

- (8) The Director may also require the Applicant to provide Environmental Compliance History and verification of Financial Solvency as described in Article VI, Sections H and I in this ordinance.
- (9) Property Details
 - (a) The legal property description and a map at a scale of 1:2,000 feet showing the location and size of the Lot on which one or more Well Pads will be located.
 - (b) The number of Exploratory Drilling Wells to be drilled on each Well Pad.
 - (c) The estimated depth of each proposed Exploratory Drilling Well.
 - (d) The location of occupied dwellings, schools, churches, hospitals, clinics, assisted living homes or cemeteries, parks, recognized open space and wildlife corridors, ranches and farms, within a one (1) mile radius of the Well Site;
 - (e) Fresh water supply wells, and fresh water storage reservoirs and Watercourses and lakes within a one (1) mile radius of the Well Site.
 - (f) Major geographic features including Slopes and Floodplains;
 - (g) The location of any historical, archeological or cultural sites listed in the Register of Cultural Properties of the New Mexico Historic Preservation Division and those identified by Tribes and Pueblos in Sandoval County within a one (1) mile radius of the Oil or Gas Facility.
 - (h) The location of all fire, police, and emergency response service facilities. If these facilities are not located on the map, the Applicant shall provide the contact information, address, direction, and mileage to the nearest emergency response facility.
 - (i) Recorded utility and access easements.
- (10) A site plan shall provide the following information for the Exploratory Drilling Well at a scale of 1:2000 feet:
 - (a) The estimated location of tanks, compressors, dehydrators and other equipment and facilities, gates pump stations, tank batteries. The site plan shall be updated as built and include the permanent location and the GPS coordinates for each well, equipment and buildings on the Oil or Gas Facility.
 - (b) All state, county, private, Tribal and Pueblo roads, including bridges, overpasses and culverts, that will be used to access the Well Site within a one (1) mile radius of the Oil or Gas Facility.
 - (c) Existing Flowline routes, including gathering lines and transmission lines on and off the Oil or Gas Facility.
- (10) An emergency services map showing the name, description and location of all Hazardous Materials on the Oil or Gas Facility and their GPS coordinates. The map shall include the size, type and content of tanks. The information the emergency services map contains shall be held confidentially by the County Fire Chief and shall only be disclosed in the event of an emergency. The map shall be updated as built after permit approval and submitted upon completion within five (5) business days to the County Fire Chief.
- (11) A narrative of proposed Exploratory Drilling Well activities that includes the following:
 - (a) Road Plan.

- 10) The applicant shall submit an Oil and Gas road route plan that identifies roads for oil and gas related truck traffic for Exploratory Drilling Well activities, including the average and maximum gross weights of any trucks and other heavily laden vehicles. The Plan shall identify all access roads that are used including roads that will be upgraded or new roads that will be constructed. The Plan shall be reviewed and approved by the County Department of Public Works which may request revisions as needed.
- (ii) The Plan must describe how all upgraded and new roads will comply with County Road Standards as specified in Article II, Section 32 of the Sandoval County, New Mexico Code of Ordinances.
- (iii) The County may require the applicant to secure Easements for County roads, for municipal, State and/or Tribal and Pueblo roads where needed.
- (iv) The County may require the applicant to provide a cash bond security, a letter of credit, escrow deposit or other security acceptable to the County, and/or a Road Improvement Agreement for use of County roads.

(b) Terrain Management Plan.

- (i) The Terrain Management Plan shall address the restoration of all areas of the development where there is Surface Disturbance should the Exploratory Well be plugged and abandoned or receive an approved temporary abandonment permit, as required by OCD.
- (ii) The Terrain Management Plan shall include a narrative describing clear goals for post-production restoration and how those goals are to be achieved. These goals shall include preventing the appearance or spreading of noxious and invasive plant species as specified in communications with the local agricultural extension office and returning the well site to its natural state, excluding noxious and invasive plant species, that existed prior to exploration.
- (iii) The Terrain Management Plan shall be approved by the Director. It shall include, but may not be limited to, the following information.
 - (aa) A schedule and description of terrain management activities to be conducted following the temporary or finally approved plugging and abandoned Well Site.
 - (bb) A drainage map identifying natural drainage and a description how storm water will be managed with the project area to prevent the travel of runoff. Where appropriate, the drainage map shall include a watershed map showing all the upper watershed area draining into or through the site. The map and the description shall be reviewed and approved by the County Engineer;
- (iv) A schedule and description of proposed restoration activities to be completed after OCD temporary or finally approved plugging and abandonment of the Exploratory Drilling Well including a discussion of how those restoration activities will impact the anticipated future uses of the property.
- (v) All restoration activities described in the Terrain Management Plan shall provide a Grading and Drainage Plan which shall include the following, where appropriate:

- (aa) Configuration of the reshaped topography and restored drainage;
- (bb) Soil treatments;
- (cc) Reseeding materials and revegetation methods;
- (dd) Backfill or grading requirements; and
- (ee) Soil stabilization techniques.

(c) Cultural Properties Plan.

- (i) The Plan shall include steps that will be taken to protect Cultural Properties prior to the commencement of Exploratory Drilling Well activities. The Applicant must certify, signed by an officer of the company, that they will comply with all applicable local, state and federal laws listed under Article I, Section E of this ordinance
- (ii) It is the responsibility of the Applicant to pay for any damages to Cultural Properties. Violations under applicable state and federal laws listed under Article I Section E of this Ordinance may be subject to the enforcement provisions of Article XIV in this Ordinance.

(d) Waste Management Plan.

All solid and liquid wastes must be managed in accordance with Federal, State and County law and in a manner so as to prevent pollution of the environment, conserve fresh water, and protect the public health and safety.

- (i) Applicant must submit a waste management plan that identifies the type and volume of solid and liquid waste that will be generated at the Oil and Gas Facility and how and where that waste will be properly stored, transported and disposed of.
- (ii) To the maximum extent practicable and in accordance with OCD Rules, as required in 19.15.34 NMAC as amended, the applicant must describe if any Produced Water generated at the Well Site will be recycled or reused for onsite reinjection purposes.
- (iii) The applicant must include copies of the original agreements between the applicant and any OCD licensed waste disposal facilities, including injection wells, and copies of the OCD permits for such licensed waste disposal facilities.
- (iv) The applicant must include the following information regarding the transportation of off-site of any solid and liquid wastes.
 - (aa) Copies of the applicant's original agreements with companies that will transport solid and liquid wastes off-site; and copies of OCD permits authorizing the companies to transport solid and liquid wastes off-site to licensed OCD waste disposal facilities.
 - (bb) The Director may require that companies transporting solid or liquid wastes be fitted with GPS tracking systems in order to help identify responsible parties in the case of accidents or spills.

(e) Any additional information as determined by the Director.

D. Public Notice and Hearing Requirements for Exploratory Drilling Well Permits.

- (1) Applicant shall provide notice of the hearing as required under Article VI, Section F in this ordinance.
- (2) Hearings shall be held before the Planning and Zoning Commission.
- (3) Hearings shall be held within reasonable proximity to the proposed Exploratory Drilling Well location as determined by the Director so affected property owners may attend the meeting within a reasonable distance from the proposed Exploratory Drilling Well-

E. Review for Administrative Completeness of Exploratory Drilling Well Permit Application

- (1) The County shall review submitted applications for completeness within thirty (30) days of receipt.
- (2) If an application for a permit is deemed incomplete the Director shall provide a written determination to the Applicant explaining why the application is incomplete and the manner in which the application can be made complete.
- (3) Applicants have thirty (30) days to submit the additional required materials unless the Director agrees in writing to a longer time period.
- (4) If the required materials are not submitted within the given time period, the application shall be deemed withdrawn and the Applicant will not be entitled to a refund of any application fees,
- (5) Upon submission of the required submittals, the application shall be reviewed again for completeness according to the appropriate review schedule and the Applicant shall have two other opportunities, if necessary, to complete the application.
- (6) After an application is deemed complete, the Director may nevertheless request additional information or studies if the Director determines that new or additional information is required in order to assess the application for compliance with this ordinance or if there is a substantial change in the proposed exploration that is the subject of a pending application.

F. Review Process and Criteria for Exploratory Drilling Well Permits.

- (1) Completed applications for Exploratory Drilling Well Permits shall be reviewed by the Director within sixty (60) days for compliance with the purpose, design and performance standards of this ordinance.
- (2) Upon completion of the review, the Director shall submit a written report, together with a recommendation, on whether the Exploratory Drilling Well Permit application shall be granted or denied, to the County Planning and Zoning Commission.
- (3) Upon submission of the Director's report to the Planning and Zoning Commission, the matter shall then proceed through a review and final decision by the Planning and Zoning Commission.
- (4) The Planning and Zoning Commission shall consider the following criteria when making a determination for approval or denial of an application for an Exploratory Drilling Well permit.
 - (a) Whether the application is consistent with the goals and strategies of the Sandoval

County Comprehensive Plan and the purposes and intent of the Sandoval County Comprehensive Zoning Ordinance.

- (b) Whether the application identifies appropriate and sufficient measures to be taken to mitigate any public nuisance or negative impacts on public safety, noise, glare, odors, property values, traffic, historic, cultural and archaeological resources, on wildlife and livestock, on roads and traffic, and on the county budget.
- (c) Whether the proposed Exploratory Drilling Well will cause harm to the public health, safety and welfare of the residents of the county.
- (d) Whether the application contains all required permits, agreements, including easements, and reports.
- (e) Whether the Applicant has received approval of a Road Plan from the County Public Works Department that complies with County road standards as described in Article II, Section 32 of the Sandoval County, New Mexico Code of Ordinances.
- (f) Whether the application demonstrates that the Oil or Gas Facility is able to handle emergency situations that may include explosions, fire, spills and leaks.
- (g) Whether the Applicant has provided to the County Fire Chief an emergency services map that includes all potentially dangerous storage facilities and equipment on the Exploratory Well site, including a list of dangerous chemicals and where they are stored.
- (h) Whether the Applicant certifies that the area will be kept free of rubbish and trash.
- (i) Whether the application demonstrates that there are adequate protections for ground and surface water and which satisfactorily comply with the regulations of those Tribes and Pueblos that have TAS (“Treatment as a State”) status as approved by the US Environmental Protection Agency.
- (j) Whether the application has demonstrated that the Oil and Gas Facility will be properly restored to its natural state after OCD has granted a permit to temporarily abandon or permanently plug and abandon the Exploratory Drilling Well.
- (k) Whether the Applicant has demonstrated through written documentation that he has consulted with and addressed concerns of Tribes and Pueblos in the area regarding the proposed Exploratory Drilling Well.

G. Effect of Approval.

- (1) When an Exploratory Drilling Well Permit has been granted, such permit, along with any other required County permits and any conditions associated therewith, shall constitute sufficient authority for the commencement of the approved exploration well drilling activity.
- (2) Approval of an Exploratory Drilling Well Permit provides no vested rights in, or assurance of, the granting of any other permit for oil and gas activity by Sandoval County.

H. Authority

- (1) The Director is granted the authority to impose any necessary conditions and mitigation requirements on an Exploratory Drilling Well Permit to carry out the intent, purpose and the requirements of this ordinance.
- (2) The Director is granted the authority to ensure Permittee’s compliance with the conditions and mitigation requirements imposed in the Exploratory Drilling Well Permits.

I. Application Fee.

Each application shall be accompanied by a nonrefundable application fee in the amount of five thousand (\$5,000). The application fee shall be paid to the County by certified or bank check, or wire transfer. The County shall have authority to adjust from time to time the fee set forth in this Section.

J. Appeal.

A decision by the Director to approve or deny an exploratory permit is subject to appeal in the same manner and in accordance with the procedures outlined in the CZO No. 10-11-18.7A, Section 22, governing appeals from a decision of the Planning and Zoning Director or the Planning and Zoning Commission.

K. Expiration of Exploratory Drilling Well Permits.

An exploration permit issued pursuant to this ordinance shall expire if exploration activities have not commenced within one (1) year of the date on which the exploration permit was issued. This one (1) year period shall be tolled pending the exhaustion of any administrative and judicial appeals.

ARTICLE VI. OIL AND GAS DEVELOPMENT PERMIT

A. No oil or gas drilling, and no construction of an oil and gas facility, shall take place within the County unless an application in compliance with this Ordinance has been filed, and an Oil and Gas Development Permit (“Development Permit”) has been approved and granted in accordance with this ordinance.

B. Pre-Application Meetings.

No less than thirty (30) days prior to the submission of an application for an oil and gas and gas development permit, the Applicant shall meet with the Director and such other County employees, consultants or representatives as the Director may designate, in order to discuss the anticipated application including, but not limited to, a discussion of the application process, the materials to be included in the application, the results of any prior exploration activities, including drilling, of the Applicant, the coordination of a required on-site visit, and the manner in which the Applicant intends to comply with the requirements for the submission and processing of the application.

