



City of Lawrence

CITY MANAGER'S OFFICE

THOMAS M. MARKUS
CITY MANAGER

City Offices
PO Box 708 66044-0708
www.lawrenceks.org

6 East 6th St
785-832-3000
FAX 785-832-3405

CITY COMMISSION

MAYOR
LESLIE SODEN

COMMISSIONERS
STUART BOLEY
MATTHEW J. HERBERT
LISA LARSEN
MIKE AMYX

October 19, 2017

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

Via: U.S. Mail and email to main office at: public.affairs@kcc.ks.gov. **Please deliver to appropriate division by 5:00 p.m. October 24th in order to meet notice deadline.**

Re: Midstates Energy Operating, LLC request for enhanced recovery into the Squirrel Sand from 750-760' thru perforations. Docket # E-32566.
Hadl Lease in Douglas County – Saltwater injection
Thrasher Lease in Douglas County – Saltwater injection

To Whom It May Concern,

Concerned citizens of the city of Lawrence and Douglas County have provided to staff the public notice concerning two proposals to inject saltwater into the Hadl and Thrasher leases located in Douglas County. From the Kansas Corporation Commission's website, staff has learned that these are Class II injection wells that will inject saltwater into the wells.

We acknowledge that the Kansas Department of Health and Environment and the KCC have authority in permitting the different classes of wells; however, we believe that injection wells can have local impacts that may require local governments to study and address impacts on the local level – environmental, geological, seismic and traffic impacts to name a few. While the information on KCC's website is helpful and informative, we find that the overall process of permitting injection well permits could be enhanced from local government's perspective and urge you to consider revising your process in the following ways.

1. Protest period – The 15-day protest period is a short timeframe considering the potential impacts that injection wells may produce. It leaves virtually no time for local governments to understand and react to the impacts an injection well may create. Local governments must work within a timeframe determined by the Kansas Open Meetings Act thereby requiring sufficient notice for the governing body to meet and consider applications for injection wells. Extending this protest period to 60 days would provide the time needed for staff to review applications and submit any proposed action to the governing body for decision.



2. Notice – Local governments often use a three-prong approach for providing public notice of important land use issues – newspaper, mailed notice to property owners within a certain number of feet, and placing signs on the subject property. We believe the notice process can be enhanced by adding these types of notice with direct notice being sent to the county and or city in which an injection well request is located.
3. Burden of proving no significant impact – The process currently requires anyone with concern to demonstrate evidence of harm, within a scant 15 days of notice, even as the KCC's own induced seismicity reports and efforts in Harper and Sumner counties demonstrate significant impacts in those areas of the state due to such wells. Placing the burden of proving harm may be an unrealistic expectation for the average Kansan who may lack scientific and financial resources by which to act within 15 days or even at all. We believe the burden of proving no harm should rest with the industry and monitoring agency (KCC) given the notable potential harm to communities.

Specific to the Hadl and Thrasher requests, we find that the timeframe of the protest period for the two applications is not sufficient for staff to assess their potential impacts. We understand that it is the responsibility of the KCC to make sure that injection wells are drilled in locations and using techniques that will protect our water resources and minimize the risks of earthquakes. Given the recent experiences that have occurred in Kansas and our neighboring state of Oklahoma, we would like to be provided with documentation of any work that has been done by the corporation commission, and/or the driller, to determine that the proposed injection wells will not endanger our underground water resources or increase the risks of earthquakes. We would also like sufficient time to review the data that you will provide us, so that we may have the opportunity to provide input in any decision that the corporation commission may make regarding these wells.

If such analysis of the risks of the proposed wells is not available, then the City of Lawrence and Douglas County strongly object to the issuance of any permit until such analysis is done and a determination is made, based on the best science available, that the risks of earthquakes and/or contamination of our water resources is negligible.

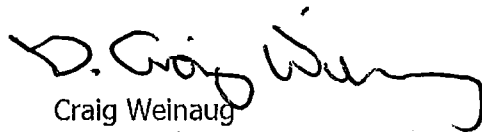
By this letter we request that the protest period be extended indefinitely until the data requested can be provided to Lawrence and Douglas County with a feasible amount of time to review it, reserving our opportunity to protest the applications if the data reveals significant impacts to the community.

Thank you for this consideration and we look forward to hearing from you on this matter.

Sincerely,



Tom Markus
City Manager



Craig Weinaug
County Administrator

C: Lawrence City Commissioners
Board of Douglas County Commissioners