

This ordinance was written as a cut and paste job from 1930-40s ordinances prior to the advances and knowledge now available to the public and industry. This ordinance is so weak that it is guaranteed to cause pollutions and contaminations to the public and does not in anyway start to protect the water, air, health and safety of the citizens of Rio Rancho thus impacting surrounding jurisdictions. This ordinance in the current state leaves the population and the city vulnerable.

Suggestions: Use the San Miguel or Santa Fe Ordinance as a platform then insert what makes the document stronger for the City of Rio Rancho. One person should not be writing this it takes all of us to write and become stakeholders in this process.

Comments to the Draft of the City of Rio Rancho Ordinance.

Changes to Title

Title XVI Oil and Gas Ordinance

Chapter 200 oil and Gas Ordinance.

200.1 Definitions

Strike all references to the “Common drilling plan” 1930 reference out dated.
Ad Terminology for the

Conductor

Surface Casing

Intermediate Casing

Drilling Mud Bentonite and water

Production Casing

Inspector (Definition needs to be expanded to include job description and duties)

All references to municipal water and drinking must restore “Fresh” through out the Document. IF Not, then all types of water must be categorized and defined throughout the document and inserted where applicable.

200.4 Permit requirements and project specific development agreement.

- G. Where necessary based on the complexity of the particular project or otherwise, the City may require that a permit applicant, in addition to obtaining a permit from the City and as a condition of the permit, enter into a development agreement with the City for purposes of addressing specific requirements

relating to air, water, lighting, traffic, noise or other issues associated with the individual project Separate out Define and insert applicable.

This must be separated out in Specific water, Air lighting traffic noise into sections on Water air Nuisances , safety and Health.

Add

Mandatory Neighborhood and area notification references also on page 8 of this draft

Public notice of 60 days prior to application for permit with Informational meetings
To include risk assessments Water, air, health and safety, safety plans, evacuation and relocations

RE insert all “Fresh” water and Drinking water references throughout the entire document

200.5 Reserved Existing well permits -- This must be re written

200.6 Permit Application

A separate application shall be required for each oil and gas well. The application shall include full information, including the following:

1. The date of the application;
2. The name of the applicant;
3. The address of the applicant;
4. Proposed site plan of the well, including proposed location and routing of gathering lines; as well as a diagram of permanent location (footprint) and:
 - a. Name of lease owner and surface owner,
 - b. Accurate description of the land (legal description and a map or plat), building(s) within six hundred (600) feet for a single well and seven hundred fifty (2000) feet with production equipment respectively. Identify distance from municipal water supply wells (whether drilled, operational or permitted but not yet drilled) and municipal subsurface storage reservoirs and any private well,
 - c. Location with respect to property lines, right-of-way boundaries and drainage grades,
 - d. Identify distances from public streets, highways and operating railway;
 - e. **Strike insert No Common Drilling plan Because IF this is allowed They would only have to come in with one well and never have to ask for a permit for any other. The unit agreements permitted by**

OCD would be for ½ Sections of property in one application that would include several wells.

f. No air drilling

[Insert Bill's Report and suggestions for language here](#)

6. Detailed explanation of operating pressures of wellhead and all production or injection lines;
7. Location and type of pumping unit, all production equipment such as: fluid storage, gas separator, treating vessels, compressor, compressor control, or safety devices with explanation of operating characteristics of each (if applicable);
8. The source of the water supply for the project relating to both the drilling and production phases of the project.