C. Onsite Visit.

- (1) All Oil and Gas Development Permit applications require an onsite visit to be arranged and conducted by the Applicant.
- (2) Prior to the onsite visit, at the request of the Director the Applicant shall flag selected proposed access roads to and from the site.

D. Review for Administrative Completeness of Application.

- (1) Applications for Oil and Gas Development Permits shall comply with the requirements

of Articles VI and VII of this ordinance. The Director shall review submitted applications for Development Permits for completeness within thirty (30) days of receipt.

- (2) If an application for a permit is deemed incomplete the Director shall provide a written determination to the Applicant explaining why the application is incomplete and the manner in which the application can be made complete.
- (3) Applicants shall have thirty (30) days within which to submit the additional required materials unless the Director agrees in writing to a longer time period.
- (4) If the required materials are not submitted within the given time period, the application shall be deemed withdrawn and the Applicant will not be entitled to a refund of any application fees.
- (5) Upon submission of the required submittals, the application shall be re-reviewed for completeness according to the appropriate review schedule and the Applicant shall have two other opportunities, if necessary, to complete the application.
- (6) After an application is deemed complete, the Director may nevertheless request additional information or studies if the Director determines that new or additional information is required in order to assess the application for compliance with this ordinance or if there is a substantial change in the proposed development that is the subject of a pending application.

E. Review Process and Criteria for Oil and Gas Development Permits.

- (1) Completed applications for Oil and Gas Development permits shall be reviewed by the Director within sixty (60) days for compliance with the purpose, design and performance standards of this Ordinance.
- (2) Upon completion of his review, the Director shall submit a written report, together with a recommendation, on whether the oil and gas development permit application should be granted or denied, to the County Planning and Zoning Commission.
- (3) Upon submission of the Director's report to the Planning and Zoning Commission, the matter shall then proceed through a review and final decision by the Planning and Zoning Commission.
- (4) The Planning and Zoning Commission shall consider the following criteria when making a determination for approval or denial of an application for an Oil and Gas Development Permit.
 - (a) Whether the application is consistent with the goals and strategies of the Sandoval County Comprehensive Plan and the purposes and intent of the Sandoval County Comprehensive Zoning Ordinance.
 - (b) Whether the application identifies appropriate and sufficient measures to be taken to mitigate any public nuisance or negative impacts on public safety, noise, glare, odors, property values, traffic, historic, cultural and archaeological resources, on wildlife and livestock, on roads and traffic, and on the county budget.
 - (c) Whether the proposed Oil or Gas Facility will cause harm to the public health, safety and welfare of the residents of the county.
 - (d) Whether the application contains all required permits, agreements, including easements, and reports.
 - (e) Whether the Applicant has received approval of a Road Plan from the County Public

Works Department that complies with County road standards as described in Article II, Section 32 of the Sandoval County, New Mexico Code of Ordinance.

- (f) Whether the application demonstrates that the Oil or Gas Facility is able to handle emergency situations that may include explosions, fire, toxic spills and leaks.
- (g) Whether the Applicant has provided to the County Fire Chief an emergency services map that includes all potentially dangerous storage facilities and equipment on the Oil or Gas Facility, including a list of dangerous chemicals and where they are stored.
- (h) Whether the application demonstrates that there are adequate protections for ground and surface water and which satisfactorily comply with the regulations of those Tribes and Pueblos that have TAS (Tribes as States) status as approved by the US Environmental Protection Agency.
- (i) Whether the application has demonstrated that the Oil and Gas Facility will be properly restored to its natural state after OCD has granted a permit to temporarily abandon or permanently plug and abandon oil and gas wells on the Well Site.
- (j) Whether the Applicant certifies that the area will be kept free of rubbish and trash.
- (k) Whether the Applicant has demonstrated through written documentation that he has consulted with and addressed concerns of Tribes and Pueblos in the area regarding the proposed Oil or Gas Facility.

F. Notification Requirements for an Exploratory Drilling Well Permit and an Oil and Gas Development Permit, Variances and Appeals.

- (1) Notification of the time and place of any public hearing shall be displayed on the County website and published in a newspaper of general circulation in the County at least fifteen (15) days prior to the hearing. This notice shall appear in either the classified or legal advertisements section of the newspaper and at one other place in the newspaper calculated to give the general public the most effective notice and, when appropriate, shall be printed in both English and Spanish. In addition, the notice shall be posted on the proposed or existing Oil and Gas Facility entrance to the property on which the facility is or is proposed to be located and posted in at least four conspicuously publicly accessible places in the closest incorporated municipality located near the existing or proposed Oil and Gas Facility. To ensure reasonable notice to affected persons the Director may require additional postings.
- (2) The notice shall give the name of the Applicant, and the location and description of the proposed hearing.
- (3). Notice of the public hearing shall be mailed, at the expense of the Applicant, by certified mail, return receipt requested, to:
 - (a) The applicant(s);
 - (b) The owner(s), as shown by the records of the County Assessor, of the property on which the Facility is proposed to be located, if different from the applicant(s);
 - (c) The owners, as shown by the records of the County Assessor, within a two (2) mile radius of the exterior boundary of the lot on which the proposed Oil and Gas Facility is or will be located, excluding public right-of-way. If any notice is returned undeliverable, the County shall attempt to discover the addressee's most recent address and shall remit the notice by certified mail, return receipt requested;

- (d) All Native American Tribes and Pueblos located within the County shall be notified by the County of any request for any Oil and Gas Facility hearing as regulated by this ordinance;
- (e) All state and federal agencies responsible for state and federal lands and incorporated municipalities within five (5) miles of the proposed well site shall be notified by the County.
- (f) The County shall provide notice by email to any other person, municipality, agency or organizations that has previously filed a request with the Director to receive hearing notices for an Application for an Oil and Gas Exploratory Well Permit, for an Oil and Gas Development Permit, for variances or for appeals.

G. Public Hearings. Locations.

- (1) Hearings for Oil and Gas Development Permits shall be held before the Planning and Zoning Commission.
- (2) Hearings shall be held within reasonable proximity to the proposed or existing Oil or Gas Facility at a location as determined by the Director so affected property owners may attend the meeting within a reasonable distance from the proposed or existing Oil or Gas Facility.

H. Authority.

- (1) After receiving the Director's written report and recommendation, the Planning and Zoning Commission shall hold a hearing to determine whether to approve or deny an Oil and Gas Development Permit in accordance with the purpose, requirements and standards of this ordinance.
- (2) The Planning and Zoning Commission has the authority to impose any conditions and mitigation requirements, on an Oil and Gas Development Permit, as necessary, to carry out the intent, purpose, and the requirements and standards of this ordinance.
- (3) The Director is granted the authority to ensure Permittee's compliance with the conditions and mitigation requirements imposed in the Oil and Gas Development Permits.

I. Effect of Approvals.

When an Oil and Gas Development permit has been granted within the County in accordance with this Ordinance, such permit, together with any other required County permits and any conditions associated therewith, shall constitute sufficient authority for commencement of drilling, operation, production, maintenance, repair and testing, and all other usual and customary activities associated with oil and gas development.

J. Application Fees.

Each application shall be accompanied by a nonrefundable application fee in the amount of Ten thousand dollars (\$10,000.00). The application fee shall be paid by company check, cashier's check, wire transfer or certified funds. The County shall have authority to adjust from time to time the fee set forth in this Section

K. Appeal.

The decision by the County Commission to approve or deny an Oil and Gas Development Permit is subject to appeal in accordance with Section 22 of the CZO governing appeals from a decision of the Zoning Commission.

L. Expiration of Oil and Gas Development Permit.

A Development permit issued pursuant to this ordinance shall expire if drilling and/or construction of at least one of the oil or gas facilities approved under the Oil and Gas Drilling Permit has not commenced within two (2) years of the date on which the permit was approved by the Planning and Zoning Commission. This two (2) year period shall be tolled pending the exhaustion of any administrative and judicial appeals.

ARTICLE VII: OIL AND GAS DEVELOPMENT PERMITS REQUIRED APPLICATION AND DOCUMENTS

A. General Information

- (1) The name, address and contact information of the Operator and the name, title and local contact information, if different.
- (2) The names and contact information for all companies that will conduct any operation at the Oil or Gas Facility and proof that each company carries sufficient liability and workers compensation insurance coverage. Names and contact information should be updated at least three days before a previously unlisted company begins operations at the well site.
- (3) The name and contact information of property owners, lease owners and mineral rights owners.
- (4) A list of all Oil or Gas Facilities owned or operated in New Mexico by the Applicant.
- (5) A schedule showing beginning and ending dates for each major phase of operations at each well site including facility construction estimated start-up dates.

B. Required Permits and Agreements

- (1) Approved permits to drill from OCD and an approved Oil and Gas Form C-104 (Request for Allowable and Authorization to Transport).
- (2) If applicable, an approved Air Quality Permit from the Air Quality Division of the New Mexico Environment Department.
- (3) Approval from the Office of State Engineer where required
- (4) Copies of Easement agreements including any written Easement agreements with Tribes and Pueblos.
- (5) Signed and notarized letter signed from the Surface Owner stating that the Applicant has complied with the Surface Owner Protection Act NMSA 1978, §§ 70-12-1 et. seq. (SOPA) or proof of bonding as required by SOPA.
- (6) Legal proof that Applicant is a Mineral Rights Owner.
- (7) Copies of any other agreements or permits requested by the Director.

C. Scope of Operations

- (1) The number of wells to be drilled on each well pad.
- (2) The estimated depth of each proposed well.
- (3) If horizontal bores are to be used, the likely direction and proposed length of each bore, and proof that, if the Applicant does not own sub-surface rights, permission from the sub-surface rights holder to drill the proposed horizontal bores and to extract hydrocarbons from those bores.
- (4) The number and function of any necessary ancillary facilities.

D. Property Details

The Application shall include a map of the Facility, drawn at a scale of 1:2000 feet and depicting the following features:

- (1) Section, township, range.
- (2) The location of the proposed well(s) and Oil and Gas Facility equipment;
- (3) Major geographic and topographic features such as slopes, and floodplains.
 - (a) Fresh water supply wells, fresh water storage reservoirs and Watercourses and lakes within one (1) mile of the proposed Oil and Gas Facility.
 - (b) All state, county and private roads, existing and proposed, and bridges, overpasses and culverts, that will be used to access the Facility within a one (1) mile radius of the Oil and Gas Facility.
 - (c) Existing and proposed Flowline routes, including gathering lines and transmission lines.
 - (d) The location of all fire, police, and emergency response service facilities. If these facilities are not located on the map, the Applicant shall provide the contact information, address, direction, and mileage to the nearest emergency response service.
 - (e) Occupied dwellings, schools, churches, hospitals, clinics, assisted living homes or cemeteries, parks and recognized open space, farms, ranches, wildlife habitat as defined by the New Mexico Fish and Wildlife Service, each within a one (1) mile radius of the Facility.
 - (f) Federal and state lands within a one mile radius of the Oil or Gas Facility;
 - (g) Incorporated and unincorporated municipalities within one (1) mile of the proposed Facility.
 - (h) The location of any historical, archeological or cultural sites listed in the Register of Cultural Properties of the New Mexico Historic Preservation Division and those identified by Tribes and Pueblos in Sandoval County within a one (1) mile radius of the Oil or Gas Facility.
 - (i) Recorded utility and access easements.

E. Site Plan.

The site plan for the Oil and Gas Facility with a map showing the proposed location of:

- (1) Oil or Gas Wells with GPS coordinates for each well.
- (2) Tanks, pits, compressors, dehydrators, tank batteries, and other equipment

- (3) Parking facilities
- (4) Other ancillary buildings
- (5) Flowlines and gathering lines

F. Easement.

In order to allow for the county's post-abandonment remediation the application shall include a 20-foot access Easement to the proposed well and a 30-foot radius Easement around each well. Within thirty days after the granting of a Development Permit, the Director shall have the easement recorded in the office of the County Assessor.

G. Housing.

The estimated number of non-local personnel for each phase of the Operation and a description of the housing plans for non-local personnel.

H. Environmental Compliance History.

The Applicant shall provide a list, certified by an officer of the company, of Oil and Gas Facilities where Applicant, or Applicant's parent company, has had a permit suspended or revoked or been cited for violations of any laws or regulations, both in- and out-of-state, during the past five years, and whether any of these violations are still outstanding.

I. Financial Solvency.

The Applicant must submit financial statements audited by a certified public accountant for each of the past five years to demonstrate financial solvency. If the Applicant is a subsidiary of another company, the information provided must include five-year financial statements for the parent company that have been audited by a certified public accountant.

J. Required Reports

The following reports must be submitted with the Application for the Application to be considered.

(1) Aquifer Protection Siting Report - Process.

