



KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) AND KANSAS CORPORATION COMMISSION (KCC) STATEMENT PROHIBITING CONVERSION OF OIL OR GAS WELLS AND DRY HOLES TO WATER WELLS

Narrative:

The KDHE and the KCC both have regulatory and statutory authority and responsibilities for protecting groundwater in Kansas. The KCC regulates oil and gas wells, and the KDHE regulates water wells.

As part of this essential protective function, the KDHE and KCC have jointly established this statement paper that describes the reasons these two agencies do not allow the conversion of existing oil/gas or oil or gas dry hole wells to a water well; including for domestic, livestock, industrial, or irrigation use.

These reasons are as follows:

1. The well was drilled as an oil and gas well, not a water well. The oil and gas drilling company is not licensed to drill water wells. A license issued by KDHE to drill water wells is required by Kansas Statutes 82a-1206 and 82a-1207.
2. The well's intended purpose is not for water supply. A well that is not used for the intended purpose does not often function properly for the intended converted use. Such a well will not meet many of the KDHE requirements for water wells found in Article 30 – Water Well Construction, Water Well Licensing, Water Well Plugging. The water well construction requirements are stringent since the water may be consumed by humans or livestock.
3. KDHE regulation K.A.R. 28-30-6 requires that new pipe must be used in a water well. Conversion of an existing oil or gas well will not meet this requirement.
4. Deeper bedrock aquifers are often stratified in regards to water quality. This makes it a technically complex and difficult matter to accurately identify the fresh water and mineralized zones to ensure proper location of plugs or perforations. This is necessary to prevent the waters from zones mixing which can result in fresh water degradation and to ensure that only the fresh water zone is produced.
5. In many situations, the oilfield casing would need to be perforated, which at shallower depths presents added safety issues.

6. KDHE regulation K.A.R. 28-30-6 (q) states the requirements for the contents of the drilling fluids that can be used. The drilling fluids used for drilling the oil or gas well will not meet these requirements in most cases. KDHE regulation 28-30-6 (p) requires all drilling fluids used during the construction or reconstruction of any water well to be initially disinfected by mixing with water enough sodium hypochlorite to produce at least 100 milligrams per liter, mg/l, of available chlorine. This is to prevent bacterial contamination of the well. An oil or gas well would not meet this requirement.
7. The water well may require a casing and cementing program different than that of an oil/gas well.
8. There may be county and state permits required for using the water, and the oil and gas drilling operator and landowner may not be aware of these.
9. The oil or gas operator or a homeowner/landowner may not be aware that the conversion of the oil and gas well to anything other than domestic, such as livestock, industrial, or recreation use requires a flow meter and water level measuring tube. The well may have to meet the DWR's and the Groundwater Management District's safe yield requirements. The oil and gas operator and landowner may not have any knowledge of these requirements.