The name of the person(s) to be notified in an emergency;

9. Details and specifications of safety provisions and equipment and transportation routes.
 - a. Identification of routing of all equipment on streets within the jurisdiction of this Chapter;
 - b. A specific map and transportation plan regarding all truck and/or traffic routing in and through the City. Such plan shall be designed to ensure the least impact to City streets and infrastructure

13. Copy of Public Notice and neighborhood notification and Informational meetings prior to the application of a permit.

60 Day Public notification of the Plans to drilling, notice of informational meetings, Written notice to mailboxes. Legal Notices must be posted by Large Signs at Major Intersections Northern and Unser and Rainbow Unser and King Blvd, and King Blvd and School X Crossing. Rainbow and Southern, Notices must be posted at the entrances of any schools in the 5 mile circumference of drilling wells. (as the Crow Flies not road mileage) Notice link Must be on the First home page of the City website and alert on the Notification alerts for the City, at the entrance to the Anasazi Subdivisions in ABQ. Must be posted in Public Libraries in the Rio Rancho and Surrounding Communities, Town of Bernalillo and County of Bernalillo, Corrales, in the North West Sections of Albuquerque. Notice must be posted for Community Bulletin boards at KOB, KOAT, KQRE with PSAs announcing information meetings and intent to drill.

Information meetings must include the application to the city, risk assessments the safety plan, evacuations safety and routes, and relocation and resettlements. This must included projected costs to the Community Homeowners and residents in the area. Informational meeting must include abatement of nuisances plan for the community.

14. Payment of an impact fee of \$10,000,000 upon the issuance of a bond set with the City of Rio Rancho IN Safe escrow that cannot be traded or sold for the purposes of the drilling permit. ~~In lieu of all or part of an impact fee, the City at its sole discretion may accept an offer from an oil and gas operator to construct improvements or to contribute or dedicate land or money. The “in lieu” portion of any impact fee represented by construction of improvements shall be deemed paid when the construction is completed and accepted by the City for maintenance or at an earlier time upon terms and conditions and security acceptable to the city in its sole discretion. The “in lieu” portion of an impact fee represented by land dedication shall be deemed paid when the title to the land has been accepted by the city or at an earlier time upon terms and conditions acceptable to the city in its sole discretion.~~

~~Strike this paragraph and any language of “in lieu” this a BRIBE and BUY OFF OF politicians and the political system. This constitutes corruption and must be stricken from this record. This is a Non Negotiable.~~

15. Proof that the land has a SU: Special Use zoning district designation authorizing oil and gas drilling. Including the JP and Extraterritorial Zoning application permits as well.

200.07 Issuance or refusal to issue permit

- A. The City Manager or his/her designee, within fifteen (15) working days after the filing of the complete application for a permit to drill a well, shall determine whether ~~OR NOT~~ (legal Must be re inserted) the application complies in all respects with this Chapter. If it does, the permit will stand approved. However, if the application does not comply with all requirements, the permit will not stand approved and will continue to be denied until all requirements are met. Each permit shall:
 3. Contain and specify that the term of the permit shall be for a period of 6 months from the date of the permit and so long thereafter as oil or gas is produced or until such time as the permittee has permanently abandoned the operation of such well or facility for which the permit was issued.

200.08 Suspension /Termination of Permits

There must be a section that outlines the duties of the Inspectors

1. Inspector must be on location at varies stages of the Drilling operation.
2. The Inspector needs to monitor and report every stage of the drilling casing and fluids used. Inspectors need to wear monitoring devices for H2S, CO2, and nitrogen.
3. Monitoring devices for air missions via wifi cellular must be installed on every well and must be monitored by city/county inspector(s)
4. An OSHA Representative must inspect and be present during the drilling operation and completions.
5. **Inspector Reports to the City manager and City Council on findings and progress.**

In the event of failure of permittee to comply with any provision of this Chapter 200, the Inspector shall issue in writing a notice **warning** to the permittee of the nature of the noncompliance and stating **an immediate corrective action** necessary to gain compliance. If compliance has not been made, the Inspector may suspend the permit for a period of time or recommend cancellation of the permit. **Inspector and City manager must report all issues of noncompliance to the city council.**

200.09 - PERMIT SUSPENSION—HEARING AND APPEALS.