Unless it has been demonstrated to the satisfaction of the Director with the advice of the Consultant that there is no USDW present in the Area of Review, the Applicant shall submit an Aquifer Protection Siting Report describing the hydrology, geology, hydrogeology and seismology within the Area of Review. The Report shall demonstrate to the satisfaction of the Director, with the advice of the Consultant, that the proposed drilling site has minimal potential of leading to the Degradation of identified USDW (Underground Sources of Drinking Water) in the Area of Review.

- (a) Existing data: To perform the analyses required by Article VII.J.(2), the Applicant may use existing geological, hydrological and seismological data that comes from

reputable sources, which include academic and peer reviewed studies or government reports, and which are publicly available. If the applicable existing data is insufficient to perform the analyses required by Article VII.J.(2), the Applicant must develop his own applicable data.

- (b) If the proposed site lies in a known un-faulted region, a previously submitted Aquifer Protection Siting Report may be included in the Report instead of new analyses, provided that the prior Report pertains to an Oil or Gas Well sited within 2 miles of the proposed Well Site.
- (c) The Director shall hire a Consultant, paid for by the Applicant, to review and evaluate the Applicant's report. Based on the information required to be submitted under Subsection (2)(b)(i) – (iii), the Consultant shall make a recommendation to the Director on the geological, hydrological, seismological suitability of the proposed Well Site for oil and gas development.
- (d) Approval of Site: Based on the Report and the recommendation of the Consultant, The Director may approve the requested Well Site.
- (e) The Report shall be included in the Application for final approval by the Planning and Zoning Commission.

(2) Aquifer Protection Siting Report - Analysis Requirement.

- (a) The Aquifer Protection Siting Report shall contain an analysis performed by the Applicant, except when the proposed site lies in a known un-faulted region as described in Article VII.(1).(b)) or when there are no USDWs within the Area of Review as described in Article VII.J.(1). The analysis must demonstrate that geologically, hydrologically and seismologically the proposed Well Site has minimal potential of leading to the Degradation of identified USDW (Underground Sources of Drinking Water) in the Area of Review. At the request of the Applicant the Director may determine that the analysis is confidential information as defined by Section 2–174 of the Sandoval County Code of Ordinances.
- (b) The analysis performed by the Applicant shall include the following information:
 - (i) An analysis of the structural and stratigraphic geology, the hydrogeology, and the seismicity within the Area of Review;
 - (ii) An analysis of the local geology and hydrology of the Area of Review, including, at a minimum, detailed information regarding stratigraphy, structure and rock properties, aquifer hydrodynamics and mineral resources.
 - (iii) Based on the analysis provided under (b)(i) and (ii) the Report shall demonstrate that fluids from the Oil and Gas Development Area have minimal potential for moving into any USDW, and
 - (aa) the Confining Zone is laterally continuous and free of transecting, transmissive faults or fractures over an area sufficient to prevent the movement of fluids into USDW and;
 - (bb) the Confining Zone contains at least one formation of sufficient thickness and with lithologic and stress characteristics capable of preventing vertical propagation of fractures; and

- (cc) the Confining Zone is separated from the base of the lowermost USDW by at least one sequence of permeable and less permeable strata that will provide an added layer of protection for USDW.

(2) Cultural Properties Report.

- (a) The Applicant shall make a good faith effort to obtain the following information prior to the submission of the Application for a Development Permit.
- (b) Identification of all Cultural Properties within a one (1) mile radius of the Facility and of any upgraded or new roads to and from the Facility, that are listed under the National Register of Historic Place and the State Register of Cultural Properties.
- (c) The Applicant shall submit copies of all written communication with the New Mexico Historic Preservation Division regarding any registered and unregistered Cultural Property that may be impacted by oil and gas development within a one (1) mile radius of the proposed Facility and of any upgraded or new roads to and from the Facility. Copies of the NM Historic Preservation Division written recommendations to address potential threats to these Cultural Properties shall be included in the Cultural Properties Report.
- (d) The Applicant shall submit copies of written communication to Pueblo and Tribal Leadership (“Leadership”) within the County by registered mail, return receipt requested. The written communication must inform the Leadership of the proposed oil and gas development including the specific location of the facility and all access roads as required under Article VII Section D. The Applicant shall also include information regarding estimated traffic and the type of drilling equipment that will be used, including vibrating equipment, during each phase of oil and gas development. The Applicant’s written communication must contain the name, address and phone number of the individual with whom the Tribe or Pueblo shall communicate. Any responses from the Tribal or Pueblo Leadership must be in written form, including any requests for additional information, and submitted with the Application. If there is no response from a Tribe or Pueblo within twenty-one (21) calendar days, the Applicant shall state that in the Cultural Properties Report.
- (e) A Tribe or Pueblo concerned about unmarked sacred sites or any cultural sites that are confidential to that Tribe or Pueblo may work with the Director to develop a confidentiality agreement to ensure the protection of those sites and their non-public disclosure.
- (f) When all required Cultural Property information and comments are received, as required in this Section, the Applicant shall describe how to ensure that cultural, historical, archeological sites or unmarked burial grounds located on the Oil or Gas Facility and on improved and new roads will be protected from the impacts of oil and gas Development. This information shall be submitted in the Cultural Properties Report.

(3) Wildlife Habitat and Livestock Report.

- (a) Purpose of Report
Oil and gas development can have a significant impact on wildlife and critical

wildlife habitats. Preserving these habitats is economically important to County tourism and recreation being important revenue generators. In addition to these direct economic benefits, indirect economic benefits to the County include pollination and pest insect predation by birds and bats, flood control, maintenance of or increased property values, rangeland productivity, and retention of the County's rural way of life. There are also unquantifiable cultural, spiritual, historic and other quality of life factors to consider.

In rural areas oil and gas Development can also have a significant impact on livestock and rangeland due to such factors as, but not limited to, noise, odors, and traffic.

- (b) The Report shall include the following information:
- (i) The location of key Wildlife Habitat and Critical Habitat areas, as mapped and defined by the New Mexico Department of Game and Fish and the US Fish and Wildlife Service, within ½ mile of the perimeter of the proposed Oil and Gas Facility.
 - (ii) The identification of livestock and rangeland areas within ½ mile of the perimeter of the Oil and Gas Facility.
 - (iii) A list of mitigation measures recommended by the NM Department of Game and Fish to the Applicant to address potential Habitat Fragmentation and other Wildlife Habitat concerns specific to the Facility location.
 - (iv) A list of mitigation measures recommended by the NM Livestock Board to the Applicant to address potential livestock concerns specific to the Facility location.
 - (iv) Input sought by the Applicant from any Tribes and Pueblos that may have concerns and suggestions for addressing Wildlife Habitat and Livestock issues. Written communications between these Tribes and Pueblos shall be included in the application along with the Report.
 - (v) Mitigation measures may include the following:
 - (aa) Limiting the total area of disturbed ground for well pads
 - (bb) Limiting the number of and distance of new roads.
 - (cc) Reducing noise levels as required in Article VIII Section E
 - (dd) Offsite monitoring systems to reduce vehicle traffic.
 - (ee) Fencing or other measures to protect wildlife and livestock from oil and gas operations.
 - (ff) Burying power lines, Flowlines and gathering lines in or adjacent to roads to eliminate or reduce clearing of vegetation and habitat fragmentation.
 - (c) After review, the Director shall include appropriate mitigation measures as a condition of the Permit to Drill.

K. Road Plan

The Applicant shall submit a Road Plan, prior to the beginning of Facility construction, to identify and mitigate the impact likely to be created by the proposed Oil and Gas Facility on existing roads, bridges, overpasses and culverts, including the impact on road capacity, traffic

flow, the surface materials and conditions, safety, and any Cultural Properties in the area. The Road Plan shall include the following information:

(1) Plan Requirements:

- (a) The location of existing paved and unpaved private and public roads, highways, bridges, overpasses and culverts that will be used during each phase of oil and gas operations including construction, drilling, production, transportation and closure.
- (b) The structural integrity of bridges, overpasses and culverts and their ability to handle heavy oil and gas trucks and trailers carrying weights of 80,000 pounds.
- (c) heavily laden vehicles traveling to and from the site.
- (d) Identify roads that require upgrading to standards capable of handling heavy oil and gas trucks and trailers carrying weights of 80,000 pounds.
- (e) The proposed traffic route plan, including the number of daily and peak hour trips to and from the site, and the duration, for each phase of operations.
- (f) Identify any schools, licensed daycare or medical facilities, churches or public facilities that may be impacted by the proposed traffic route plan.
- (g) A description of existing traffic conditions of the proposed traffic circulation plan including weekday peak hours.
- (h) The projected daily traffic impact on residential roads, including weekends and evenings.
- (i) Existing traffic control measures including speed limits, traffic signals, and potential existing driveway and turning movement problems.
- (j) Where traffic from the proposed Oil or Gas Facility will impact any location with an incidence of high accident frequency, the accident history shall be evaluated. The Plan shall address how the increase in oil and gas traffic to and from the site will not further aggravate the situation.
- (k) Copies of right of way or easement agreements including any agreements with Tribes and Pueblos.
- (l) Onsite Facility vehicle circulation, parking patterns and exits from the site.
- (m) Signs and Markers.
 - (i) The operator shall provide perimeter and other on-site and off-site signs and markers advising the public of the oil and gas Development activity and related hazards that may be present including, but not limited to, warning of truck traffic.
 - (ii) The operator shall submit a signage plan that shows the number, type, size and location of signs and markers.
- (n) Identify maintenance and upgrading costs of existing county and private roads.
- (o) The design and cost of any new roads projected to be constructed.
- (p) A schedule of any Surface Disturbance activity that may cause dust, and the proposed dust mitigation or remediation techniques, including, but not limited to, watering, surfacing, and speed control.
- (q) Any additional information required by the Director.

(2) Other Plan Requirements.

- (a) The Plan shall include an identification of any Cultural Properties in or near the routes

to and from the Oil and Gas Facility. If such sites are identified, the Plan, with input from the affected Tribes and Pueblos and the NM Historic Preservation Division, shall describe site-specific protection measures and how these will be implemented prior to the commencement of construction and drilling operations. Written communications between the Applicant, the New Mexico Historic Preservation Division and affected Pueblos and Tribes shall be included in the application for an Oil and Gas Development Permit. It is the responsibility of the Applicant to ensure that any identified Cultural Properties are protected from any potential damages due to oil and gas Development including transportation.

- (b) The Plan must identify any federally and state designated historic and scenic highways and by-ways near or on the routes to and from the Oil and Gas Facility and how to mitigate potential damages to those historic and scenic highways.
- (c) The Plan must address how to minimize the impact of oil and gas Development related traffic in residential neighborhoods and near homes, schools, hospitals, churches, businesses, farms and ranches, and wildlife corridors.

(3) Road Plan Approval.

- (a) The Planning and Zoning Department Director or designee shall send the Road Plan to the Public Works Department Director or designee for review. The Public Works Department Director may approve the Road Plan as submitted, request additional information, require changes before approval, or deny approval of the Road Plan. All upgraded and new roads must be in accordance with the County road standards as required under Article II, Section 32 of the Sandoval County, New Mexico Code of Ordinance.
- (b) Public Works Department Director, as part of his/her review, may require the Applicant to secure Right-of-Way (ROW) Permits for County roads. The Applicant may also be required to secure Easements for Tribal and Pueblo, municipal and/or state roads where needed.
- (c) The Public Works Department Director may require the Applicant to provide a cash bond security, a letter of credit, escrow deposit or other security acceptable to the County, and/or enter into a Road Improvement Agreement for the use of County roads.
- (d) The Public Works Department Director shall accept or deny the Road Plan within thirty (30) business days of receipt of the Plan from the Planning and Zoning Department Director. The Applicant or the Public Works Director may ask the Planning and Zoning Department Director, in writing, for a reasonable amount of additional time. The Director shall grant a request for additional time unless there is a compelling reason for ruling that lack of approval is in effect a denial of the plan.
- (e) Applicant may appeal the Public Works Director's denial of a Road Plan to the Planning and Zoning Commission.

L. Sound Management Plan

- (1) Applicant must provide a Sound Management Plan that identifies hours of increased sound emissions due to oil and gas operations including the, type, frequency spectrum and intensity to be emitted and proposed mitigation measures for Oil and Gas Facility

- operations that include truck traffic, drilling and fracturing, well pumps and compressors.
- (2) Sound emitted from Facilities shall be limited to a level which protects the public health, welfare and quality of life of residents, conserves property values and does not harm livestock and wildlife, as required under Article VII E.
 - (3) The Plan shall identify any sound sensitive locations within a one-half (1/2) mile radius, including, schools, libraries, hospitals, group homes, recreation areas, Livestock and Wildlife Habitats.
 - (4) Sound mitigation measures shall ensure that sound sensitive locations shall not be subject to increases of more than five (5) A-weighted decibels (dBA) above site-specific ambient baseline sound levels, measured as specified in Article VIII Section E.
 - (5) Sound measurements shall be taken by a qualified sound Consultant approved by the Director and paid for by the Applicant.

