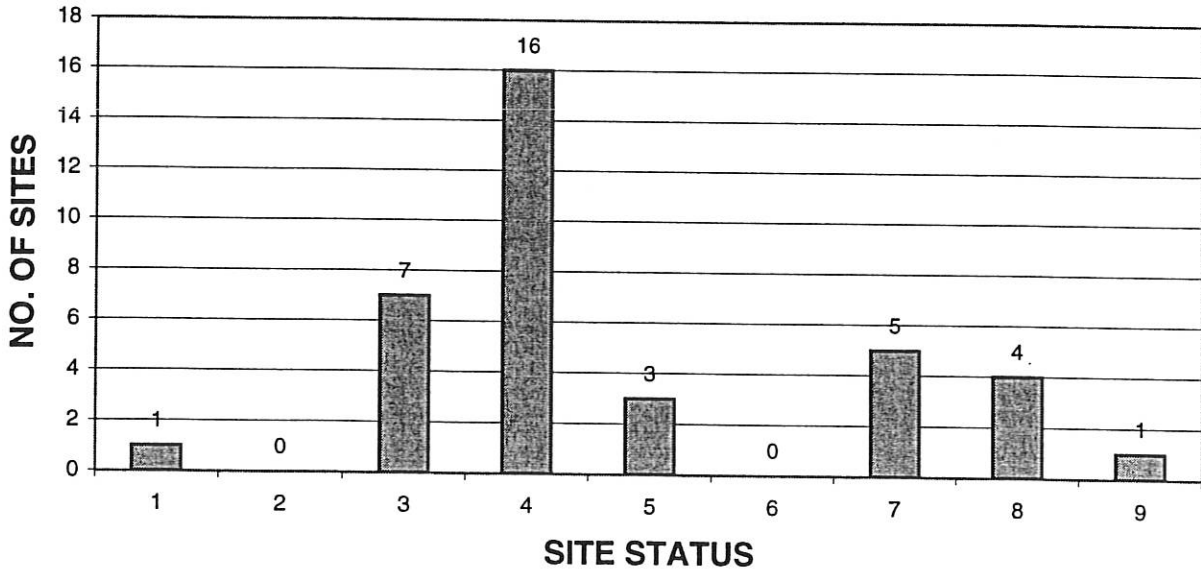


## DISTRICT 1 DISTRIBUTION OF SITES BY STATUS



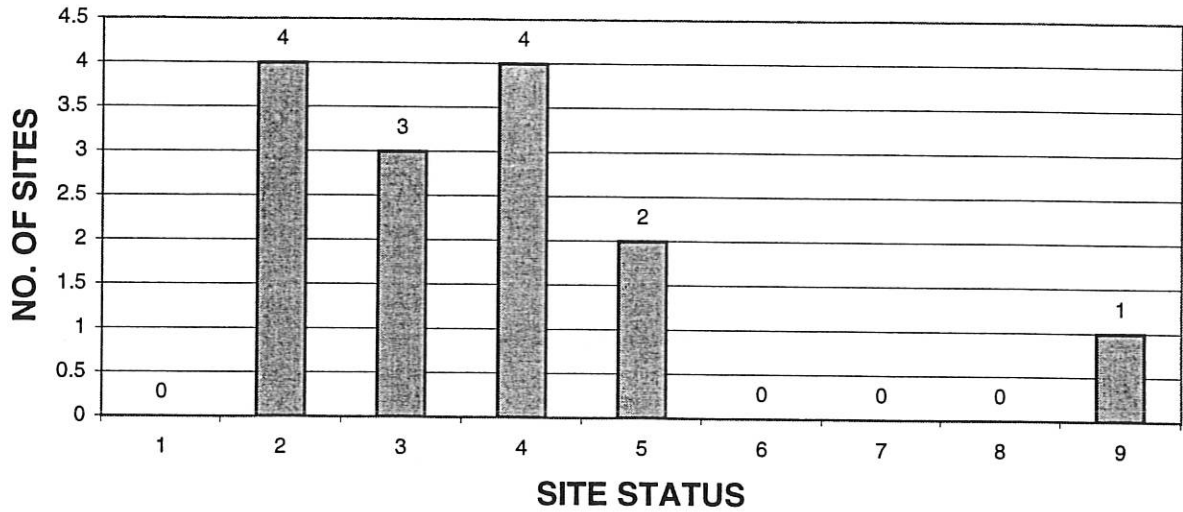
1. SITE ASSESSMENT	2. SHORT TERM MONITORING	3. INVESTIGATION
4. LONG TERM MONITORING	5. REMEDIATION PLAN	6. INSTALLATION
7. REMEDIATION	8. POST REMEDIATION MONITORING	9. RESOLVED

## DISTRICT 2 DISTRIBUTION OF SITES BY STATUS



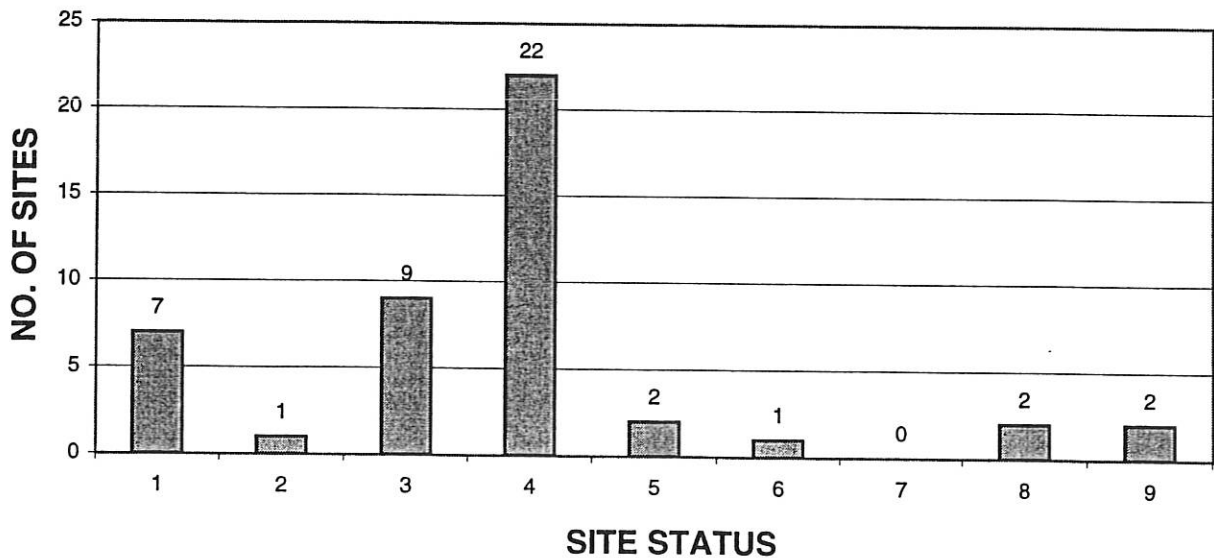
1. SITE ASSESSMENT	2. SHORT TERM MONITORING	3. INVESTIGATION
4. LONG TERM MONITORING	5. REMEDIATION PLAN	6. INSTALLATION
7. REMEDIATION	8. POST REMEDIATION MONITORING	9. RESOLVED