Any person or operator aggrieved by a decision of the City Manager or his/her designee arising by virtue of the provisions of this Chapter shall have the right to appeal such decision to the City Council. The decision by the City Council shall be final. Any appeal from the City Manager or designee shall be filed in writing with the City Clerk within ten (10) calendar days after rendition of such decision of the City Manager or designee. **Members of the public who are residents of the City may provide comment at any hearing on the appeals subject to this section.**

Any gas or oil well drilled in the area is going to Impact County and surrounding communities. The City permits the drill then contaminants affect the drinking water for Albuquerque or Fire and pollutants that spread to County residents, the city permitted a well and may be held libel for any catastrophes that happen. The city and county has a fiduciary responsibility to accept and work together on.

200.10 - MODIFICATION OF PERMIT.

If, after a permit has been issued as provided in Title XV, Section 200.04 and drilling operations have commenced and the operator finds it necessary to substantially alter the nature of drilling operations, the operator shall file with the City Manager or his/her designee a duplicate copy of the Form C-103 report filed with the OCD or Sundry report filed with the BLM and is to be reported immediately to the City Council. **Instances to revoke a permit to on spills , all spills, excessive and or dangerous emissions must be t must be reported to city council , NMED and OCD as term conditions for this ordinance.**

The way this is set up by the state it is an evasive permitting that would allow major contamination. For Example, while drilling they hit an impermeable layer or the well sours and there is excess H2S under the state permit they can continue to drill. The City must be able under nuisance and health and safety be able to stop the drilling or permit by the city in order to protect the health and safety of the residents.

200.11 - BOND AND INSURANCE.

A. Bond Required Amounts.

1. If a permit or certificate of compliance is issued by the City Council **and** the City Manager or his or her designee under the terms of this Chapter for the drilling of a well, no actual operations shall be commenced unless the permittee shall file with the City Clerk a bond as provided in this section.

All bonds must be held in escrow where they cannot be traded or Sold.

2. **The bond shall be in the principal sum of such amount as may be determined by the City Council, but not less than One Million dollars (\$1,000,000.00).** The bond shall be executed by a reliable insurance company authorized to do business in the State, as surety, and the applicant as principal, running to the City for the benefit of the City and all persons concerned, under the condition that the permittee shall comply with the terms and conditions of this Chapter in the drilling and operation of the well.
3. Such bond shall become effective on or before the date it is filed with the City Clerk and shall remain in force and effect for at least a period of **One Year** subsequent to the expiration of the term of the permit issued. In addition, the bond will be conditioned that the permittee will promptly pay all legally imposed fines, penalties, and other assessments imposed upon permittee by reason of his or her breach of any of the terms, provisions, and conditions of this Chapter and that the permittee will promptly restore the streets and sidewalks and other public property of the City, which may be disturbed or damaged in the operations, to their former condition; that the

permittee will promptly clear all premises of all litter, trash, waste and other substances used, allowed or occurring in the operations, and will after abandonment or completion, grade, level and restore such property to the same surface conditions, as nearly as possible, as existed when operations first commenced; and that the permittee will indemnify and hold the City harmless from any and all liability growing out of or attributable to the granting of such permit. If at any time the City Council shall, after a hearing thereon, deem any permittee's bond to be insufficient for any reason, it may require the permittee to file a new bond.

B. Public Liability Insurance Required Amounts.

1. In addition to the bond required in subsection A of this section, the permittee shall carry a policy of commercial general liability insurance, including contractual liability, covering bodily injuries and property damage, naming the permittee as insured and the City as additional insured, issued by an insurance company authorized to do business in the State. Such policy shall provide a limit of liability of **not less than Ten million dollars (\$10,000,000.00)** combined single limits per occurrence.

Ten million dollars is only a ¼ of the cost of drilling.

2. The permittee shall file with the City Clerk a certificate of insurance as evidence of coverage. If liability insurance coverage terminates, the permit shall terminate and the permittee's right to operate under such permit shall cease until the permittee files evidence of reinstatement or replacement coverage.