M. Emergency Response Plan

The Emergency Response Plan shall include the following:

- (1) Name, address and phone number, including a 24-hour emergency number of at least two local persons responsible for emergency field operations at the Facility.
- (2) Describe any emergency services that will be available on-site.
- (3) Identify all fire, police and emergency response services in or near the County that are within a two (2) mile radius of the Facility. Identify other possible fire, police and emergency response services outside the two-mile area.
- (4) Letters from the local police, fire, and emergency services department heads confirming that they have the capacity, equipment and training needed to address potential emergencies that may occur including explosions, fires, gas or water pipeline leaks or ruptures, hydrogen sulfide, methane or other toxic gas emissions, or hazardous material vehicle spills or vehicle accidents.
- (5) An Oil or Gas Facility emergency services map showing the name, description and location of all Hazardous Materials and equipment on the Facility and their GPS coordinates. The map shall also include the size, type and content of all Flowlines, gathering lines, wells and tanks. The information the emergency services map contains shall be held confidentially by the County Fire Chief and shall only be disclosed in the event of an emergency. The map shall be updated as built after permit approval and after completion submitted within five business days to the County Fire Chief.
- (6) A written specific Emergency Response Plan for each type of potential emergency associated with the Oil and Gas Facility operations. These include: explosions, fires, gas or water pipeline leaks or ruptures, hydrogen sulfide, methane or other toxic gas emissions, or hazardous material vehicle spills or vehicle accidents. The Emergency Response Plan should be site specific and take into account site topography and seasons. The Plan shall describe whether a reliable method of communication with these emergency services is in place or is planned and the circumstances that will cause the Applicant to seek outside emergency assistance.

N. Air Quality Protection Plan.

- (1) The Applicant shall submit copies of any permits that have been approved by the Air Quality Control Bureau of the New Mexico Environment Department. If no Air

Quality Permit has been obtained, Applicant shall provide written documentation as to why the Oil and Gas Facility does not need an Air Quality permit. The Air Quality Protection Plan shall also include specific regulated compounds projected to be released during each phase of the oil and gas operations and measures to be used to ensure air emissions will not exceed federal and state standards.

- (2) Air Quality Plan Approval.
 - (a) The Director shall seek comments on the Air Quality Plan from the County Fire Chief, from County Health departments and other County departments, from municipalities and neighboring Tribes and Pueblos.
 - (b) The Director may approve the Air Quality Plan as submitted, request additional information, require changes before approval, or deny approval of the plan.
 - (c) The Applicant may appeal the Director's denial of the Air Quality Plan to the Planning and Zoning Commission.
 - (d) Once the Air Quality Plan is approved, the Director shall ensure that the plan is made available to County Departments, local municipalities and Tribes and Pueblos. The Fire Chief shall assist municipalities that request help in preparing for any potential air quality emergency identified in the plans.

O. Water Use and Protection Plan.

The Water Use and Protection Plan shall contain sufficient information to demonstrate to the Director with the advice of the Consultant that the proposed oil and gas Development activity protects surface and ground water for present and potential use as domestic, agricultural, and wildlife water supply.

(1) General requirements.

- (a) The Applicant shall submit an Aquifer Protection Siting Report as required under Article VII, Section J (1) that demonstrates that the proposed oil and gas Well Site has a minimal likelihood of leading to Degradation according to USDW standards.
- (b) If, after receiving the Consultant's evaluation of the Aquifer Protection Siting Report, there is minimal likelihood of the Degradation of USDW, the monitoring requirements described below may be waived by the Director with the advice of the Consultant.
- (c) The Water Use and Protection Plan shall describe in detail how the Operator will meet the requirements of Article VIII Section N that include:
 - (i) Initial baseline testing of surface and ground water;
 - (ii) Ongoing testing and monitoring of on-site ground water during Drilling and Production;
 - (iii) Leak and spill protection measures; and
 - (iv) Any other protection measures as determined by the Director with the advice of the Consultant and in consultation with the Applicant.
- (d) The Applicant shall demonstrate how the Plan complies with downstream water quality standards established by Tribes having "Treatment as a State" status.

- (e) The Applicant shall include a certification signed by an officer of the company that it will comply with requirements of the OCD, NMED and the New Mexico State Engineer relating to water.

(2) Water Usage and Sources.

- (a) The following information regarding water usage shall be submitted as part of the application:
 - (i) Volume of water to be used, the type of water to be used including fresh, effluent, brackish and produced, and the source of the water; and
 - (ii) Copies of written approvals from any public or private well owners from the appropriate governmental agencies, Tribes and Pueblos must be provided for all sources of water to be used in the drilling for, and the production of, oil and gas.
 - (iii) Non-potable water shall be used whenever possible.

(3) On-Site Ground Water Monitoring Measures.

The Water Use and Protection Plan shall describe the Applicant's proposed design and plans for baseline and on-site ground water monitoring to protect water quality, unless the Applicant has received a waiver as described in Article VII, Section O (1)(b), or can demonstrate how existing monitoring wells provide adequate ground water monitoring. The Plan shall include the following:

- (a) The number and placement of monitoring wells as determined by the Director with the advice of the Consultant and in consultation with the Applicant prior to the construction of the Oil or Gas Facility. The monitoring wells shall be designed and constructed according to the New Mexico Environment Department's Monitoring Well Construction and Abandonment Guidelines (March 2011) and any additional below the surface requirements recommended by the Consultant.
- (b) A system of prompt detection and reporting of leaks and spills that could potentially lead to the Degradation of ground water quality according to the requirements and standards of the New Mexico Water Quality Act.
- (c) A set of analytes and measurements related to water quality and oil and gas drilling and production activities to be monitored for with the aid of monitoring wells. The final list of analytes will be selected by the Consultant with input from the Applicant, for baseline and ongoing measurement. For automated sensor systems a small sample of analytes and measurements, including methane or a methane surrogate, and specific conductance may be chosen by the Applicant and approved by the Consultant. Should the automated sensors flag an above baseline measurement, a full sampling of the complete analyte and measurement list agreed to must be immediately taken.
- (d) The set of analytes and measurements for baseline and ongoing measurement shall include but not be limited to Naturally Occurring Radioactive Materials (NORM), pH, specific conductance, total dissolved solids, methane, alkalinity, total dissolved gases including methane, major anions, major cations, total petroleum hydrocarbons and BTEX compounds (benzene, toluene, ethylbenzene and xylenes).

- (4) The Plan shall include the methods the Applicant will use to perform an initial baseline sampling of any watercourses and lakes within the Area of Review. With the approval of the Consultant the applicant shall select from the list of analytes and measurements used for groundwater sampling defined in Section O.(3)(d) above.
- (5) The Plan shall include a description of measures that the Operator will implement to ensure the containment of any leaks or spills that could impact surface water and USDWs. These measures may include the following:
 - (a) Physical barriers to be installed and maintained under and around the facility or group of facilities.
 - (b) A description of the method and frequency of on-site inspections for spills or leaks that will be performed by the Operator.

P. Waste Management Plan.

All solid and liquid wastes must be managed in accordance with Federal, State and County law and in a manner so as to prevent pollution of the environment, conserve fresh water, and protect the public health and safety.

- (1) Applicant must submit a waste management plan that identifies the type and volume of solid and liquid waste that will be generated at the Facility and how that waste will be properly stored, transported and disposed of.
- (2) To the maximum extent practicable and in accordance with OCD Rules, as required in 19.15.34 NMAC as amended, the applicant must describe how any Produced Water generated at the Facility will be recycled or reused for onsite reinjection purposes, if any.
- (3) The Applicant must include copies of the original agreements between the Applicant and any OCD licensed surface waste management facilities, including injection wells, and copies of the OCD permits for such licensed waste disposal facilities.
- (4) The Applicant must include the following information regarding the transportation off-site of any solid and liquid wastes.
 - (a) Copies of the applicant's original agreements with companies that will transport solid and liquid wastes off-site; and copies of OCD authorizing the companies to transport solid and liquid wastes off-site to licensed OCD waste disposal facilities.
 - (b) The Director may require that companies transporting solid or liquid wastes be fitted with GPS tracking systems in order to help identify responsible parties in the case of accidents/spills.
- (5) The Plan shall describe all the roads that will be used to transport off-site the solid and

liquid waste produced by the Oil or Gas facility and the estimated number of trips per week needed to remove that waste from the site. This information must be included in the Road Plan required under Article VII Section K to be reviewed and approved by the Department of Public Works.

Q. Terrain Management Plan.

- (1) The Terrain Management Plan shall include restoration activities that will be conducted before and after each phase of development with the site. The Terrain Management Plan shall include but not be limited to the following information:
 - (a) Number of acres disturbed during each phase of development and a description of current land use and reasonably foreseeable future land use on the property. The description of current land use should, at a minimum, list the current land use designation of the property as designated by the County Planning and Zoning Department.
 - (b) The pre-drilling grades of the entire site.
 - (c) A soil analysis describing the soil characteristics of the site and any limitations those characteristics may pose to the proposed development.
 - (d) A description of any erosion mitigation techniques to be used such as silt fencing, vegetative buffers, and berms.
 - (e) A description of the noxious and invasive plant species of concern within the vicinity of the Well Site and the proposed mitigation techniques to prevent the appearance or spread of these species. The Applicant shall consult with the local agricultural extension office and the local Natural Resources Conservation Service office for information about noxious and invasive plant species that exist in the area and the best methods available to contain or eliminate them. Any written recommendations from these offices shall be submitted with the Plan.
 - (f) A schedule and description of interim activities following the completion of each phase of Development within the Facility to include but not be limited to, grading, erosion control, revegetation methods and materials, and soil amending.
 - (g) A schedule and description of proposed final restoration activities to be completed once OCD final approval has been received for the plugging and abandonment of the well or for temporary abandonment. These restoration activities described in the Terrain Management Plan may include but are not limited to the following:
 - (i) Configuration of the reshaped topography and restored drainage to its natural state that existed on the site prior to development.
 - (ii) Soil treatments
 - (iii) Reseeding materials and revegetation methods
 - (iv) Backfill or grading requirements
 - (v) Soil stabilization technique
 - (h) A description of how those restoration activities will impact the anticipated future use of the property, including written approval from the surface owner and the owner of the mineral rights.
 - (i) A drainage map identifying natural drainage and a description how storm water will be managed with the project area to prevent the travel of runoff. Where appropriate, the drainage map shall include a watershed map showing all the upper watershed area

draining into or through the site. The map and the description shall be reviewed and approved by the County Engineer.

- (2) The Terrain Management Plan shall be submitted to the local Flood Control Authority and the Soil and Water Conservation Districts, if any, located near the Oil and Gas Facility for their review.
- (3) The Terrain Management Plan shall be submitted to Pueblo and Tribal Leadership within the County located near the Oil and Gas Facility.
- (4) The Applicant shall submit a certification signed by the chief officer of the company that the Applicant shall not deposit, drain or divert into or upon any public highway, street, alley, drainage ditch, arroyo, storm drain, sewer, gutter, creek, stream, river, lake or lagoon, any oil or liquid containing any chemicals, hydrocarbons, or any drilling mud, sand, water or saltwater, or in any manner permit, by any means, any of such substances to escape from any property owned, leased or controlled by the Applicant.

R. Proof of Plugging Bond.

Applicant must provide certification that OCD's financial assurance requirements, as set forth in 19.15.8 NMAC as amended, have been satisfied.

ARTICLE VIII. GENERAL PROVISIONS FOR OIL AND GAS DEVELOPMENT PERMITS

A. Light Direction

- (1) All lighting must comply with the New Mexico "Night Sky Protection Act", *NMSA 1978, supra*.
- (2) The Oil and Gas Facility shall use lighting Fixtures or Luminaires that are hooded, shielded, directed downward and inward to prevent glare and Spill Light that goes beyond the primary area where the light source is intended.
- (3) Light sources should be chosen for energy efficiency, long life and low maintenance.
- (4) Nothing in this section should be construed to compromise the safety of operations at the drilling site in accordance with the requirements of the Federal and State Occupational Health and Safety laws and rules.

B. Visual Impact

- (1) Oil & Gas Facilities shall be painted or otherwise made to be harmonious with the surrounding environment in uniform or camouflaging non-contrasting, non-reflective color tones, similar to BLM Standard Environmental and Supplemental Colors coding system. Color matched to land, not sky, and slightly darker than adjacent landscape.
- (2) To the extent possible, Oil and Gas Facilities shall not be located so as to impair or obstruct federally or state designated historic and scenic byways and sites designated as Scenic Historic Markers by the NM Historic Preservation Commission. Such sites and byways are significant to New Mexico and the County's visual beauty and are important to tourism and to local property owners. Any agreements with the Surface Owner as required under the SOPA shall be taken into consideration.