## DISTRICT 3 DISTRIBUTION OF SITES BY STATUS



1. SITE ASSESSMENT	2. SHORT TERM MONITORING	3. INVESTIGATION
4. LONG TERM MONITORING	5. REMEDIATION PLAN	6. INSTALLATION
7. REMEDIATION	8. POST REMEDIATION MONITORING	9. RESOLVED

## DISTRICT 4 DISTRIBUTION OF SITES BY STATUS



1. SITE ASSESSMENT	2. SHORT TERM MONITORING	3. INVESTIGATION
4. LONG TERM MONITORING	5. REMEDIATION PLAN	6. INSTALLATION
7. REMEDIATION	8. POST REMEDIATION MONITORING	9. RESOLVED

## **Conclusions**

This report provides information concerning the location, resource impact, immediacy level, and site description and status for 95 listed contamination / remediation sites related to exploration and production activities in the state. In addition, data is presented with regard to staff expenditures for site management, administration, and inspections, as well as authorization and/or expenditures against the Abandoned Well / Remediation fund for investigatory and remedial activities at the sites.

The Conservation Division of the Kansas Corporation Commission is committed to working with the oil and gas industry of the state, as well as other resource stakeholders within government and the public in general to provide a scientifically sound and technically based remediation program.





**Impacts, Immediacy and Target Remediation Levels  
For  
Kansas Corporation Commission Contamination Sites**

Site Name	County	KCC District	Impact	Immediacy	Target Level Of Remediation	Unusual Problems	Estimated Total Cost
American Salt	Rice	2	Domestic	UR	500 ppm	No	\$ 5,500*
Amons	Butler	2	Domestic	Low	500 ppm	Yes	\$ 25,500(+)
Arkansas River	Cowley	2	Wells / SW/ GW	Mod-High	0 ppm	Yes	\$ 200,000
Asbury	Cowley	2	Domestic	Low	500 ppm	Yes	\$ 7,500
Avey, Gene	Rush	1	Domestic	Low	350 ppm	No	\$ 4,500
Balthazor	Graham	4	Domestic(Sole Source)	Mod-High	250 ppm	Yes	\$ 37,000
Batt	Russell	4	Domestic	Low	500 ppm	No	\$ 50,000
Beard and Meats	Coffey	3	GW / Soil	Low	500 ppm	No	\$ 200(yr)
Benson	Reno	2	GW / Soil	Mod-High	250 ppm	No	\$ 6,500*^
Braun	Ellis	4	Groundwater / Stock Well	Low	500 ppm	Yes	\$ 20,000
Brazil	Neosho	3	SW / GW / PWS	Low-Mod	500 ppm	No	\$ 63,000
Brothers	Rice	2	Groundwater	Low	500 ppm	Yes	\$ 31,500
Browning	Greenwood	3	GW / SW	Resolved	Reached	Yes	\$ N/A
Burrton	Harvey/Reno	2	Domestic / Irrigation	High	Variable	Yes	\$3,000,000

Site Name	County	KCC District	Impact	Immediacy	Target Level Of Remediation	Unusual Problems	Estimated Total Cost
Catron, James	Sedgwick	2	Domestic / Irrigation	Moderate	250 to 400 ppm	Yes	\$ 1,500
Cessna	Kingman	2	GW / SW	Resolved	Reached	Yes	\$ N/A*
Clawson(Mesa)	Haskell	1	Irrigation	UR	350 ppm	Yes	450(yr)*
Codell	Rooks	4	Public Water Supply	Mod-High	250 ppm	Yes	\$ 17,950
Curtis	Stafford	1	GW / Irrigation	Low-Mod	500-1000 ppm	Yes	\$ 30,500
Dettweiler	Harvey	2	Domestic / Irrigation	Low	500 to 750 ppm	Yes	\$ 12,500
Dinkel	Ellis	4	GW / Domestic (SS)	Moderate	250 ppm	Yes	\$ 30,000
Dinkel/Sanders	Ellis	4	Groundwater / Domestic	Low	250 ppm	Yes	\$ 250
Dortland, E	Russell	4	GW / STK / SW	Low	500 ppm	Yes	\$ 90,000
Dortland, H	Ellis	4	Domestic	Low	500 ppm	Yes	\$ 500
EB-3C	Reno	2	Groundwater	Low	16 ppb	Yes	\$ 20,000
Elm Creek	Rooks	4	Domestic / Stock Well	Mod-High	500 ppm	Yes	\$ 300,000
Enoch-Thompson	Pawnee	1	Stock Well	UR	500 ppm	Yes	\$ 10,000*
Fink, Leon	Graham	4	Stock Well	Low	500 ppm	Yes	\$ 2,000
Fowler	Montgomery	3	Soil	Low	300 ppm	No	\$ 4,500
French	Stafford	1	GW / SW / SD / WP	Mod-High	500 ppm	Yes	\$ 53,000
Galva City	McPherson	2	Groundwater	Moderate	500 ppm	No	\$ 20,500