C. Exceptions to This Subsection.

1. The City Council may elect to make an exception to the requirements of this subsection when in its opinion, the intent and purpose for the requirements of the bond and insurance can be assured by any of the following means:
 - a. **STRIKE – Buy Off/ kick back and or Corruption scheme any Acceptance of a guarantee or indemnity to the City “in lieu of a bond.” NON Negotiable.**
 - b. Acceptance of a blanket bond and single policy of insurance to cover all operations of the permittee within the jurisdiction of this Chapter.
 - c. Application of bond and insurance requirements acceptable to the City Council.

- D. All insurance and bond requirements shall be issued by an insurance or bond company authorized to do business in New Mexico with an AAA rating.

200.12 - NOTIFICATION. Implementation of the neighborhood notification plan.

Each application for the drilling of any new well shall provide notice to the public by the following means:

- A. Forty-five (45) days prior to the proposed start of new oil and gas well drilling operations at least one (1) notice will be published in a newspaper of general circulation in the City of Rio Rancho that identifies:
 - 1. Name of operator with contact information to request information.
 - 2. The physical location of well site: street address and legal description.
 - 3. The **Forty -five (45) day** filing period during which any aggrieved citizen or applicant may file written comments, grievances or request for an appeal of the well drilling permit.
 - 4. Name and contact information of City personnel with whom to file objection.

- B. **Sixty (60) days prior to the start of new well drilling operations, a sign containing the Forty-five(45) day filing period** during which any aggrieved citizen or applicant may file written comments, grievances or request for an appeal of the well drilling permit shall be placed in the approximate location of the proposed new well drilling operations, of such size and lettering that can be read from the nearest public street or right-of-way. This sign shall include the same information as listed in subsections (A)(1) through (A)(4) of this section.

- C. **1. 60 Day Public notification of the Plans to drilling, notice of informational meetings, written and mailed notice to residents in a 5-10 mile zones.**
 - 2. **Legal Notices must be posted by Large Signs at Major Intersections Northern and Unser and Rainbow Unser and King Blvd, and King Blvd and School X Crossing. Rainbow and Southern, Notices must be posted at the entrances of any schools in the 10 mile circumference of drilling wells. (as the Crow Flies not road mileage)**
 - 3. **Notice link must be on the First home page of the City website and alert on the Notification alerts for the City, at the entrance to the Anasazi Subdivisions in ABQ.**
 - 4. **Notices Must be posted in Public Libraries in the Rio Rancho and Surrounding Communities, Town of Bernalillo and County of Bernalillo, Corrales, in the North West Sections of Albuquerque.**
 - 5. **Notice must be posted for Community Bulletin boards at KOB, KOAT, KQRE with PSAs announcing information meetings and intent to drill.**

 - 6. **All Notices must contain Information meetings, time, dates, in an accessible building and must include the application to the city.**

7. Informational meeting must present and with handout risk assessments, the safety plan, evacuations safety and routes, and relocation and resettlements if relocations is necessary. This must include projected costs and risks to the city, Community at large, Homeowners and residents in the area. Informational meeting must include abatement of nuisances plan.

200.13 - STREETS AND ALLEYS.

- A. No permittee shall make any excavations for any purpose or construct any pipelines for conveyance of fuel, water or minerals on, under or through the streets or other land of the City without an express right-of-way permit from the City, at a reasonable **rate** to be agreed upon, and then only in strict compliance with this Chapter and the specifications established by City (Ditches and pipelines, street and alley right-of-way evacuation and encroachment policy).

There is no Specification of Egress and ingress. This must be specified

- B. The digging up, excavating, tunneling, undermining, breaking up or damaging of any street or other land of the City or leaving upon any street or other land of the City any earth or other material or obstruction, shall not be permitted unless such persons shall first have obtained written permission from the City Engineer, and then only in compliance with specifications established by the City Engineer.
- C. The permittee shall repair or have repaired all damage to the streets or other land of the City. Such repair shall be done to the standards established by the City Engineer.