C. Setback Requirements

- (1) No oil or gas facility shall be permitted within a floodplain as mapped and designated by the Federal Emergency Management Agency (FEMA).
- (2) Setbacks shall not apply to roads used solely for the purpose of accessing oil or gas facilities.
- (3) Setbacks shall be measured from the center of roads and from the seasonal high- water mark of watercourses, or the outer boundary of the affected surface water feature.
- (4) No oil or gas facility shall be permitted within the following distances:
 - (a) Distance from lot line or property where a residential structure is present: 1,500 feet;
 - (b) Distance from lot line or property where schools or playgrounds: ½ mile;
 - (c) Distance from lot line or property where places of worship, hospitals or institutions are present: 1,500 feet;
 - (d) Distance from lot line of property where electrical, natural gas, solar, wind and related public water utility structures are present: 1 mile;
 - (e) Distance from lot line of property where non-residential occupied structures are used, excluding A (4) (b) and (c), including agricultural and livestock structures: 400 feet;
 - (f) Distance from existing water wells permitted by the NM Office of the State Engineer: 1,000 feet for individual wells; 2,000 feet for wells serving 5 or more households;
 - (g) Distance from Continuously Flowing Water Courses and Lakes: 1,000 feet;
 - (h) Distance from a cultural, historic, or archaeological resource as recommended by New Mexico Historic Preservation Division. This distance may be increased upon written request by a Tribe or Pueblo for the preservation of a Cultural Property;
 - (i) Distance from a county, state or federal designated trail or open space, whether part or not part of a state or federal forest or preserve: 500 feet;
 - (j) Distance from a public road or highway: 250 feet;
 - (k) Distance from lot line of property where non-occupied agricultural facilities are used including acequias, stock ponds and irrigation structures: 500 feet.
- (5) These setbacks are minimal standards. The Director may recommend greater setbacks depending on topography, Cultural Properties, livestock, wildlife habitat and other factors.
- (6) Surface Owner agreements establishing setbacks shall not be subject to A (4).

D. Fencing.

Unless provided for in an agreement with the applicable surface owner, all Facility locations shall have perimeter fencing and a locked gate to prevent harm to the public, Livestock and wildlife. The design and construction of the required fencing shall be a chain link fence to a minimum height of six (6) feet as approved by the Director. The Director shall have a key or other access mechanism to any locked gates on the site.

E. Sound Control Standards

- (1) All operations during the construction, maintenance, and operation of the oil and gas facility shall be conducted in such a manner as to minimize to the greatest extent practical all types of sound emissions at the property boundary of the permitted Oil and Gas Facility.
- (2) Intermittent operations including mobile vehicles or equipment, drilling and work-over rigs, will conduct their operations in a manner that does not create a noise nuisance to surrounding residents, schools, hospitals, group homes, public gathering areas, or to Livestock and wildlife.
- (3) Continuous operations including well site compression and pump- jacks, shall use the following noise mitigation measures to minimize disturbance
 - (a) Exhaust from all engines, motors, coolers and other mechanized equipment shall be vented away from the closest existing residences unless otherwise specified by NMED permit restrictions.
 - (b) All facilities with engines or motors not electrically operated shall be equipped with hospital grade mufflers. Such equipment shall be installed and maintained in proper working condition.
 - (c) All mechanized equipment associated with the oil and gas facility shall be anchored or mounted on vibration dampeners so as to minimize transmission of vibration through the ground.
 - (d) All Oil and Gas Facilities that have compressors, engines or motors which generate sound will be placed behind a maintained, acoustically designed barrier or be contained within a maintained, acoustically insulated structure to further reduce sound and to provide less visual impact.
 - (e) The Director may require additional noise abatement measures, which include, but are not limited to, the following:
 - (i) Installation of electric engines and/or motors.
 - (ii) Vegetative screening consisting of trees and shrubs placed within the fenced enclosure.
 - (iii) Solid wall or fence of acoustically insulating material surrounding all or part of the facility.
- (4) Acceptable Sound Levels
 - (a) Based on the default baseline limits on noise levels for areas zoned as rural, residential, commercial or industrial in the Sandoval County Comprehensive Zoning Ordinance, the following acceptable sound levels shall apply.
 - (b) Sound levels during daytime hours from 7AM to 7PM shall not exceed 15 dB(A) above the following default baseline ambient noise levels for rural, industrial, commercial or industrial areas where the Oil and Gas Facility is located.

Zone	Default Baseline	Increase	Day Maximum
Rural	30 dB(A)	+15 dB(A)	= 45 dB(A)
Residential	40 dB(A)	+15 dB(A)	= 55 dB(A)
Commercial	50 dB(A)	+15 dB(A)	= 65 dB(A)

Industrial	60 dB(A)	+15 dB(A)	= 75 dB(A)
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- (c) During nighttime hours from 7PM to 7AM, sound levels shall not exceed 5 dB(A) above the following default baseline ambient noise levels for rural, industrial, commercial or industrial areas where the Oil and Gas Facility is located.

Zone	Default Baseline	Increase	Night Maximum
Rural	30 dB(A)	+5 dB(A)	= 35 dB(A)
Residential	40 dB(A)	+5 dB(A)	= 45 dB(A)
Commercial	50 dB(A)	+5 dB(A)	= 55 dB(A)
Industrial	60 dB(A)	+5 dB(A)	= 65 dB(A)

(5) Sound Measurement.

- (a) Prior to the start-up of a new well or modification to an existing well, the operator shall demonstrate initial compliance with this section by requesting a site-specific ambient baseline sound level measurement from a qualified sound expert to be approved by the Director and paid for by the Applicant.
- (b) The sound pressure level shall be measured at the property boundary in the direction of the area receiving the noise, or as close as practical to this location.
- (c) In all sound level measurements, the existing ambient noise level from all other sources in the area shall be considered to determine the contribution to the sound level by the oil and gas operation.
- (d) Sound pressure levels shall be measured to determine average dB(A) over a period of time in order to be able to compare the site specific ambient daytime and nighttime noise levels to the default baseline levels as described in Section A (4) (b) and A (4) (c)).

(6) Emergencies.

The provisions of this section shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

(7) Complaints.

- (a) Upon receipt of a noise complaint that appears to originate from the oil and gas facility, the Director shall within 24-hours investigate the complaint. The Director may hire a qualified sound consultant, who shall be paid for by the Operator, to set up an independent sound measuring system to verify the situation. The Operator shall be given 24-hours to correct the problem from the source.
- (b) The Director shall maintain records of all noise complaints, the dates when filed and how the outcome, including any mitigation measures, the Operator may have been required to take.

F. Waste Disposal.

- (1) On-site surface disposal of wastes of any kind is prohibited.
- (2) The Operator shall ensure that all solid, liquid and sewage waste are securely contained on the site and properly disposed of according to all applicable Federal, State and County regulations. The Operator shall remove all on site Oil and Gas Facility Produced Water unless it is stored and used for reuse or recycling.
- (3) All oil and gas produced solid and liquid waste must be transported and disposed of in permitted OCD Facilities.
- (4) All solid Drilling Wastes including cuttings, spent drilling muds, membranes, filters and other solid wastes and Produced Water shall be tested and disposed of as required by OCD rules (19.15.35 NMAC as amended).
- (5) To minimize the volume of waste, whenever possible the applicant shall reuse or recycle Produced Water on the pad site where the waste was generated in accordance with OCD rules. These include provisions requiring that the recycling or re-use of Produced Water not be permitted for any use which involves contact with fresh water zones. In addition, the permittee shall comply with the OCD rules regarding hydrogen sulfide gas and NORM (19.15.11 NMAC as amended and 19.15.35 NMAC as amended.)
- (6) Closed-loop systems for Produced Water, fracturing fluids are required. The use of on-site injection wells, pits, temporary or permanent, and ponds will require that the applicant apply for a variance as described in Article XIII of the CZO and that includes the following information:
 - (a) A detailed statement explaining the need for a variance; and
 - (b) A detailed written demonstration that the variance will provide equal or better protection of fresh water, public health and the environment.

H. Flowlines and Gathering Lines

- (1) Operator may construct Flowlines and gathering lines on the approved site but no pipeline shall exceed the size necessary for transporting oil and gas produced on the site. Applicant/Operator shall bury all permanent Flowlines and gathering lines no less than thirty-six (36) inches below the surface, include a leak detection system that includes pressure flow meters, flow balancing, and a computer alarm and communication system in the event of a suspected leak and restore the Surface as nearly as possible to its former condition. Operator shall use steel pipe in all pipelines in which pressure is anticipated to be in excess of 300 psi unless the material transported is highly corrosive, in which case other types of pipe meeting industry standards may be used.
- (2) Applicant must ensure that all Flowlines and gathering lines are platted and filed as built within five days after completion in the office of the Sandoval County Assessor.

I. Storage Tanks

- (1) Except as otherwise specifically mandated by OCD, tanks used for the storage of condensate, crude oil, or other liquid hydrocarbons produced by and/or used in conjunction with any Oil and/or Gas Facility or Facilities, shall be equipped with vapor recovery units and managed such that there are no emissions.
- (2) All above ground storage tanks shall be equipped with a secondary containment system including lining to protect against leaks and spills, sufficient to contain the volume of fluid in the tanks, as approved by OCD.

- (3) All below grade tanks shall be constructed and maintained according to applicable OCD regulations.

J. Trash and Debris.

Operator will maintain all locations and well sites upon which operations have taken place clear of all litter, trash, and other waste and shall not store unused equipment at the location or site.

K. Road and Traffic Standards.

(1) Road Improvements Agreement

In order for the County to be assured of the completion of required road improvements, the Operator shall agree to one of the following:

- (a) The Operator shall install and construct such roads, bridges, overpasses and culvert improvements, if any, as are required by this ordinance and in the manner and to the design standards provided in Article II. Section 32 of the Sandoval County New Mexico Code of Ordinances. Prior to the construction of any improvements or the submission of any bond or other improvement guarantee, the Operator shall furnish the County with all plans necessary for the construction of such improvements. These plans shall be reviewed and approved by the County Public Works Department.
- (b) The Operator shall provide a cash bond security, letter of credit, escrow deposit or other security acceptable to the County, in which case, the County shall install and construct such road improvements.

(2) Roads and Traffic Standards

- (a) Chains on heavy equipment shall not be permitted on paved County roads. All damage to County roads directly attributable to the installation, construction and operation of oil or gas facilities shall be promptly repaired at the Operator's expense.
- (b) Heavy equipment shall not be used on roads with ruts measuring six (6) inches or more in depth.
- (c) Speed limits shall be set at a level to prevent the creation of excessive dust and erosion.
- (d) The amount of traffic generated by the proposed development shall not cause public roads to operate at a level less than what can be met by current capacity and structural conditions.
- (e) In the event that traffic generated by the development increases the burden on or causes a deterioration of County roads, the Operator shall be required to pay a pro-rata share of the costs incurred to improve the County road. The pro-rata share shall be determined by the County's Public Works Director and the Operator.
- (f) Trucks and all other vehicles shall not exceed the regulated weight limits as defined by the New Mexico Department of Transportation for each class and type of vehicle on

any roadway, bridge, overpass or culvert.

(3) Timing of Transportation Activities

- (a) Truck deliveries of equipment and materials associated with drilling and/or production, well servicing, site preparation, and other related work conducted on the oil or gas facility shall be limited to between the hours of 8:00 AM and 5:00 PM except in cases of fires, blowouts, explosions and any other emergency or where the delivery of equipment is necessary to mitigate the emergency.
- (b) In coordination with County and/or municipal officials and the Pueblo and Tribal Leadership of any impacted tribes or pueblos, the Operator shall avoid truck traffic under the following conditions:
 - (i) During times of school bus transport of children to and from school locations.
 - (ii) During public events, festivals and feast days.

L. Well Sites and Facilities.

- (1) The Oil or Gas Facility shall not be used for the storage of flowlines or other equipment or materials except during the drilling, operating, or servicing of Oil or Gas Wells. Where not already required by another permitting agency, the Operator may seek a written exception/permission for staging of Flowlines or other equipment from the Director which shall be approved upon a demonstration of need, for a length of time to be determined by the Director and the Surface Property Owner. Where storage permitting is authorized by another permitting agency, a copy of the storage permit or authorization shall be submitted to the Director.
- (2) Site dimensions for an Oil or Gas Facility or Facilities, shall be the size necessary to provide a safe work area and minimize surface disturbance.
- (3) Following the Completion of an Oil or Gas Well, the pad shall be reduced to the minimal size required to operate the site, and the surrounding disturbed surface shall be reclaimed.

M. Gas Flaring and Venting.

Flaring and venting of gases from an approved Oil and Gas Facility shall be in accordance with 19.15.18.12 NMAC.

N. Water Protection.

The Operator shall take all measures necessary to avoid Degradation of surface water and ground water.