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Site Name	County	KCC District	Impact	Immediacy	Target Level Of Remediation	Unusual Problems	Estimated Total Cost
Greenwood	Greenwood	3	GW / SW / Soil	Low	500 ppm	No	\$ 1,500
Gross, Marcellus	Ellis	4	Groundwater / SD	Low-Mod	500 ppm	No	\$ 20,000
Harbaugh	Barber	1	Domestic / Stock Well	UR	1000 ppm	Yes	\$ 450,000*
Hollow-Nikkel	Harvey	2	Domestic / Irrigation	Moderate	500 ppm	Yes	\$ 75,000
Houser	Rooks	4	Domestic (Sole Source)	Low	500 ppm	Yes	\$ 2,000
Hrencher	Barber	1	GW/ STK / Soil / SW	Mod-High	1000 ppm	No	\$ 150,000
Hullman	Pratt	1	Groundwater / Soil	Mod-High	500 ppm	Yes	\$ 700
Irey - Hrabe	Rooks	4	Groundwater	Low	250 ppm	Yes	\$ 4,000
Jennings	Decatur	4	Groundwater / PWSW	Low-Mod	500 ppm	No	\$ 500
Johnson, C	Rice	2	GW / SD	Moderate	750 ppm	Yes	\$ 50,000
Johnson, R	Pratt	1	Groundwater	Resolved	Reached	No	\$ N/A
Keith	Graham	4	Domestic (Sole Source)	Resolved	Reached	No	\$ N/A
Keller	Rooks	4	Domestic	Low	250 ppm	Yes	\$ 30,000
Knackstedt	McPherson	2	WP (Cavity)	Low-Mod	N/A	Yes	\$ 12,000
Lang, Doris	Ellis	4	Domestic(Sole Source)	Resolved	Reached	No	\$ 1,000*
Lawless	McPherson	2	Domestic	Low	500 ppm	Yes	\$ 6,500
Leon	Butler	2	SW / Soil	UR	500 ppm	No	\$ 153,750

Site Name	County	KCC District	Impact	Immediacy	Target Level Of Remediation	Unusual Problems	Estimated Total Cost
LeRoy	Coffey	3	GW / Soil	Low	500 ppm	No	\$ 10,500
Macksville	Pawnee	1	Groundwater	UR	300 ppm	Yes	\$ 15,000(yr)*
Mantooth	Montgomery	3	Domestic (SS) / SW	Moderate	500 ppm	Yes	\$ 112,654
Maupin	Russell	4	Stock Well	Low-Mod	500 ppm	No	\$ 2,000
McDonald - East	Linn	3	Surface Water	Low	500 ppm	No	\$ 1,500(yr)
McDonald - West	Linn	3	Groundwater	Low	500 ppm	No	\$ 350(yr)
McPherson LandFill	McPherson	2	DM / STK / SD	Moderate	500 ppm	No	\$ 250,000
Mowat	Marion	2	Domestic(Sole Source)	Low	N/A - Gas	Yes	\$ 2,250
Ness Crude	Hodgeman	1	GW / Soil	UR	1000 ppm	Yes	\$ 27,282
Nuss	Russell	4	Domestic / Stock Well	Low	250 ppm	No	\$ 1,250
Packard	Barber	1	GW / Water Well / STK	High	1000 ppm	Yes	\$ 275,000
Peace Creek	Reno	2	WP	Low	N/A	Yes	\$ 3,000*
Peavy-Mowry-Vine	Rooks	4	Stock Well	Low	500 ppm	Yes	\$ 28,000
Raymond/Seelye	Rush	1	Groundwater	Low	500 ppm	No	\$ 500(yr)
Rein	Russell	4	GW / SW	Low	1000 ppm	Yes	\$ 4,250
Ruder	Ellis	4	GW / SW	Moderate	500 ppm	Yes	\$ 29,000

Site Name	County	KCC District	Impact	Immediacy	Target Level Of Remediation	Unusual Problems	Estimated Total Cost
Russell City	Russell	4	Domestic / Irrigation	Moderate	1000 ppm	Yes	\$ 420,000
Russell RWD #1	Russell	4	Public Water Supply Well	Mod-High	250 ppm	Yes	\$ 33,000
RWD #6	Franklin	3	Public Water Supply	Moderate	250 ppm	No	\$ 300
S&K	Reno	2	Groundwater / Domestic	Low-Mod	750 ppm	Yes	\$ 15,000
Sample	Sedgwick	2	Groundwater	Low	500 ppm	Yes	\$ 2,500
Sander	Russell	4	Domestic / Stock Well	Low	1000 ppm	Yes	\$ 3,000
Sargent	Rice	2	GW / SW / Soil	UR	1000 ppm	Yes	\$ 16,500*
Sarver	Rooks	4	Stock Well	Low	250 ppm	No	\$ 2,250
Schnellar	Trego	4	Groundwater	Low	1000 ppm	Yes	\$ 1,250
Schraeder	Hodgeman	1	GW / Stock Well	Low	350 ppm	No	\$ 223,000
Schroeder	McPherson	2	Domestic	Low	500-750 ppm	Yes	\$ 10,000
Schruben-Rogers	Rooks	4	Domestic(Sole Source)	Low	250 ppm	No	\$ 2,000
Schulte Field	Sedgwick	2	Domestic / PWSW	Moderate	500 ppm	Yes	\$ 615,000
Selzer	McPherson	2	GW / SW	Moderate	500-750 ppm	Yes	\$ 62,500
Simons	Rooks	4	Surface Water / SD	Low	500 ppm	No	\$ 1,500
Smith-Finn	Morton	1	Domestic	UR	500 ppm	Yes	\$ 2,600*
South Spivey	Kingman	2	GW / DM / SW	UR	750 ppm	Yes	\$ 5,000*

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Site Name	County	KCC District	Impact	Immediacy	Target Level Of Remediation	Unusual Problems	Estimated Total Cost
South Stockton	Rooks	4	Domestic	Low	500 ppm	No	\$ 1,000
South Wichita (Blood Orchard)	Sedgwick	2	PWSW / DM / IR	Moderate	500 to 750 ppm	Yes	\$ 257,500
Staudinger	Barton	4	Surface Water	Low	1000 ppm	No	\$ 1,250
Stowe-Zaid	Rice	2	GW / Soil	Low	350 ppm	Yes	\$ 25,000^
Striker	Reno	2	GW	Low	350 ppm	No	\$ 5,000
Swisher	Saline	2	Domestic / SD	Low	500-750 ppm	Yes	\$ 25,000
Tillock	McPherson	2	Domestic	Low	500 ppm	Yes	\$ 1,000(yr)
Trostle	Kingman	2	Domestic / STK / Soil	UR	500 ppm	No	\$ 2,500*
Vaughn	Reno	2	Domestic (Sole Source)	Low-Mod	500 ppm	Yes	\$ 1,000
Webber	Butler	2	Domestic (Sole Source)	Low	500 ppm	Yes	\$ 1,000
Wildboy's	Barber	1	GW / SW / PWSW	Mod-High	500 ppm	No	\$ **
Wilgus	Saline	2	Domestic	Low	500 to 750 ppm	Yes	\$ 8,000
Wingate	Wilson	3	GW / Soil	Low	500 ppm	No	\$ 700
Zimmerman	Ellis	4	GW / Stock Well	Low	800 ppm	No	\$ 2,250
Total Estimated Cost							\$7,510,436