There needs to be an assessment on the capacity of City Street to carry the traffic. The City should make it illegal to Travel on Southern, Northern and King Blvd., Unser and in any residential street. For Example, If there are four lots not built out in any subdivision, the oil company can come into a residential area and start drilling. According to the way this ordinance is currently written the city would have to allow this to happen. Street road capacities are need to be established. This is another reason why this ordinance needs a moratorium to give the city and county the time to do the necessary studies and write the ordinance.

Bolder CO has moratorium in effect now, and there have not been any legal challenges for their process. Setting a moratorium will not give cause for a law suit by the oil companies unless the City has been threatened by one. IF so Who?

200.14 - STREETS AND ALLEYS—OBSTRUCTIONS.

No well shall be drilled and no permit shall be issued for any well to be drilled at any location which is within any of the streets of the City or streets shown by the master plan of the City, and no street shall be blocked or encumbered or closed in any drilling or production operation except by written permission of the Police and Fire Chief or their designees.

200.15 - PROXIMITY OF WELLS AND FACILITIES TO OCCUPIED BUILDINGS, PUBLIC STREETS, HIGHWAYS AND OPERATING RAILWAYS.

- A. No single well (producer or injector) (Does this mean Injection wells ?) can be drilled, and no permit shall be issued for any well to be drilled at any location nearer than within Two thousand Five Hundred (2500) feet (greater or lesser distance can be established at time of permitting) feet (greater or lesser distance can be established at time of permitting) to any building located within the jurisdiction of this Chapter, unless said building is owned or controlled by the permittee. However, no surface production equipment can be located at this site with the exception of a pumping unit. All other production equipment must follow the conditions of subsection B of this section. **Provided, however, that the City Manager or his/her designee may in exceptional cases, in considering any application for permit, may require greater or allow lesser distance depending on the circumstances and so specify in the permit. Any allowances for a lesser distance must be accompanied by written permission approved by all affected property owners. Provided that Any allowances for a lesser distance must be accompanied by written statement to be published in a public hearing to be decided on by the city council.** Wells may be drilled and permitted for drilling on existing well locations regardless of the distance to any building, but still must comply with subsection C of this section, as it pertains to public streets and railways.
- B. No new installations of production equipment (including but not limited to crude oil, condensate or water storage tanks, separators, compressors or vessels) used in any process of producing crude oil, produced water or natural gas shall be constructed or operated on any site if the perimeter of said site is within Two thousand Five Hundred (2500) feet (greater or lesser distance can be established at time of permitting) to any building located within the City limits, unless said building is owned or controlled by the permittee.

STRIKE

Fluid storage capacity is limited to one thousand five hundred (1,500) barrels per location. Storage capacity in excess of one thousand five hundred (1,500) barrels per location must be approved in writing by the Rio Rancho Fire Chief,

This constitute 63,000 gallons of toxic flammable fluids exposed to the elements
Most sites now have a 50,000 gallons storage tank on site to store drilling fluids.
If the city were to allow barrels 30,000 barrels would be allowed in the oil filed correctly projected in the 55,000 acre parcels west of the city and in the city

boundaries. This would be visual blight, which is also not included in the nuisance section draft of the ordinance.

No fluid storage can be located nearer than **Six Hundred(600) feet** to any dedicated public street, highway, or nearest rail of an operating railway. Street distance measures are from the back of the nearest curb or in the absence of a curb, the closest pavement, railroad distance measures will be determined to the nearest rail. Existing sites with said equipment may be updated with new equipment as necessary regardless of distance. **STRIKE Provided, however, that the City Manager or his/her designee may in exceptional cases, in considering any application for permit, require greater or allow lesser distance depending on the circumstances and so specify in the permit. Any allowances for a lesser distance must be accompanied by written statement to be published in a public hearing to be decided on by the city council.**

C. In compliance with the I.F.C., as adopted by the City of Rio Rancho, no permit shall be issued for any well to be drilled at any location nearer than **Six Hundred (600 feet)** to any dedicated public street, highway, or nearest rail of any operating railway. Street distance measures are from **the back the FRONT** of the nearest curb or in the absence of a curb, the closest pavement, railroad distance measures will be determined to the nearest rail.

