

Comments on First draft of Oil & Gas Ordinance in Sandoval County by Benton Howell

These comments are for the August 29, 2016 Hearing of planning and zoning commission.

My name is Benton Howell. I am a resident of Bernalillo township.

The first draft of an oil and gas ordinance is being reviewed by the Planning and Zoning commission of our county. This draft ordinance is very incomplete in trying to address the issues inherent in trying to protect a community from the many perils associate with drilling/fracking near to a residential community.

The potential location for the wells is not disclosed in this ordinance. With the experience provided by the Sandridge proposed drilling site just outside of the Rio Rancho city limits, and with the setbacks being as close as 300 feet to buildings in the ordinance (5.3.(D)), it appears the writers of this draft were willing to give the applicant every advantage regardless of the safety concerns of the citizens and the possible accidents that might result in fires, or cancer causing chemicals in their drinking water.

There are many places across the country where "fracking" is being used. Fracking wells in Pennsylvania have committed thousands of violations of oil and gas regulations since 2011. In July 2012, for example, a drilling company, Chief Oil and Gas was cited by the Pennsylvania Department of Environmental Protection for allowing thousands of gallons of hydrochloric acid to flow off its drilling site in Leroy Township, Bradford county and into nearby Towanda Creek, causing a fish kill. A more common problem was improper well construction. Well problems, including leaks, contaminated drinking water supplies in as many as 243 cases across Pennsylvania between 2007 and August 2014.

Here in Sandoval County, we would like to avoid those problems with fracking that have been so problematic in Pennsylvania. If the draft ordinances proposed here for Sandoval County were describing detailed drilling plans with well thought out protections, like enforced air quality regulations, and requirements for pre-drilling baseline measurements, and ongoing monitoring (air, water, noise, etc), then we might have a possible ordinance to which we could do some tweaking and have a useful tool.

In the proposed ordinances, degradation limits are qualitative (5.19), not measurable. How do you protect your community from carelessness and equipment failures, if you don't specify that each well will have a carefully thought out drilling plan, accompanied by monitoring wells, with baseline measurements, periodic inspections, and strict enforcement and well recognized penalties that have teeth, like revocation of the drilling permit. In the draft ordinance there is minimal inspection or enforcement, and no mechanism to cover costs of enforcement (6.6), such as periodic fees imposed on the operator. There seem to be no meaningful penalties for violations.

Why not use the latest tools for determining if contamination is occurring? There are advanced techniques for doing this which have been tested. Duke University did an isotopic analysis with Nobel gases in a well known case in Parker, Texas. In their application of this technique, it was obvious that contamination was increasing. Their study revealed that gas leakage came from intermediate-depth strata through failures of annulus cement, and some from larger production gases that seemed to implicate faulty protection casings, and one to an underground failure. This type of technique needs to be part of the tool kit that any driller coming here would be required to have.

These are some of the issues that I think we would like to have addressed in the ordinances.