GW=Groundwater SW=Surface Water ABDW=Abandoned Well IR=Irrigation Well PWSW=Public Water Supply Well  
 STK=Stock Well WP=Well Problem DM=Domestic SS=Sole Source SD=Surface Damage Mod=Moderate  
 UR=Under Remediation \*PRP - Potential Responsible Party involvement \*\*See Harbaugh Site for costs ^New Site

3-14

# CONTAMINATION SITES BY RIVER BASIN LOCATION

SITE NAME	COUNTY	LOCATION	RIVER BASIN	STATUS
CLAWSON	HASKELL	34 -29 S- 34 W	CIMARRON	A-REM
SMITH-FINN	MORTON	08 -34 S- 43 W	CIMARRON	A-LT-REM
AMERICAN SALT	RICE	32 -20 S- 07 W	LOWER ARKANSAS	A-LT MONIT-REM
ARKANSAS RIVER	COWLEY	07 -33 S- 03 E	LOWER ARKANSAS	A-PLAN
BENSON	RENO	17 -25 S- 9 W	LOWER ARKANSAS	A-INVES
BROTHERS	RICE	12 -21 S- 07 W	LOWER ARKANSAS	A-LT MONIT
BURRTON	HARVEY	-23 S- 03 W	LOWER ARKANSAS	A-PLAN
CATRON	SEDGWICK	07 -26 S- 01 E	LOWER ARKANSAS	A-INVEST
CESSNA	KINGMAN	12 -30 S- 07 W	LOWER ARKANSAS	RESOLVED
CURTIS	STAFFORD	26 -24 S- 14 W	LOWER ARKANSAS	A-INVEST-LT
DETTWEILER	HARVEY	02 -23 S- 02 W	LOWER ARKANSAS	A-INVEST
EB-3C	RENO	25 -23 S- 04 W	LOWER ARKANSAS	A-PR MONIT
FRENCH LEASE	STAFFORD	17 -23 S- 13 W	LOWER ARKANSAS	A-INVEST-LT
GALVA CITY AREA	MCPHERSON	15 -19 S- 03 W	LOWER ARKANSAS	A-INVEST
HARBAUGH	BARBER	20 -33 S- 11 W	LOWER ARKANSAS	A-INV-LT-REM
HOLLOW NIKKEL	HARVEY	20 -22 S- 03 W	LOWER ARKANSAS	A-PLAN
HRENCHER	BARBER	36 -32 S- 12 W	LOWER ARKANSAS	A-INVES-LT
HULLMAN	PRATT	07 -27 S- 12 W	LOWER ARKANSAS	A-MONIT
JOHNSON	RICE	12 -21 S- 07 W	LOWER ARKANSAS	A-LT MONIT
JOHNSON, R	PRATT	07 -27 S- 12 W	LOWER ARKANSAS	RESOLVED



3-15

<b>SITE NAME</b>	<b>COUNTY</b>	<b>LOCATION</b>	<b>RIVER BASIN</b>	<b>STATUS</b>
KNACKSTEDT	MCPHERSON	30-20 S- 05 W	LOWER ARKANSAS	A-LT MONIT
LAWLESS	MCPHERSON	07-19 S- 01 W	LOWER ARKANSAS	A-INVEST
MACKSVILLE	PAWNEE	30-23 S- 15 W	LOWER ARKANSAS	A-LT-REM
MCPHERSON LAND FILL AREA	MCPHERSON	34-19 S- 03 W	LOWER ARKANSAS	A-SITE
PACKARD	BARBER	23-31 S- 13 W	LOWER ARKANSAS	A-INVEST-LT
PEACE CREEK	RENO	12-23 S- 10 W	LOWER ARKANSAS	A-PR MONIT
S&K	RENO	13-23 S- 04 W	LOWER ARKANSAS	A-PR MONIT
SARGENT	RICE	10-19 S- 06 W	LOWER ARKANSAS	A-REM
SCHROEDER	MCPHERSON	01-20 S- 01 W	LOWER ARKANSAS	A-LT MONIT
SCHULTE	SEDGWICK	07-28 S- 01 W	LOWER ARKANSAS	A-LT MONIT
SELZER	MCPHERSON	02-20 S- 01 W	LOWER ARKANSAS	A-LT MONIT
SOUTH SPIVEY	KINGMAN	34-30 S- 08 W	LOWER ARKANSAS	A-REM
SOUTH WICHITA	SEDGWICK	29-28 S- 01 E	LOWER ARKANSAS	A-LT MONIT
STOWE-ZAID	RICE	24-20 S- 06 W	LOWER ARKANSAS	A-SITE-INVES
STRIKER	RENO	07-24 S- 10 W	LOWER ARKANSAS	A-PR MONIT
TILLOCK	MCPHERSON	21-19 S- 02 W	LOWER ARKANSAS	A-LT MONIT
TROSTLE	KINGMAN	33-28 S- 06 W	LOWER ARKANSAS	A-REM
VAUGHN	RENO	30-24 S- 04 W	LOWER ARKANSAS	A-LT MONIT
WILDBOY'S	BARBER	28-33 S- 11 W	LOWER ARKANSAS	A-LT-PLAN
MC DONALD-EAST	LINN	27-19 S- 22 E	MARAIS DES CYGNES	A-INVES
MC DONALD-WEST	LINN	27-19 S- 22 E	MARAIS DES CYGNES	A-LT MONIT
RWD #6	FRANKLIN	22-17 S- 21 E	MARAIS DES CYGNES	A-MONIT