- (1) Ground water monitoring requirements at the Well Site.
 - (a) Unless the Operator has received a waiver under Article VII, Section O(1)(b), the Operator shall establish an onsite ground water monitoring system and conduct baseline testing in accordance with the approved Water Use and Protection Plan.

- (b) If an Operator who has received a waiver as provided in Article VII, Section O(1)(b), encounters a USDW during drilling operations the Operator shall immediately cease drilling operations and inform the Director by phone and by email. With the advice of the Consultant, the Operator shall install a monitoring well system before drilling or production operations continue.
 - (c) Prior to commencing construction of the Well Site, the Operator shall, with the advice of the Consultant, take water samples from the approved on-site ground water monitoring wells.
 - (d) The Operator shall also sample monitoring wells for baseline data before any hydraulic fracturing activity takes place. The analysis, not the sampling, of fracturing chemicals deemed proprietary may be delayed until after the Operator provides OCD with the list of substances actually used as required by NMAC 19.15.16.19 B and 19.15.16 C.
 - (e) The Operator shall report all baseline and ongoing sampling analysis results to the Director, the Consultant, OCD and NMED.
 - (f) In the event that ongoing, on-site, ground water monitoring samples at the well site indicate a potential violation of the New Mexico Water Quality Act the Operator shall have the test repeated. If the violation is confirmed by the laboratory, the Operator shall immediately take measures to reduce these contaminants to acceptable legal standards. The Operator shall immediately notify, in writing, private and public well owners within the Area of Review as well as Tribes and Pueblos whose land is within the Area of Review, the Director, the Consultant, NMED and OCD, providing them with copies of the results of the tests and the measures taken to reduce contaminants to acceptable legal standards.
- (2) Public and Private Wells Baseline Testing Requirements.
- (a) Subject to surface owner permission and prior to the commencement of drilling, the Operator, at his expense, shall sample four (4) private wells and each public water well within one (1) mile of the Well Site for the baseline analytes and measurements agreed to as required under section O(3)(d) of the Water Use and Protection Plan. Subsequent sampling shall be done at Operators expense between 6-12 months and 60-72 months after completion.
 - (b) The Operator shall provide the baseline testing results to the sampled public and private water well owners, to the Director and the Consultant, to OCD and to NMED;
 - (c) If a private water well owner refuses to have the Operator test the well, the Operator shall make a good faith effort to ensure that a waiver form, developed by the Director, is signed. The form, requesting a signature, shall be sent to the well owner by registered mail, return receipt. Both the Director and the Operator shall maintain a copy of the signed waiver form and a list of those who have not signed the form.
- (3) Surface Water Baseline Testing Requirements.
- (a) Subject to owner permission and with the advice of the Consultant, the Operator shall sample Watercourses and lakes within the Area of Review prior to the commencement of drilling to establish baseline information.

- (b) The Operator shall report all baseline and ongoing sampling analysis results to the Director, the Consultant, OCD and NMED.
- (4) All sampling and testing required in this section must be conducted by an independent Consultant and analyzed in a NMED certified laboratory, both of which are to be approved by the Director with the advice of the Consultant. These services shall be paid for by the Operator.
- (5) Spills and Leaks.
 - (a) The Operator shall install and maintain the spill and leak protection measures described in the Water Use and Protection Plan.
 - (b) The Operator shall perform regular inspections of the facility to detect leaks, spills or maintenance needs as described in the Water Use and Protection Plan.
 - (c) In the event of a detected spill or leak, the Operator shall comply with OCD protocols as required by 19.15.29 et seq. NMAC. In addition to the required notification of NMED and OCD, notify and inform the Director and the Consultant of the required remediation plan and the results.
 - (d) The Operator shall promptly notify Pueblo and Tribal Leadership, the Mayors of municipalities, as well as private land owners, within the Area of Review of any Major Release, as defined by OCD, and inform them of the measures that are being taken to remedy the problem. Copies of these notices shall be filed with the Director, who shall maintain a record of each Operator's spill and leak history.

O. Air Quality Protection.

The oil and gas operations shall, to the maximum extent practicable, avoid causing a Significant Deterioration of air quality. In no event shall the oil and gas operations be operated in a manner that allows emissions from the operations to create a public nuisance, and specifically, venting or flaring operations shall not be carried out in a manner that is injurious to the health, safety or property of neighboring residents.

P. Emergency Response

- (1) A list including quantities of chemicals, fluids, and other dangerous Hazardous Materials used in drilling, fracking, production and transportation, where they are stored, and any corresponding Material Safety Data Sheets, must be provided to the County Fire Chief before beginning operations. The list of fluids used in the fracturing of a well shall be provided in a sealed envelope which shall be securely stored but immediately accessible should an incident posing a threat to health, safety and the general welfare occur.
- (2) If the Operator, or any of the Operator's contractors, store any chemicals and other Hazardous Materials used for Fracturing or other purposes at any location in the County, the following information shall be provided to the Fire Chief.
 - (a) The GPS coordinates of each location where the chemicals are stored;
 - (b) A complete list of all Hazardous Materials stored at each location in a sealed envelope, to be securely held by the Fire Chief but immediately accessible should

- an incident occur;
 - (c) The location of the nearest fire station or fire-fighting equipment; and.
 - (d) Assurances that any fire, flood or other incident at a storage site posing a threat to health, safety or the general welfare will be immediately reported to emergency services, and that Applicant or contractor will fully cooperate with emergency services efforts to contain the threat.
- (3) The Emergency Response Plan, including the list of chemicals, shall be updated and resubmitted to the county on a semi-annual annual basis or within ten business days if the conditions change such as change of ownership or Operator.
- (4) The County must be immediately notified of any emergency contact information changes.
- (5) The County shall be immediately notified of any emergency even those that may be handled on-site.
- (6) If the County determines that emergencies are due to Operator negligence the County may request reimbursement for its share of the cost of those emergency services.
- (7) Hydrogen Sulfide Contingency Plan.
- (a) Applicant shall provide a copy of the Hydrogen Sulfide Contingency Plan submitted to OCD according to 19.15.9 NMSA to the Director.
 - (b) The Director shall send a copy of the Applicant's Hydrogen Sulfide Contingency Plan to the municipalities – incorporated and unincorporated Pueblo and Tribal Leadership within one mile of the Facility.

Q. Cultural, Historical and Archeological Sites.

- (1) All Cultural Properties as identified in the Cultural Properties Report must be protected. Prior to the commencement of oil and gas operations, there shall be written agreements between the Applicant and the NM Historic Preservation Division and between the Applicant and all Tribes and Pueblos that have identified Cultural Properties. These agreements shall specify all measures to be taken to ensure the protection of identified Cultural Properties.
- (2) In the event that a cultural, historical or archeological site, including unmarked burial grounds, is discovered or identified during any phase of the development and the production of oil and gas at the Facility, or during the repair of roads and the construction of new roads that are required for traveling to and from the site, the Operator shall comply with all applicable local, state and federal laws listed under Article I, Section E of this ordinance. These include: the American Indian Religious Freedom Act; the Archaeological Resources Protection Act; the NM Cultural Properties Protection Act; the National Environmental Policy Act; the National Historic Preservation Act; the National Scenic Byways Program; the Native American Graves Protection and Repatriation Act; the NM Prehistoric and Historic Sites Act; and the NM Scenic Byways Program.
- (3) A violation under this section may be subject to the enforcement provisions of Article XIV in this ordinance.

R. Abandonment, Plugging and Restoration.

- (1) The Operator shall submit to the County copies of all OCD approved plugging and abandonment forms whether temporary or permanent.
- (2) The Operator shall include a written certification that all Flowlines and gathering lines have been removed and a statement of the use to be made of the Facility following restoration, including a discussion of the utility and capacity of the reclaimed land to support the Surface Owner's preferred use and the consideration which has been given to making restoration operations consistent with surface owner plans, and the terrain in its natural state prior to drilling.
- (3) Soils.
 - (a) Soils having severe limitations, or which are shown as unsuitable for the intended purposes, shall not be used for those purposes unless the Operator has clearly demonstrated in the Terrain Management Plan how the soil limitations are to be overcome or mitigated.
 - (b) All topsoil stripped from the surface and retained on or off the site shall be carefully stockpiled in a manner to prevent its erosion or loss, contamination by on-site operations, and in a state to facilitate its re-application to the disturbed areas during restoration.
 - (c) Any necessary grading or clearing should, to the extent possible, follow, preserve, match, or blend with the natural contours and vegetation of the land and should not increase the possibility for erosion.
 - (d) All changes made to the existing soil composition and arrangement shall be compatible with the soil stability and erodibility as demonstrated in the soil survey, if a soil survey was required in the application.
 - (e) The Operator shall take sufficient measures to prevent dust arising from any area where the surface is disturbed; however, oil and gas waste water shall not be used for dust suppression.
- (4) Drainage and Erosion.
 - (a) Using appropriate grading and erosion control methods throughout all Oil and Gas operations, including any soil and terrain restoration, the maintenance and restoration of natural or well-controlled drainage flows shall be preserved.
 - (b) To the extent possible, the Operator shall preserve the natural drainage existing on the Facility prior to Development.
 - (c) Water that drains from the well site shall not contain pollutants or sedimentary materials at a greater concentration than would occur in the absence of the development.
 - (d) Drainage from the Facility shall not cause erosion outside of the Facility boundary to a greater degree than would occur without the presence of the Development.
- (5) Vegetation.
 - (a) During development and operation, the Operator shall minimize damage to existing vegetation.
 - (b) There shall be no introduction of, or increase in the prevalence of, invasive or noxious plant species within the well site or associated areas also under restoration as a result of oil and gas Development.
- (6) Restoration.

- (a) The Operator shall begin interim and final restoration activities as soon as practical upon completion of each phase of development.
- (b) The Operator shall reseed by drilling on the contour, or any other method approved by the Director.
- (c) The Operator shall obtain vegetative cover that equals at a minimum 70% of the native perennial vegetative cover, which has not been impacted by overgrazing, fire, or some other damaging intrusion, and shall maintain that vegetative cover for at least two (2) successive seasons.
- (d) The Operator shall remove from the areas under restoration all buildings, equipment, materials, Flowlines and gathering lines, and waste and debris related to the Oil and Gas activities.
- (e) The Operator shall notify the County at least 10 days in advance of the date that final restoration activities are to begin and also notify the County when restoration activities have been completed.
- (f) Revegetation shall be monitored semi-annually for three (3) years; planted vegetation or seedlings which are not established after two (2) years shall be replaced.

ARTICLE IX. INSURANCE REQUIREMENTS.

In addition to the financial assurance required by the OCD and other laws, the Operator shall carry the insurance policy or policies required below provided by an insurance company or companies authorized to do business in New Mexico. In the event such insurance policy or policies are cancelled, the operator will take immediate corrective actions to reinstate the insurance policy or policies, and notify the County of said corrective action.

A. General Requirements.

- (1) The County, its officials, employees, agents and officers shall be endorsed as an “additional insured” on the required policies.
- (2) Certificates of insurance shall be delivered to the Sandoval County, Planning and Zoning Commission, 1500 Idalia Road, Building D, Bernalillo, NM 87004, evidencing all the required coverage, including endorsements, prior to the commencement of operations requiring notice.
- (3) Each policy shall be endorsed to provide the County a minimum thirty-day notice of cancellation, non-renewal and/or material change in policy terms or coverage. A ten days’ notice shall be acceptable in the event of non-payment of premium.

B. Standard Commercial General Liability Policy.

- (1) This coverage must include premises, operations, blowout or explosion, products, completed operations, sudden and accidental pollution, blanket contractual liability, underground resources and equipment hazard damage, broad form property damage, fire, independent contractors’ protective liability and personal injury.
- (2) This coverage shall further provide a limit of liability of not less than Five Million Dollars (\$5,000,000) per occurrence.

- (3) The policy or policies shall provide that they may not be cancelled without written notice to the County of at least thirty (3) days prior to the effective date of such cancellation.

C. Pollution Insurance:

- (1) Unless the policy or policies under B include environmental damages, the County shall require a pollution insurance policy or policies that provide standard pollution liability insurance with a coverage of not less than \$ 15,000,000 per occurrence, issued by an insurance company authorized to do business in the State, and that names the applicant as insured and the County as additional insured.
 - (2) Such insurance policy shall be maintained in full force and effect from the date of approval of the Oil and Gas Development permit by the County Planning and Zoning Commission and continuing in force until the well is plugged and abandoned in accordance with the applicable state statutes, OCD regulations, and the Terrain Management Plan as approved by the County Engineer.
 - (3) A separate policy is not required if pollution coverage is included as part of the commercial general liability insurance policy required by this Section as long as the pollution coverage is not less than Fifteen Million Dollars (15,000,000).
 - (4) The insurance policy or policies shall provide that they may not be cancelled without written notice to the County at least thirty (30) days prior to the effective date of such cancellation.
- D. The Applicant, if offering a plan of self-insurance, may provide a certificate of insurance as required by this Section issue pursuant to such plan provided that such plan has been approved by the New Mexico Division of Insurance and the County Manager.