D. No new production or injection flow lines shall be placed nearer than **Six Hundred (600 feet)** to any existing building located within the City limits, unless said building is owned or controlled by the permittee. **STRIKE Provided, however, that the City Manager or his/her designee may in exceptional cases, in considering any application for permit, require greater or allow lesser distance depending on the circumstances and so specify in the permit. Any allowances for a lesser distance must be accompanied by written statement to be published in a public hearing to be decided on by the city council.** New wells may be drilled and permitted for drilling on existing well locations **STRIKE regardless of the distance to any building. As long as they are the appropriate distance to An building**

200.16 - PROXIMITY OF WELLS AND FACILITIES TO MUNICIPAL WATER SUPPLY; SOURCE OF WATER; WATER QUALITY MONITORING.

A. No vertical oil and gas well shall be drilled nor shall any perforation for a horizontal well, be located nearer than two thousand five hundred (2,500) feet to any municipal fresh water supply well (whether drilled, operational or permitted but not yet drilled) and any private well. All proposed new wells within two thousand five hundred (2,500) feet to five thousand five hundred (5000) feet of a municipal fresh water supply well (whether drilled, operational or permitted but not yet drilled) or any private well must also be reviewed by City Engineer prior to a well drilling application being approved. No permit shall be issued for any oil and gas well which fails to meet the proximity requirement of this Section.

B. No well shall be located within any of the City's municipal water supply well groupings as defined in the City's New Mexico Office of the State Engineer permit and any well with a surface location or perforation located within 5000 feet of a municipal water supply well (whether drilled, operational or permitted but not yet drilled) and any private well shall be drilled and completed in a manner to prevent the potential contamination of the City's water supply, including the following minimum requirements:

1. The well shall be continuously drilled through fresh water zones and equipped with surface casing that is set at 500 feet with cement circulated to surface and an intermediate casing string set at depth of at least 75 feet below the depth of fresh water zones with cement circulated to the surface.

2. The operator shall run a cement bond log demonstrating the integrity of the cement job.

3. The operator shall perform a mechanical integrity test of the casing every three years while the well is producing and annually if the well is temporarily abandoned.

4. For any exploratory well, the operator shall use micro seismic tracers to determine the extent of the fractures during well completion to ensure there is no communication of the fracture with fresh water zones.

5. The operator shall document and report to the City its source for water used in both drilling and production, and the amount of water used annually, or more frequently as requested by the City. The disposal of water shall also be documented and reported to the City on annual basis, or more frequently as requested by the City, including haul routes related to disposal and the disposal site of the water.

C. Prior to commencing drilling, the operator shall sample at least four (4) water sources within a ½ mile radius of the proposed well. Water sources include municipal wells, private wells and/or monitoring wells. If no water sources are available within ½ mile, the operator shall utilize water sources within 1 mile. Post-drilling the operator shall perform water quality monitoring from the water sources at one, three and six year intervals or as otherwise required by the terms of its permit. The results of the water quality monitoring shall be provided to the City.

200.17 - PROXIMITY OF WELLS AND FACILITIES TO MUNICIPAL FRESH WATER SUBSURFACE STORAGE FACILITY.

No well shall be drilled, and no permit shall be issued for any well to be drilled at any location or production equipment to be located nearer than **2 miles** to any municipal water subsurface storage facility. All proposed new wells within two miles to two thousand five hundred (2,500) feet must be reviewed by City Engineer prior to a well drilling application being approved. **No wells will be drilled in**

recharge zones for aquifer protection. Recharge zones must be established prior to drilling for the Siting of Gas and or Storage facilities

200.18 - OPERATION AND EQUIPMENT—PENALTIES AND STANDARDS.