3-16

<u>SITE NAME</u>	<u>COUNTY</u>	<u>LOCATION</u>	<u>RIVER BASIN</u>	<u>STATUS</u>
BEARD AND MEATS	COFFEY	12 -23 S- 16 E	NEOSHO	A-MONIT
BRAZIL	NEOSHO	28 -27 S- 18 E	NEOSHO	A-LT-PLAN
LEROY	COFFEY	01 -23 S- 16 E	NEOSHO	A-LT MONIT
MOWAT	MARION	25 -18 S- 04 E	NEOSHO	A-LT MONIT
BATT	RUSSELL	35 -15 S- 14 W	SMOKY HILL - SALINE	A-INVEST-LT
BRAUN	ELLIS	32 -13 S- 16 W	SMOKY HILL - SALINE	A-SITE-INVEST
CODELL	ROOKS	13 -10 S- 17 W	SMOKY HILL - SALINE	A-LT MONIT
DINKEL	ELLIS	32 -13 S- 17 W	SMOKY HILL - SALINE	A-INVEST-LT
DINKEL/SANDERS	ELLIS	16 -14 S- 17 W	SMOKY HILL - SALINE	A-LT MONIT
DORTLAND, E	RUSSELL	05 -14 S- 15 W	SMOKY HILL - SALINE	A-LT MONIT
DORTLAND, H	ELLIS	34 -12 S- 16 W	SMOKY HILL - SALINE	A-SITE-INVEST
GROSS	ELLIS	18 -15 S- 17 W	SMOKY HILL - SALINE	A-SITE-INVEST
HOUSER	ROOKS	08 -10 S- 17 W	SMOKY HILL - SALINE	A-LT MONIT
KELLER	ROOKS	29 -10 S- 20 W	SMOKY HILL - SALINE	A-SITE
LANG	ELLIS	04 -14 S- 17 W	SMOKY HILL - SALINE	RESOLVED
MAUPIN	RUSSELL	09 -11 S- 15 W	SMOKY HILL - SALINE	A-LT MONIT
NUSS	RUSSELL	22 -14 S- 14 W	SMOKY HILL - SALINE	A-LT MONIT
PEAVY-MOWRY-VINE-BATES	ROOKS	16 -10 S- 18 W	SMOKY HILL - SALINE	A-SITE-LT MONIT
RAYMOND/SEELYE	RUSH	03 -16 S- 19 W	SMOKY HILL - SALINE	A-LT MONIT
REIN	RUSSELL	18 -14 S- 13 W	SMOKY HILL - SALINE	A-LT MONIT-PLAN
RUDER	ELLIS	08 -15 S- 18 W	SMOKY HILL - SALINE	A-SITE-LT MONIT
RUSSELL CITY	RUSSELL	27 -13 S- 14 W	SMOKY HILL - SALINE	A-LT MONIT-PLAN

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<b>SITE NAME</b>	<b>COUNTY</b>	<b>LOCATION</b>	<b>RIVER BASIN</b>	<b>STATUS</b>
RUSSELL RWD #1	RUSSELL	34 -14 S- 14 W	SMOKY HILL - SALINE	A-LT MONIT
SANDER	RUSSELL	03 -14 S- 15 W	SMOKY HILL - SALINE	A-INVEST-LT
SARVER	ROOKS	12 -09 S- 16 W	SMOKY HILL - SALINE	A-LT MONIT
SCHNELLAR	TREGO	25 -13 S- 21 W	SMOKY HILL - SALINE	A-LT MONIT
STAUDINGER	BARTON	07 -16 S- 11 W	SMOKY HILL - SALINE	A-LT MONIT
SWISHER WELL	SALINE	08 -16 S- 01 W	SMOKY HILL - SALINE	A-INVEST
WILGUS	SALINE	20 -14 S- 02 W	SMOKY HILL - SALINE	A-LT MONIT
ZIMMERMAN	ELLIS	35 -15 S- 19 W	SMOKY HILL - SALINE	A-MONIT
BALTHAZOR	GRAHAM	14 -09 S- 21 W	SOLOMON	A-INVEST-LT
ELM CREEK	ROOKS	06 -09 S- 17 W	SOLOMON	A-INVEST-INSTAL
FINK	GRAHAM	27 -08 S- 22 W	SOLOMON	A-LT MONIT
IREY-HRABE	ROOKS	01 -09 S- 17 W	SOLOMON	A-SITE-INV-LT
KEITH	GRAHAM	03 -09 S- 24 W	SOLOMON	RESOLVED
SCHRUBEN-ROGERS	ROOKS	18 -07 S- 17 W	SOLOMON	A-LT MONIT
SIMONS	ROOKS	26 -07 S- 17 W	SOLOMON	A-LT MONIT
SOUTH STOCKTON	ROOKS	24 -07 S- 18 W	SOLOMON	A-PR MONIT
AVEY	RUSH	15 -18 S- 16 W	UPPER ARKANSAS	A-INVEST-LT
ENOCH THOMPSON	PAWNEE	17 -21 S- 20 W	UPPER ARKANSAS	A-LT-REM
NESS CRUDE / MILLER	HODGEMAN	29 -22 S- 22 W	UPPER ARKANSAS	A-INVEST-REM
SCHRAEDER	HODGEMAN	03 -24 S- 24 W	UPPER ARKANSAS	A-LT MONIT
JENNINGS	DECATUR	25 -04 S- 27 W	UPPER REPUBLICAN	A-PR MONIT
BROWNING	GREENWOOD	20 -22 S- 10 E	VERDIGRIS	RESOLVED

<b>SITE NAME</b>	<b>COUNTY</b>	<b>LOCATION</b>	<b>RIVER BASIN</b>	<b>STATUS</b>
FOWLER	MONTGOMERY	19 -32 S- 15 E	VERDIGRIS	A-INVEST-LT
GREENWOOD	GREENWOOD	19 -22 S- 11 E	VERDIGRIS	A-MONIT
MANTOOTH	MONTGOMERY	29 -33 S- 14 E	VERDIGRIS	A-INVEST-PLAN
WINGATE	WILSON	17 -29 S- 17 E	VERDIGRIS	A-MONIT
AMONS	BUTLER	11 -25 S- 04 E	WALNUT	A-LT MONIT
ASBURY	COWLEY	07 -30 S- 08 E	WALNUT	A-LT MONIT
LEON WATERFLOOD	BUTLER	19 -27 S- 06 E	WALNUT	A-REM
SAMPLE	SEDGWICK	29 -26 S- 02 E	WALNUT	A-LT MONIT
WEBBER	BUTLER	01 -27 S- 04 E	WALNUT	A-LT MONIT