ARTICLE X. NOTICE OF DECISIONS.

The County shall notify Applicants in writing of decisions regarding application for Oil and Gas Facilities by the Director and by Planning and Zoning Commission. The County shall also notify, in writing, all government agencies involved in the review process for Oil and Gas Facilities, and the Leadership of the Tribes and Pueblos who received notices of meetings for application review.

ARTICLE XI. CHANGE OF OPERATOR.

- A. If a permitted facility undergoes a change of Operator or a change of Operator name, the new Operator shall submit a copy of the applicable OCD permits within ten (10) business days of the permit being approved by OCD.
- B. The new Operator shall provide updated emergency and other contact information within ten (10) days of the change.
- C. The new Operator shall also present proof of adequate insurance as required in Article IX.
- D. The new Operator must demonstrate that it is financially solvent, as required under Article VII Section I, and has no outstanding environmental violations, as required under Article VII Section H.

- E. The new Operator must provide a statement signed by a corporate officer that the Operator will abide by all the terms of the permit that was granted to the prior Operator.
- F. Once the information required under sections A – E above has been provided and found complete by the Director, the county permit may be transferred to the new Operator.

ARTICLE XII. NONCONFORMITIES

The procedures for evaluation of a potential Non-Conforming Use are established in Section 18 (1), Nonconformities, Sandoval County Comprehensive Zoning Ordinance.

ARTICLE XIII. VARIANCES.

Application for variance of any of the standards associated with any permit contained within this Ordinance shall be submitted in accordance with the CZO No. 10-11-18.7A, Section 18

No such variance shall be approved unless the Applicant and/or property owner demonstrates by clear and convincing evidence that, if granted, the variance will have no significant effect on the health, safety and welfare of the County, its residents and other service providers and is consistent with the intent and purpose of this Ordinance.

ARTICLE XIV. ENFORCEMENT

A permittee who fails to comply with the Oil and Gas Ordinance, the Sandoval County Comprehensive Zoning Ordinance or the terms or conditions of any permit issued pursuant to the Oil and Gas Ordinance, shall have committed a violation and shall be held responsible for the violation and be subject to administrative, civil or criminal penalties as well as other equitable and legal remedies.

A. Minor Violations.

- (1) If any permittee violates any provision of this ordinance or any provision of any permit granted under this ordinance, and such violation does not directly cause material harm to the public health and safety of county residents, to the environment and to Cultural Properties, the Planning and Zoning Division Director shall issue a written citation to such person describing the violation and the corrective actions required giving the permittee no more than thirty (30) days to mitigate the violation.
- (2) The citation shall conspicuously and in bold face type state: “If not paid, this fine shall constitute a lawful debt which will be collected pursuant to legal process and may be assessed as a lien upon the property upon which the violation exists. If the violation is remediated by the County or by a contractor hired by the County, the actual costs of remediation shall be added to the fine.”
- (3) The fine for violating Article XIV, Section A of this ordinance shall not exceed \$300 or the maximum legally allowable, or imprisonment for ninety days, or both the fine and imprisonment. The fine shall be payable to the County. The fine may be waived

at the sole discretion of the County if the alleged permittee commences and completes satisfactory actions to remediate the alleged violation within the time allotted to mitigate the violation.

- (4) Each day that a violation exists shall constitute a separate violation of the Ordinance.
- (5) Nothing in this section shall preclude the County from taking such other lawful action as is necessary to prevent or remedy any violation, such as seeking injunctive relief, abatement, suspension or revocation of a permit, or forfeiture of any financial assurance deposited with the County to prevent or remedy a violation of this ordinance.

B. Major Violations.

When a violation of this ordinance or the terms and conditions of any permit issued under this ordinance, results in a significant public safety, health or Environmental risk, the permittee shall be electronically or personally delivered a Cease and Desist Letter, giving the permittee up to thirty (30) days, depending on the seriousness of the alleged violation, in which to correct the violation. The permittee must immediately cure the alleged violation. Failing to do so may result in the permittee receiving a summons for violating the Sandoval County Oil and Gas Ordinance and the provisions of the permit and having the permit suspended or revoked.

- (1) The Director may suspend or revoke the permit after notice and an opportunity for a public hearing. In assessing whether to suspend or revoke the permit, the Division may consider the seriousness of the violation and any good-faith efforts to comply with the applicable requirement.
- (2) The Director may suspend or revoke the permit when the permittee has received a Compliance Order from the New Mexico Oil Conservation Division or from the New Mexico Environment Department.
- (3) Nothing in this section precludes the County from filing a criminal, civil and administrative action simultaneously to stop the permittee from harming the health, safety, environment and the Cultural Properties of the County.
- (4) The violation citations under Subsection A or B shall be issued to the permittee. When possible, the citation shall contain the address of the property on which the violation is alleged to exist, the legal description of the property or both. The citation shall be hand-delivered to the alleged permittee if possible, or may be mailed to the alleged permittee and posted upon the property. Any of the previously listed forms of notice shall constitute sufficient service of notice under the law.
- (5) Any citation issued for violation of this Ordinance shall state the name of the alleged permittee, the date the citation was issued, the type of violation, and the section of this Ordinance under which the violation is issued. The citation shall, if possible, list the action necessary to cure the alleged violation.
- (6) The Director shall maintain a record of minor and major violations committed by permittees, the dates the violations occurred, the type of violations, any mitigating circumstances, the dates when the violations were resolved and the corrective actions taken to resolve the violations.

- (7) The Director is granted the authority to ensure that permitted Oil and Gas Facilities are in compliance with the oil and gas ordinance, including the permit conditions, and the CZO.

ARTICLE XV. INTERPRETATION.

In the event that this Ordinance and the CZO are in conflict, the more stringent provisions shall apply. Otherwise, this Ordinance and the CZO, where applicable, are to be enforced together.

ARTICLE XVI. ASSESSMENTS AND REPORTS.

A. Assessment of Oil and Gas Ordinance

- (1) The Director shall conduct an ongoing assessment of the oil and gas ordinance to determine whether any procedural or operational improvements are needed and to assess any new changes in state or federal laws or regulations or relevant court decisions
- (2) By March of 2021 the Director shall report to the Planning and Zoning Commission the experiences and challenges of the oil and gas ordinance and whether the Commission should consider any additions or modifications to discuss and recommend to the Board of County Commissioners.

ARTICLE XVII. SEVERABILITY AND EFFECTIVE DATE.

- A. If any provision of this ordinance shall be held invalid or non-enforceable by any court of competent jurisdiction for any reason, the remainder of this ordinance shall not be affected and shall be valid and enforceable to the fullest extent of the law.
- B. As necessary to protect the public health and safety, this ordinance proposed for adoption shall take effect 30 days upon approval by the Sandoval County Board of County Commissioners.

SANDOVAL COUNTY OIL & GAS DRAFT ORDINANCE COMMENT -- Oil & Gas ordinance comparison

David Craig <dtc.bayern@gmail.com>

Tue 9/25/2018 3:05 PM

To: Public Comment <PublicComment@sandovalcountynm.gov>;

Cc: Aparicio C. Herrera <aherrera@sandovalcountynm.gov>; Peter J. Adang <padang@sandovalcountynm.gov>; James G. Maduena <JMaduena@sandovalcountynm.gov>; Keith Brown <kbrown@sandovalcountynm.gov>; Daniel J. Stoddard <DStoddard@sandovalcountynm.gov>; Geoffrey Stamp <gstamp@sandovalcountynm.gov>; Dennis R. Trujillo <DTrujillo@sandovalcountynm.gov>; Dave Heil <dheil@sandovalcountynm.gov>; James Holden-Rhodes <jholden-rhodes@sandovalcountynm.gov>; Jay Block <jblock@sandovalcountynm.gov>; Don Chapman <dchapman@sandovalcountynm.gov>; Kenneth Eichwald <keichwald@sandovalcountynm.gov>; Robin S. Hammer <rhammer@sandovalcountynm.gov>;

📎 1 attachments (53 KB)

Oil and Gas Ordinance Comparison - Sandoval County NM Citizens' Study Group (24 Sep 24 2018).pdf;

[[County PIO - Please accept this email as my public comment for the county's Oil & Gas ordinance review process. Please also include in full all the attachments which may appear in this email so all readers of this comment in the county's weekly oil & gas public comment compilation will be able to read these attachments. Thank you.]]

Attached is a copy of a comparison of the current oil & gas proposed ordinances which the County Planning & Zoning commission (P&Z) is reviewing. This comparison was created by the Sandoval County Citizens Study Group which distributed this comparison recently.

I am submitting this comparison as a public comment for Sandoval County's current oil and gas ordinance review process.

I think it is important that the P&Z commissioners have access to the most up to date oil and gas ordinance information so the P&Z commissioners can adequately review and make informed decisions about all the proposed ordinances.

- David Craig
- Cochiti Lake - New Mexico
- 505.465.0087 / dtc.bayern@gmail.com
-
- Sandoval County Aquifer Water Protection &
Oil and Gas Citizens Working Group (CWG)
- Secretary & CWG Ordinance Team member

What a Difference an Ordinance Makes The September 2018 Choices

On Tuesday, September 25, the Planning and Zoning Commission will decide which ordinances will be recommended to move on to the County Commission for review and approval. These are not final versions so expect future changes.

The Baseline Ordinance is the "Block ordinance" with a few changes.

We hope this chart helps you to understand key differences. We urge you to support the hard work of the Citizens Working Group. Please attend this critical meeting.

Sandoval County Oil and Gas Ordinance Citizens' Study Group Contact: Alan Friedman email: alfredo@comcast.net

	Citizens Working Group Ordinance Team	Citizens Working Group Science Team	Block/Baseline Ordinance
County areas not addressed in ordinances	Federal lands, tribal reservation lands, state lands, and incorporated municipal lands		
Divides county into districts	No.	Yes. Divides county into northwestern, south eastern and transition areas (CWG Science Team Map) District A = San Juan Basin District B = "Transition Zone" District C = Albuquerque Basin.	Yes. Divides county into eastern and western areas (Block Map / Baseline Map) Area A (western area): Includes San Juan Basin. Area B (eastern area): Includes rest of county (ABQ Basin)
Public notice	<ul style="list-style-type: none"> •Notice of hearing before P and Z published on website, in local newspapers and posted in at least 4 conspicuous public places. •Notice to owners of record within 2 miles, •Notice to all Sandoval Tribes and Pueblos, to agencies responsible for public lands and to municipalities within 5 miles of site. •In addition, all others who have requested to be on notification lists. 	<p>District A (San Juan Basin): Notice of application (there is no hearing) published on website.</p> <p>Districts B and C: Notice of hearing published on website, in newspaper of general circulation, owners of record within 2 miles, all government and Native American nation and pueblo "agencies" within 3 miles, municipalities of over 5,000 within 5 miles of proposed site, agencies responsible for public lands.</p>	<p>Areas A and B:</p> <p>Notice of "any request for Oil and Gas Facilities" to all government and nation/pueblo agencies within 3 miles and municipalities of over 50,000 within 5 miles of proposed site.</p> <p>Note: Applicant must "certify" compliance with Surface Owner Protection Act so this implies that Surface Owner is notified.</p>
Permits and hearings	<p>Three stages of Permits</p> <ol style="list-style-type: none"> 1. Preliminary Exploration Permit Permissive use: staff decision (no drilling) 2. Exploratory Drilling Well Permit Conditional use: Final decision at Planning and Zoning Commission public hearing 3. Development Permit Conditional use: Final decision at Planning and Zoning Commission public hearing. 	<p>Two Types of Permits.</p> <ol style="list-style-type: none"> 1. Exploratory Permit (surface disturbance with no drilling) 2. Development Permit (includes exploratory with drilling) <p>Hearing requirement depends on District District A: (San Juan Basin) Permissive use: Staff decision (no hearing) District B: (Transition Zone) Planning and Zoning public hearing and final decision District C: (ABQ Basin) Planning and Zoning public hearing and recommendation. County Commission public hearing and final decision..</p>	<p>Two Types of Permits</p> <p>A (western area): Permissive use: Staff decision. No public hearing. See above notice requirements Area B (eastern area): Planning and Zoning public hearing and final decision</p>

Go to the county website (*under County Commission meetings*) to *download the four ordinances.*

