

55-162. Finding reasonable cause to believe that person has violated act or rules and regulations; hearing; procedure; order; immediate remedial action; reconsideration and judicial review; investigations; sealing of well; removal of seal, penalty. (a) Whenever the commission, from investigation or upon written complaint filed with the commission, finds reasonable cause to believe that a person has violated any provision of this act or any rules and regulations adopted pursuant to this act, the commission shall cause such person to come before it at a hearing held in accordance with the provisions of the Kansas administrative procedure act. After such hearing, if the commission finds that such person violated any provisions of this act or the rules and regulations adopted pursuant to this act, the commission shall take any appropriate action necessary to prevent pollution and protect water quality. Such action may include, but not be limited to:

(1) Order the person to take such action necessary to remedy the violation;
(2) order the well or the lease to be shut down until the violation is corrected;
(3) order the person to pay any costs and reasonable attorney fees incurred by the commission in any action pursuant to this section and in any action to enforce an order entered by the commission pursuant to this section and to pay interest on any portion of such costs and attorney fees which remains unpaid more than 30 days after imposition, at the rate provided by K.S.A. 16-204 and amendments thereto and for interest on judgments;

(4) order any combination of such orders enumerated in paragraphs (1), (2) and (3); or
(5) if the commission finds that a person has not complied with an order issued under paragraph (1), (2), (3) or (4), the commission may order the suspension or revocation of any license issued pursuant to this act to such person.

(b) If it appears to the commission that damage may result if immediate remedial action is not taken, the commission, on the basis of emergency adjudicative proceedings, shall make such orders as provided in subsection (a), or may authorize its agents to enter upon the land where the well is located and take such remedial action necessary pending the giving of notice and hearing in accordance with the provisions of the Kansas administrative procedure act.

(c) Proceedings for reconsideration and judicial review of any order shall be conducted in the manner provided for the conduct of reconsideration and review proceedings under K.S.A. 55-606, and amendments thereto.

(d) Agents of the commission shall investigate any written or oral complaint within 72 hours of receipt thereof, not including Sundays and legal holidays, except that if such investigation is impracticable within such time frame, the agent shall communicate the same to the person making the complaint and make alternative arrangements for such investigation.

(e) Whenever a person is in violation of subsection (a) or subsection (b) agents of the commission may enter upon the lease or any other leases under the control of such operator and seal any well operated by the offending party. Removal of the seal without commission approval will constitute a severity level 9, nonperson felony.

History: L. 1982, ch. 228, § 15; L. 1986, ch. 201, § 15; L. 1988, ch. 356, § 163; L. 1995, ch. 95, § 1; L. 1995, ch. 204, § 11; L. 1996, ch. 104, § 1; July 1.