**Site = Site Assessment**      **Monit = Short Term Monitoring**      **Inv or Inves = Investigation**      **Lt or Lt Monit = Long Term Monitoring**  
**Plan = Remediation Plan**      **Install = Installation of Remediation Project**      **Rem = Under Remediation**      **PR Monit = Post Remediation Monitoring**

# CONTAMINATION SITE EXPENDITURES

SITE NAME	CONTROL NO.	STAFF HOURS	EXPENDITURE FOR STAFF HOURS	REMEDIATION FUND AUTHORIZATION / EXPENDITURE	
				FY 99/2000	TOTAL
AMERICAN SALT	970019-00	11	\$252.20		
AMONS	970020-00	7	\$143.04		
ARKANSAS RIVER	970021-00	5	\$104.24		
ASBURY	970022-00	3	\$65.44		
AVEY	970002-00	5.5	\$110.61		
BALTHAZOR	970023-00	54.5	\$1,050.11		
BATT	970025-00	52.5	\$1,014.64		
BEARD AND MEATS	970026-00	2	\$46.04		
BENSON	20000034-001	76	\$1,481.64		
BRAUN	970028-00	25	\$484.47		
BRAZIL	990040-001	28	\$550.44		\$2,210.00
BROTHERS	970029-00	19	\$462.63		\$4.35
BROWNING	970030-00	13	\$259.44		
BURRTON	970003-00	301	\$7,177.47	\$3,782.40	\$89,704.43
CATRON	970004-00	3.5	\$75.14		
CESSNA	970032-00	32.5	\$637.74		
CLAWSON	970005-00	5	\$104.24		
CODELL	970033-00	113	\$2,157.26	\$7,518.00	\$17,688.00
CURTIS	970034-00	23.75	\$446.90		\$584.97
DETTWEILER	970006-00	5	\$104.24		
DINKEL	970035-00	21	\$414.64		
DINKEL/SANDERS	970036-00	8.5	\$168.81		
DORTLAND, E	970038-00	9.5	\$189.32		
DORTLAND, H	970037-00	9.5	\$187.10		
EB-3C	970042-00	4	\$84.84		
ELM CREEK	970043-00	38	\$744.44		\$47,288.00

SITE NAME	CONTROL NO.	STAFF HOURS	EXPENDITURE FOR STAFF HOURS	REMEDIATION FUND AUTHORIZATION / EXPENDITURE	
				FY 99/2000	TOTAL
ENOCH THOMPSON	970044-00	15	\$298.24		
FINK	970007-00	18.5	\$361.70		
FOWLER	970046-00	15	\$298.24		
FRENCH	990002-001	30.5	\$571.19	\$229.50	\$346.50
GALVA CITY AREA	980033-001	61.5	\$1,200.34	\$8.00	\$26.39
GREENWOOD	970048-00	10	\$201.24		
GROSS	970008-00	14	\$278.84		
HARBAUGH	970049-00	882.5	\$17,328.98	\$272,170.30	\$461,308.22
HOLLOW NIKKEL	970009-00	3.5	\$75.14	\$1,505.09	\$4,294.94
HOUSER	970050-00	28	\$550.44		
HRENCHEK	970051-00	20	\$395.24		
HULLMAN	970052-00	13.5	\$262.48		
IREY-HRABE	970053-00	22	\$434.04		
JENNINGS	970054-00	46	\$899.64		
JOHNSON	970055-00	13	\$291.00		
JOHNSON, R	970056-00	7.5	\$152.74		
KEITH	970058-00	18	\$352.00		
KELLER	970059-00	22	\$434.04		
KNACKSTEDT	970060-00	9	\$213.40		\$153.39
LANG	970010-00	37	\$709.50		
LAWLESS	970063-00	4	\$84.84		
LEON WATERFLOOD	980053-001	149	\$3,594.26		\$75,000.00
LEROY	970064-00	11	\$220.64		
MACKSVILLE	970066-00	119.5	\$2,200.11	\$1,885.24	\$12,310.26
MANTOOTH	980058-001	237.5	\$4,614.74	\$8,175.00	\$8,175.00
MAUPIN	970068-00	35.5	\$687.06		
MC DONALD-EAST	970070-00	22	\$434.04		
MC DONALD-WEST	970071-00	11.5	\$230.34		

SITE NAME	CONTROL NO.	STAFF HOURS	EXPENDITURE FOR STAFF HOURS	REMEDIATION FUND AUTHORIZATION / EXPENDITURE	
				FY 99/2000	TOTAL
MCPHERSON LANDFILL	980034-001	36	\$743.80		
MOWAT	970073-00	5.5	\$113.94		
NESS CRUDE / MILLER	980059-001	6	\$142.72		
NUSS	970074-00	29.5	\$577.32		
PACKARD	970075-00	26.5	\$514.68		
PEACE CREEK	970076-00	16	\$349.20		
PEAVY-MOWRY-VINE-BA	970077-00	21	\$414.64		
RAYMOND/SEELYE	970079-00	3.5	\$71.81		
REIN	970080-00	30	\$587.02		
RUDER	970082-00	187	\$3,590.64	\$13,218.00	\$13,218.00
RUSSELL CITY	970083-00	90	\$1,753.24		
RUSSELL RWD #1	970084-00	43.5	\$846.70		
RWD #6	970085-00	4	\$84.84		
S&K	970086-00	6	\$123.64		
SAMPLE	970088-00	5.5	\$113.94		
SANDER	970089-00	35.5	\$691.50		
SARGENT	980041-001	62.5	\$1,653.69		\$69.82
SARVER	970090-00	13.5	\$269.14		
SCHNELLAR	970091-00	12	\$240.04		
SCHRAEDER	970013-00	32.5	\$598.89		
SCHROEDER	970092-00	10.5	\$210.94		
SCHRUBEN-ROGERS	970014-00	18.5	\$366.14		
SCHULTE	970015-00	30.5	\$598.94		\$1,218.50
SELZER	970093-00	13.5	\$269.14		
SIMONS	970094-00	18.5	\$366.14		
SMITH-FINN	970095-00	14	\$272.18		
SOUTH SPIVEY	970096-00	43.5	\$833.38		
SOUTH STOCKTON	970087-00	14	\$278.84		

