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Testimony to Kansas Senate Agriculture & Natural Resources Committee

House Bill 2155

An Act concerning the department of health and environment; relating to water and soil pollutants; spill program; penalties.

Edward P. Cross, President
Kansas Independent Oil & Gas Association

March 12, 2021

Good morning Chairman Kerschen, Vice Chair Straub, Ranking Minority Member Ware and members of the committee. I am Edward Cross, President of the Kansas Independent Oil & Gas Association (KIOGA). KIOGA represents thousands of independent oil and natural gas explorers and producers, as well as allied service and supply companies. With nearly 3,500 members across the entire state, KIOGA is the lead state and national advocate for the Kansas independent oil and natural gas industry. I am responsible for public policy advocacy and interaction with external stakeholders including elected officials, regulators, governmental decision-makers, and community leaders. I am providing this neutral written testimony on House Bill 2155 (HB 2155) as information for the Committee and to make sure the record reflects the Memorandum of Understanding (MOU between the Kansas Department of Health & Environment (KDHE) and the Kansas Corporation Commission (KCC) regarding spills related to oil and gas exploration and production activities..

As the Committee looks at HB 2155, please be aware that there is a Memorandum of Understanding (MOU) between the KDHE and the KCC giving the KCC jurisdiction over spills related to oil and gas exploration and production activities that do not get off-lease. Specifically, the MOU states the KCC is responsible for the prevention and cleanup of pollution resulting from oil and gas exploration and production, underground porosity gas storage activities regulated by the KCC. This specifically includes spill response actions for spills of produced fluid. Produced fluid is defined as crude oil, gas condensate, brine, basal sediment and production enhancement fluids, after entering a well. The KCC's responsibility for response actions includes planning, implementing, and supervising the cleanup operation.