

## **Summary of Important Omissions from the August 2016 Sandoval County Draft Ordinance**

Prepared by Sandoval Citizens for a Good Oil and Gas Ordinance

An adequate oil and gas ordinance would truly protect the health, welfare and safety of the County's citizens, and would also protect the financial well-being of the County government. The August 2016 draft ordinance does neither.

Sandoval County conducted a public input process to seek improvements to its initial August 2016 draft oil and gas ordinance. Through the public input process, Sandoval County has received a large number of improvement suggestions, often with long explanations or justifications. As staff explained the process, Sandoval County will be now deliberating with the New Mexico Tech and the state's Energy, Minerals and Natural Resources Department to work those comments into a more effective updated draft ordinance. Because the needed changes are so extensive, that updated draft ordinance should be brought out for another round of public input, prior to spending P&Z Commission time on it.

Because of the huge quantity of detailed comments, we felt it might aid the deliberation process if the County staff and its advisors had a summary checklist of the selected omissions from the August 2016 draft. The checklist does not supplant the more extensive comments; it merely enumerates the most important ones. The following items are totally missing or overly weak in the current draft:

1. Baseline measurements during application process
2. Performance thresholds for violations on air, water, noise, dust, and light pollution
3. Frequent, ongoing post-permit monitoring and inspection
4. Need to demonstrate sufficient water availability for permitting
5. Meaningful penalties for bad behavior such as suspension/revocation of permit
6. Adequate industry payments for ongoing inspections and monitoring
7. Adequate industry payments for enhanced County facilities and services.
8. List of necessary content of application package, to include environmental impacts
9. Adequate notification of the communities and neighbors who might be impacted
10. Criteria for approval/disapproval of application
11. Protections for cultural/archeological/historical resources
12. Sufficient setbacks to protect neighbors from accidents as well as from nuisances
13. Criteria for selecting pipeline locations
14. Different zones across the County (e.g., RR Estates/Placitas, Counselor/Cuba , Albuq basin aquifer)
15. Need for post abandonment monitoring of wells
16. Applicability to all lands except tribal and incorporated (like in Santa Fe, San Miguel)
17. Findings that justify the ordinance requirements
18. Symmetry between exploratory and production permitting process
19. Requirements for non-polluting temporary storage of large-quantity liquids
20. Clarification that the requirements in the ordinance are not pre-empted by state/federal statutes
21. Necessity to verify that proposed operators have a responsible track record
22. Need for consistency with existing County documents (area plans, comprehensive plans, etc.)
23. Requirement for the proposed project to compatible with existing land uses
24. Protections against takings claims, such as a process for transfer of development rights
25. Clarity on scope of one permit application- one well, one pad, many wells, compressor stations, etc.
26. In aggregate, provide the operator with strong incentive to prioritize safety above profits.

**Makita Hill, Long Range Senior Planner, Sandoval County**

**September 6, 2016**

**Submission of Oil and Gas Supporting Documents**

**We wish to help County staff and its advisors understand the scope or breadth of the oil and gas issue. And we recognize the need for a chain of support evidence to legally justify the requirements of an ordinance. Accordingly, Sandoval Citizens for a Good Oil and Gas Ordinance hereby submits a CD containing several hundred supporting documents (nearly 200 Mbytes). The documents are peer-reviewed studies, reports, analyses and articles regarding the oil and gas industry and its potential impacts – both positive and negative impacts.**

**The documents appear in three volumes. Each volume is has the same 12 numbered sections, segregating the documents into logical topics.**

- 00 Tables of Contents**
- 01 General Environmental Assessment**
- 02 Health Effects**
- 03 Water Quality**
- 04 Air Quality**
- 05 Noise Pollution**
- 06 Seismicity**
- 07 Emergency Response and Roads-Traffic**
- 08 Pipelines**
- 09 Economics**
- 10 Leasing Agents**
- 11 Monitoring, Compliance, and Enforcement**
- 12 Ordinance Contents**

**Oil and gas is a sophisticated, technically complex, and potentially intrusive industry. We recommend that Sandoval County and its technical advisors read these submitted documents (along with other oral and written testimony). From all of that material, the County and its advisors should develop a set of findings on which to build a set of satisfactory ordinance requirements.**

Alan Friedman

We have all, Sandoval P&Z staff, the public, and New Mexico Tech, been dealing with drafting a good Oil and Gas Ordinance for the County. Most all agree that the current Draft is not "ready for Prime Time".

A good, well researched, County Oil and Gas Ordinance already exists, the San Miguel County Oil and Gas Ordinance.

We, SC-GOGO suggest "blending" the Sandoval Draft with the San Miguel Ordinance, taking into account the special circumstances that exist in Sandoval County.

By doing this, a good Sandoval County Oil and Gas Ordinance can be drafted in a shorter time at far less expense.

Alan Friedman

***Sandoval County is willing to host (not ban) oil and gas development, but not to subsidize the industry, either financially or environmentally***

Common sense planning and zoning regulations

To allow responsible extraction of the petroleum resource

While protecting the health, welfare, and safety of the citizenry:

- Be consistent with state and federal regulations
- Control public nuisances – traffic, dust, pipeline routing, worker housing
- Tightly limit pollution – water, air, noise, light
- Require detailed, pre-permit assurances of safe behavior
- Require pre-development baseline testing
- Require setbacks from sensitive locations – streams, water wells, schools, churches, homes, cultural and historic sites
- Require regular, independent monitoring and inspections
- Control ancillary impacts – waste disposal, abandoned wells
- Cover impact costs – road maintenance, review and inspections, law enforcement, medical and drug treatment, emergency services
- Include truly meaningful violation penalties
- Provide remedies for possible property right impacts

***Sandoval zoning ordinances require the developer to mitigate impacts and be overseen.***

***The county expects and enforces these requirements on all industries***