SITE NAME	CONTROL NO.	STAFF HOURS	EXPENDITURE FOR STAFF HOURS	REMEDIATION FUND AUTHORIZATION / EXPENDITURE	
				FY 99/2000	TOTAL
SOUTH WICHITA	970016-00	310	\$6,029.85		\$16,926.00
STAUDINGER	970097-00	23	\$446.78		
STOWE-ZAID	20000035-001	143.5	\$3,066.00	\$930.20	\$930.20
STRIKER	970099-00	7	\$143.04		
SWISHER WELL	970100-00	16.5	\$327.34		
TILLOCK	970101-00	2.5	\$55.74		
TROSTLE	980038-001	15.5	\$299.06		
VAUGHN	970102-00	17	\$328.16		
WEBBER	970104-00	12.5	\$249.74		
WILDBOY'S	970017-00	8	\$162.44		
WILGUS	970106-00	16.5	\$374.68		
WINGATE	970107-00	8	\$162.44		
ZIMMERMAN	970109-00	30.5	\$586.73		
<b>Totals:</b>		4191.75	\$84,800.63	\$309,421.73	\$751,456.97



REPORT TO THE HOUSE COMMITTEE ON THE ENVIRONMENT  
Representative Joann L. Freeborn, Chair

By: James J. O'Connell  
Kansas Commissioner, Central Interstates  
Low Level Radioactive Waste  
Compact Commission

Date: 27 January 2000

Kansas participates as a member of a 5-state Compact under the authority of K.S.A. § 65-34a01, enacted by the Legislature in 1982 and amended in 1993. Consent of Congress to the Compact was granted in 1986. Its purpose is to provide for disposal of low-level radioactive wastes generated by users of radioactive materials, including power plants, hospitals, universities, research facilities and businesses, within the 5-state region. The other four states in the Compact are: Arkansas, Louisiana, Nebraska and Oklahoma.

A site for the development of an initial disposal facility was selected in the late 1980's in Boyd County, Nebraska and an application for a license for the facility was submitted and was deemed complete by the Nebraska Department of Environmental Quality in December, 1991. Over the ensuing years, much local and ultimately statewide opposition developed in Nebraska when the project became an issue in Governor Ben Nelson's campaign for the Governor's office. Candidate Nelson vowed that the facility would never be built and his administration acted consistent with this pledge during his 8 years in office.

In October, 1997, preliminary reports were issued by the Nebraska agencies involved in the license review. These did not appear to provide any serious obstacles to licensure and the Commission's contractor submitted its responses to the deficiencies noted. The reports did not state that a license would be granted and in fact explicitly reserved that decision until later by refusing to issue a draft license with the reports. After a series of public meetings and a public comment period, in November, 1998, Nebraska issued an intent to deny the license, primarily on the basis that groundwater had the potential to seep into the waste. (It should be noted that the facility is designed to be an above grade facility.)

The license review process was unnecessarily prolonged, at least in part because of the steady flow of funds into the review process, almost all of which was either spent through the Nebraska agencies or by the Commission's contractor and the Commission itself within the State of Nebraska. The total cost since 1991 is about \$90 million dollars, paid for the most part by the owners of nuclear power plants in the 5 states. Nebraska's license review process required the applicant to fund

*House Environment  
1-27-00  
Attachment 4*

all of the state's costs of the review and no budget that included a schedule and due dates for milestones was ever adopted by the State of Nebraska. Nebraska's own State Auditor, early in the process, criticized the lack of a schedule as poor management, but that was ignored by the Nelson administration. There is evidence that staff in the Governor's office took direct and indirect actions to specifically influence and control the review process and the outcome.

The license denial is subject to a contested case administrative appeal before the agency, but it was obvious that no objective review could be expected. In December, 1998, one of the two Nebraska utilities that operate nuclear power plants and all of the owners of nuclear power plants in the other four states filed a lawsuit in the U.S. District Court for Nebraska.

In that lawsuit, the State, the agencies involved in the license review and certain individuals were named as defendants, along with the Compact Commission. The plaintiffs concluded that they needed to name the Commission a defendant in order to have standing to sue under the theory pled in their Complaint (a theory of equitable subrogation to the rights of the Commission under the Compact). The suit seeks damages and asks for the appointment of a Special Master, or some other form of independent review under the auspices of the Court, to review the license application.

The Commission petitioned the Court to be realigned as a Plaintiff in the suit because its interests are more aligned with those of the power plant owners and that petition was granted. The lawsuit has since been jointly pursued by the Commission and by the nuclear power plant owners (except for Nebraska Public Power District).

Nebraska initially indicated that if the applicant proceeded with a contested case administrative review, it would require the Commission to pay the cost of the review of the state's decision to deny the license, a price tag estimated to be several million dollars. It also sought to pass on its costs of defense of the current bad faith lawsuit to the Commission! The Commission and the other plaintiffs sought and received a Temporary Restraining Order and, subsequently, a Preliminary Injunction barring Nebraska from claiming or using any Commission funds and from conducting any action on a contested case administrative review. Any such agency review is stayed pending the outcome of the lawsuit.

The lawsuit alleges that Nebraska acted in bad faith in conducting the license application review because the process and decision making was unnecessarily prolonged and was improperly subjected to political influence. In his Memorandum and Order granting the Preliminary Injunction, U.S. District Court Judge Richard G. Kopf commented that the State of Nebraska "took eight years to say 'no'..." to the application. He also stated that

there is good reason to think that the denial "was politically preordained".

Noting that the nuclear power plant owners that are plaintiffs in the lawsuit have spent more than \$74 million (plus another \$14 million spent by the absent owner, Nebraska Public Power), and in a statement that sums up the behavior of the State of Nebraska and some of its public officials in this matter, the Judge said:

"In what may be the ultimate expression of 'chutzpah', the defendants want millions more from the plaintiffs to defend this lawsuit."

INTERLOCUTORY APPEALS HAVE HALTED  
THE PROGRESS OF THE LAWSUIT

Nebraska appealed to the 8th Circuit Court from the grant of the Preliminary Injunction and oral argument was heard by the Circuit Court on January 10. A decision is expected in 6 to 8 weeks and it is expected to be favorable to the Commission.