What a Difference an Ordinance Makes The September 2018 Choices

Required application Information	<ul style="list-style-type: none"> Requires documentation of state agency permits/approvals. Surface owner must submit statement that applicant has complied with Surface Owner Protection Act. Requires waste disposal plan that includes copies of agreements and permits from OCD facilities. Requires list of chemicals to be used in fracturing in sealed envelope to Fire Chief. Financial solvency information required. Environmental compliance history information required. 	<ul style="list-style-type: none"> Requires documentation of state agency permits/approvals. Applicant may certify compliance with Surface Owner Protection Act. Requires waste disposal plan that includes copies of agreements and permits from OCD facilities. Requires list of chemicals to be used in fracturing in sealed envelope to Fire Chief. Financial solvency information required. Environmental compliance history information required. 	<ul style="list-style-type: none"> Applicant must "certify" compliance with state agency requirements. No waste disposal requirement. No financial solvency verification required. No environmental compliance history information requirement.
Water protection – Siting requirements	<p>Site specific determination</p> <ul style="list-style-type: none"> Unless aquifers are protected due to geology (San Juan Basin area) the applicant must demonstrate adequate protection of drinking water based on a geological/hydrological analysis of the proposed drilling site. 	<p>Geology-based districts</p> <ul style="list-style-type: none"> District C (ABQ Basin) only: Only vertical drilling permitted. Districts A and B: Horizontal drilling and fracturing as well as vertical drilling are permitted. 	<p>No siting/geological restrictions</p> <ul style="list-style-type: none"> Any drilling – conventional and unconventional – allowed though out the county. Requires operator to use "best practices" to ensure water protection.
Baseline water testing and monitoring	<ul style="list-style-type: none"> Requires onsite and offsite baseline water testing of public and private wells. May require onsite monitoring wells. 	<ul style="list-style-type: none"> Applicant must submit a plan showing the "steps that will be taken to avoid pollution of surface and ground water." 	<ul style="list-style-type: none"> Requires baseline testing only on any public drinking water wells within one mile. Quarterly ongoing water quality tests.
Who pays for roads and emergency services?	<ul style="list-style-type: none"> Applicant/Operator pays for road upgrades and road deterioration. Operator may pay for special emergency services and equipment. 	<ul style="list-style-type: none"> Applicant may be required to post bond and enter into Road Improvement Agreement. Applicant may be required to pay for any specialized training or equipment needed. 	<ul style="list-style-type: none"> Applicant submits road route plan to site Applicant only required to identify emergency response services close to wells.
Tribal/Pueblo Input	<p>Throughout the ordinance. Examples:</p> <ul style="list-style-type: none"> Notice of application to all tribes with request for input. Proof of easements through tribal lands. Requires compliance with EPA approved tribal environmental rules). 	<ul style="list-style-type: none"> Identify and protect cultural sites as identified by NM Historic Preservation. 	<ul style="list-style-type: none"> No drilling within 1,000 feet of identified cultural sites.
Insurance requirements	<ul style="list-style-type: none"> General liability: \$5 million. Environmental insurance \$15 million. 	<ul style="list-style-type: none"> General liability: \$5 million. Environmental insurance \$10 million. 	<ul style="list-style-type: none"> General liability: \$5 million.
Enforcement	<ul style="list-style-type: none"> Cease and desist order letter if harm to public health, safety, environment. County may suspend or revoke the permit. \$300 fine maximum for any violation. 	<ul style="list-style-type: none"> \$300 fine maximum for any violation. 	<ul style="list-style-type: none"> Cease and desist order letter to be sent when significant safety/environment hazard \$300 fine maximum for any violation.

Go to the county website (*under County Commission meetings*) to download the four ordinances.

Dianne Maes

From: Elaine Cimino <ecimino10@gmail.com>
Sent: Tuesday, September 25, 2018 3:29 PM
To: Aparcio C. Hererra; cc: Mary Feldblum; Peter J. Adang; James G. Maduena; Keith Brown; Daniel J. Stoddard; Geoffrey Stamp; Dennis R. Trujillo; Michael Springfield; Makita Hill; Dave Heil; James Holden-Rhodes; Jay Block; Don Chapman; Kenneth Eichwald; Dianne Maes; Robin S. Hammer
Subject: More OMA VIOLATIONS

[[County PIO - Please accept this email as my public comment for the county's Oil & Gas ordinance review process. Please also include in full all the attachments which may appear in this email so all readers of this comment in the county's weekly oil & gas public comment compilation will be able to read these attachments. Thank you.]]

Commissioners,
We have filed two more complaints today with OAG one for 4 violation(s) of the open meeting act for today's meeting.

The County also has 3 other complaints that are currently being investigated by the OAG. One of those complaints includes a Rolling Quorum violation by Commissioner Don Chapman who was asked to Leave a Pipeline safety Meeting by Commissioner Heil and the then County Attorney ms Small wood on April 17th, where he blatantly refused to leave the meeting until it was over. There were several witnesses to this. Mr. Chapman may be fined and charged with a misdemeanor and removed from his position. Mr. Chapman should consider resigning or risk further legal action.

The County Meeting on September 9th was canceled because of the shenanigans pulled by the PZ Director Mike Springfield changing date and times of the meeting and now he further obstructs public participation and agenda notice by not filling the correct revised document that is up for discussion and approval.

We have recorded over 15 violations of IPRA and OMA regarding oil and gas ordinance and now the Go Bond Issue for failure on notification and among others.

This is an example of obstruction of due process by public officials that show a pattern and practice. The County will be hearing from the OAG and others regarding their lack of transparency at the county.

The appropriate thing to do is to cancel today's PZ meeting and sanction Mike Springfield for obstructing the due process in this issue. Any decision made today will result in a redo of the meeting, hearing and public comment. It is obvious that the County intends to put profits before people and holds no regard for the public health and safety in the oil and gas ordinance process. It is also evident by allowing the raw brine to be pumped for fracking that it would suck the Rio Grande dry. The County needs to rethink its strategy and its settlement agreement or risk being sued by entities in the region. This is what happens when public comment is not allowed in a public forum and the lack of transparency on information regarding the actions of the Commissioners. They have shown that they fail to understand the issue as a whole.

15 violations in 3 years on the oil and gas ordinance are more than enough to show that Sandoval County is remiss in following the rule of law.

Since this is a legal complaint filed with the OAG it needs to be sent to the County by the OAG. look for the complaint at the OAG.

Respectfully,
Elaine Cimino
907 Nyasa RD SE RR NM 87124
505 604-9772

"Nothing is more perishable than our relationship with the Earth."

"In a time where every living system is declining and the rate of decline is accelerating, we must figure out what it means to be a human on Earth and remain humane in the process."-Elaine Cimino

"Our lives begin to end the day we become silent about things that matter."

-Martin Luther King Jr.

Oil and Gas Ordinance

Erica Hightower <ehightower46@yahoo.com>

Tue 9/25/2018 5:24 PM

To: Public Comment <PublicComment@sandovalcountynm.gov>;

We have found out during this process that most people don't want to live where there is fracking going on. The public perception is that fracking pollutes the drinking water, requires an enormous amount of water for its operations, causes noise pollution, increases traffic on the roads, and just generally lowers the quality of life for people in the area. Worse, the public perception is that the polluted water from fracking causes serious health problems. Also, many people believe that fracking causes earthquakes.

It doesn't matter whether these perceptions are right or wrong. Public perception determines whether we have a growing and vibrant county, or whether the county becomes a sacrifice zone where no one wants to live.

Rio Rancho could be about to enter a period of rapid expansion. There are thousands of people who are being displaced all over the country right now, and some of them might want to come here. People are moving away from California, the East Coast, and the Gulf Coast. They are moving because of droughts, fires, hurricanes, and floods, as well as outrageous housing costs. This would be a good place for them to move. There seems to be a good aquifer in the Rio Grande Valley. Rio Rancho can expand to the west and to the north. The housing costs are relatively low.

People are also moving from areas where there isn't enough ground water. There are water problems in Placitas, for instance. Wells are running dry, and the public water system is inadequate. Probably some of the Placitas residents will move to Rio Rancho.

People over 60 seem to like this area, and will probably continue to move here. Many of these people have money to spend, and will stimulate growth by frequenting restaurants, bars, spas, hair salons, and other businesses. A large support system for seniors will probably spring up, with senior centers, senior transportation, senior medical facilities, and senior housing of all kinds. Hopefully there will be parks and hiking trails in order for the seniors to exercise, as well as for children to play, and people to walk their dogs.

With the new residents, there will probably be a population base large enough that businesses will want to relocate to Rio Rancho. We need clean industry. This county could be a major place for alternative energy development, for instance. This could also be a major software development center.

It's easy to imagine Rio Rancho expanding during the next 20 years or so. Fracking wells would just be in the way.

I think that the oil and gas industry should be regulated as much as possible. Any money that comes to the county from the oil and gas industry could probably be replaced by putting solar panels on all of the county buildings. When you think of the wear and tear on the roads and other infrastructure, and the effect upon the growth of Rio Rancho, I think that the expense of fracking would be greater than the gain.

Erica Hightower

Fracking expert

Jackie Allen <jbirdallen71@gmail.com>

Tue 9/25/2018 6:23 PM

To: Public Comment <PublicComment@sandovalcountynm.gov>; gmaduena@comcast.net <gmaduena@comcast.net>;

James Maduena and County Zoning Commissioners.

This is from Carl and Jaclyn Allen, who are downstairs in the Zoning Commission meeting this evening Sept. 25th. Before the meeting we chatted with a fairly new Rio Rancho resident who has extensive oil and gas drilling experience in OK, TX, and CO. His father was one of the inventors of fracking when he worked in Oklahoma. I feel that as retired geologists we can assess his level of expertise and we encourage you to press him with your questions.

His major concern is surface damage from drilling and the needed support infrastructure not the actual fracking. He says that the lack of evidence of significant fossil fuel resources in the proposed drilling area will bring in second or third rate companies that will not be the most responsible in caring for the surface environment.

He agreed to give us his contact information and is willing to share his extensive experience.

Walt Pearson

1380 Rio Rancho Blvd, SE. Cell 303-291-1255

Walterpearson10@gmail.com

Sincerely,
Jaclyn Allen

Sent from my iPad

Public Comment 9/25/18 PZ

Elaine Cimino <ecimino10@gmail.com>

Wed 9/26/2018 10:33 AM

To: Public Comment <PublicComment@sandovalcountynm.gov>; Aparcio C. Hererra <ahererra@sandovalcountynm.gov>; Peter J. Adang <padang@sandovalcountynm.gov>; James G. Maduena <JMaduena@sandovalcountynm.gov>; Keith Brown <kbrown@sandovalcountynm.gov>; Daniel J. Stoddard <DStoddard@sandovalcountynm.gov>; Geoffrey Stamp <gstamp@sandovalcountynm.gov>; Dennis R. Trujillo <DTrujillo@sandovalcountynm.gov>; Dave Heil <dheil@sandovalcountynm.gov>; James Holden-Rhodes <jholden-rhodes@sandovalcountynm.gov>; Jay Block <jblock@sandovalcountynm.gov>; Don Chapman <dchapman@sandovalcountynm.gov>; Kenneth Eichwald <keichwald@sandovalcountynm.gov>; Michael Springfield <MSpringfield@sandovalcountynm.gov>; Makita Hill <mhill@sandovalcountynm.gov>; Robin S. Hammer <rhammer@sandovalcountynm.gov>; Dianne Maes <dmaes@sandovalcountynm.gov>;

PIO Please see that these comments and attachments are entered into Public comments in Full

Thank you Elaine Cimino



*Note: There were no attachments
sent with this email.*

One thing is certain and a common denominator: the legacy of pollution and allowed decay of infrastructure, along with habitat loss and the ultimate pollution, global warming, leaves hell on earth. New Mexico is signing its economic and social death warrant and Sandoval County with this ordinance putting profit before people, with a push for poisoning our water, air, health, and public safety. The future does not belong to the depleted and the polluted and the abandoned and the bankrupt.

When the land is sick, the people get sick. Then the children leave. They should.

I request the following:

1. No artificial boundaries that put disparate impacts on tribal communities and People of Color.
2. No Brine Use for Fracking
3. Add the language that was given the CWG and Commissioner Heil on Infrastructure Compressor Stations and Pipelines.

This may require you to repeal your motion to include another ordinance language that would help this process.

4. Ask the County to formally enter into the tribal consultation process.

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"In a time where every living system is declining and the rate of decline is accelerating, we must figure out what it means to be a human on Earth and remain humane in the process."-Elaine Cimino

"Our lives begin to end the day we become silent about things that matter."

-Martin Luther King Jr.

Fracking

Momchin, Donata <dmomchin@phs.org>

Fri 9/28/2018 8:19 AM

To: P+ZCOMM@SANDOVALCOUNTYNM.GOV <P+ZCOMM@SANDOVALCOUNTYNM.GOV>;

Cc: Public Comment <PublicComment@sandovalcountynm.gov>;

No fracking in our area Let them go somewhere else. Let's keep our area clean and beautiful.

Donata Momchin
San Mateo Radiology
401 San MATEO Blvd N.E.
Albuquerque, N.E. 87144

Go confidently in the direction of your dreams. Live the life you have imagined."
~ Henry David Thoreau

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