In addition, Nebraska filed a Motion to Dismiss based on state sovereign immunity. (A sovereign immunity defense was also part of the State's claim of error in its appeal from the grant of the injunction.) The Motion to Dismiss was granted in part and denied in part. The action by the nuclear power plant owners against the State and its agencies was dismissed, but their action against the individual named defendants was allowed to be maintained. The motion for dismissal of the Commission's claims was denied in its entirety and those claims continue. Nebraska has also filed a separate appeal from this decision and that matter is pending before the 8th Circuit.

The result of these appeals is that jurisdiction over the case is currently in the 8th Circuit and not in the U.S. District Court for Nebraska and discovery is currently stayed. The case was originally set for trial in February, 2001, but it is unlikely that it will be tried then.

In a somewhat unbelievable turn of events, Nebraska reported to the Court in December, 1999 that it had accidentally destroyed electronic records, including e-mail and other documents from and previous to October, 1998, that were subject to the Court's order requiring that all documents and records, including electronic records, be preserved. The period affected includes the period just prior to the announcement of Nebraska's intent to deny the license. This destruction of records was purportedly due to the automatic re-use of tapes after one year by the State's data processing center. The Judge has ordered a Special Master and a computer expert to investigate and determine what if any records can be retrieved. This is at the State's expense.

### WITHDRAWAL BY NEBRASKA

In its last session the Nebraska Legislature enacted legislation withdrawing the state from the Compact and newly elected Governor Johanns signed that bill, which became effective in late August, 1999. Under the Compact statute, withdrawal is not effective until 5 years after notice of withdrawal is served by the withdrawing state on the Commission and each member state. During this 5 year period, the rights, duties and obligations of the withdrawing state continue.

Also, the Commission's Rules provide for a special meeting to be convened within 30 days after notice of withdrawal to determine whether the withdrawing state is acting in good faith. This meeting was convened on September 22, 1999. A motion was adopted requiring Nebraska to produce all documents related to its decision to withdraw and which would support Governor Johanns' written statement that the action was taken in good faith. The meeting was recessed and continued in order to allow time to review those documents.

A hearing to receive evidence of good faith, or the lack thereof, is provided in the Rules. However, the sanctions available to the Commission are limited and do not approach the level of the remedies sought in the lawsuit discussed above. In keeping with Nebraska's typical outrageous behavior, several hundred boxes of unindexed documents have been made available for review. These have all been serially numbered ("Bates" numbered), but Nebraska still insists that no index has been prepared. Nevertheless, review is being conducted for purposes of the special hearing which may be held later and, since discovery in the lawsuit is halted, this review may develop some information that may be useful later in that case.

### IMPLICATIONS OF WITHDRAWAL

The Compact statute (K.S.A. §65-34a01, Article VII) provides that withdrawal shall not affect "any liability already incurred by or chargeable to..." the withdrawing state. Among the sanctions which the Commission may impose is revocation of Nebraska's membership in the Compact. This action would be effective in one year instead of the 5 years for the withdrawal to become effective. Legal obligations of the state whose membership is revoked arising prior to the revocation "shall not cease until they have been fulfilled". (Article VII, paragraph e.)

If it is shown that Nebraska had a legal obligation to license the disposal facility in Boyd County, which obligation it failed to meet because of political interference in the license review process, the Compact provides authority to require it to issue the license and allow the facility to be built. Nebraska engaged a Washington law firm to evaluate the implications of withdrawal, presumably including these provisions of the statute,

and has denied this possible outcome. The state has released an executive summary of the law firm's opinion, but has not released the full report. Obviously, this would be an extremely drastic outcome and one which itself could lead to years of litigation. However, the plain language of the Compact statute provides for just such an outcome.

#### OTHER DISPOSAL OPTIONS

The disposal site located at Barnwell, South Carolina has been and remains the only available site for disposal of most classes of low level radioactive waste. However, South Carolina has taken some steps recently that point toward a phase out of Barnwell as a site available to the nation.

Because South Carolina has not, in recent years, been a member of a compact, it has not been able to restrict access to Barnwell, other than through the price of disposal. The state has now moved to become a member of the Northeast Compact (Connecticut and New Jersey), which may be renamed the Atlantic Compact. Its announced intent is to phase out of accepting waste on a nationwide basis.

At its January meeting the Central Interstates Compact Commission heard a report regarding what appears to be the direction South Carolina will take. A major consideration in that state's thinking is that, of the remaining capacity at Barnwell, it is estimated that about 80% will be required for the state's own major generators when their facilities are decommissioned.

If the direction that it currently appears South Carolina will take actually develops, the problem of disposal will become more acute. That problem will likely be more difficult for small generators of low level nuclear waste than it is for the nuclear power plants where on-site storage in the short term is more feasible. Without a safe disposal option, unsafe disposal becomes a much greater risk and likelihood.

#### CONCLUSION

The ultimate conclusion regarding the Nebraska disposal site and license is several years away. While it is true that some compacts around the country have shut down, other than California and Texas, no other compact had ever selected a site and considered license applications. (The Northwest Compact has a site in operation, but that site is located on a former federal nuclear facility and is atypical.)

It is disingenuous and irresponsible, as some opponents to the disposal project urge, to simply abandon the Boyd County project because of what has transpired to date in Nebraska. Some argue that the time and money expended should not be a reason to press on, but that those expenditures should just be considered

unrecoverable sunk costs that should be abandoned. However, any attempt to start over, even under a revised nationwide scheme, cannot be justified if the time and money sunk to date is simply abandoned because of a license denial in a flawed and improper application review process. Meanwhile, the disposal options are shrinking and no good alternative solution is apparent.

The fact is that the members of the Compact, including Nebraska, committed to a good faith effort to carry out its purposes. The Nebraska site is clearly suitable and licensable, the refusal of the political leadership to allow a license to be issued notwithstanding. As expensive and as time consuming as the effort has been to date, no currently available option offers a more likely solution and, given the inability on the federal level to deal with disposal of high level waste, no new scheme is likely to be able to overcome the current obstacles any better than has the current system. The lawsuit should be pressed to a conclusion; hopefully one in which the Court will order the site to be licensed and will order the state to repay the excessive costs of review to the owners of the nuclear power plants who have funded the project.