- A. All drilling and operations at any well performed by a permittee under this section shall be conducted in accordance with the practices of a reasonable and prudent operation. Storage and circulation of all drilling fluids shall be confined to steel tanks in a closed loop system. All casing, valves, and blowout preventers, drilling fluid, tubing, wellheads, Christmas trees, and wellhead connections shall be of a type and quality consistent with such practice. Setting and cementing casing and running drill stem tests shall be performed in a manner and at a time consistent with the practices of a reasonable and prudent operator. Each permittee under this section shall observe and follow the regulations of the OCD and BLM.
- B. An internal combustion engine may be used in the drilling operations of the oil and gas well, or wells, and if an internal combustion engine is used, that mufflers be installed on all engines so as to reduce noise and comply with the Rio Rancho Municipal Code, Sections 131.06 and 12-7-9.9(11). Any waiver of said ordinance must be approved by City Council. All of said installations must be done in accordance with accepted practices for fire prevention purposes. For production purposes, only electric power may be used. Drilling operations must be conducted in such a manner that groundwater will not be adversely affected.
- C. Oil drilling and production equipment used shall be so constructed and operated so that noise, dust, odor or other harmful substances or effect will be minimized by the operations carried on at any drilling site or from anything incidental thereto, to the injury or annoyance of persons living in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly or unsafe, proven technological improvements in methods of production, shall be adopted as they, from time to time, become available if capable of reducing factors of nuisance or annoyance. There shall be no venting of gas into the open air.
- D. Except in cases of emergency or approved variance, no materials, equipment, tools or pipe used for drilling or production operations shall be delivered or removed from the site except between the hours of 7:00 a.m. to 9:00 p.m. on any day. On drill stem tests, only one (1) trip will be allowed at night between 9:00 p.m. and 7:00 a.m. unless an emergency exists.
- E. Firefighting apparatus and supplies shall be maintained on the drilling site at all times during drilling and production operations. No refining process or any process for the extraction of products from natural gas shall be carried on at the drill site, except that a dehydrator and separator may be maintained on the drill site for the separation of liquids from natural gas. Any such separator shall serve only one (1) well.

- F. The well site shall not be used for the storage of pipe, equipment or materials except during the drilling or servicing of the well and the production facilities allowed on the site.
- G. That no refinery, dehydrating or absorption plant of any kind shall be constructed, established or maintained on the premises at any time. This shall not be deemed to exclude a simple gas separation process.
- H. All electric lines to production facilities shall be located in a manner compatible to those already installed in the surrounding area or subdivision.

200.19 - CLEANLINESS AND SANITATION.

- A. The premises shall be kept in a clean and sanitary condition. The permittee shall prevent any mud, wastewater, oil, slush, or other waste matters from flowing into the alleys, streets, lots or leases within the jurisdiction of this Chapter.
- B. All permittees' premises shall be kept clear of high grass, weeds and combustible trash within a radius of **three hundred and fifty (350) feet** around any production equipment or **Fifty (50) feet** past anchors, whichever distance is greater. All waste shall be disposed of in such manner as to comply with the air and water pollution control regulations of the State and all ordinances of the City and removed as required in Rio Rancho Municipal Code regarding unsanitary premises.
- C. A Spill Prevention, Control, and Countermeasure (SPCC) plan on each facility must be available upon request by the City Manager or his/her designee. **And Inspector.**

200.20 - SURFACE EQUIPMENT—PUMPING UNITS, STORAGE TANKS AND SEPARATORS.

- A. Completed wells shall be equipped with high-low valves or automatic shut-in equipment to shut in the well in the event of any malfunction downstream from the wellhead.
- B. All crude oil, condensate or water storage tanks used, constructed or operated on any permitted site **within Two thousand Five Hundred (2500) feet (greater or lesser distance can be established at time of permitting)** of a building location shall be so constructed and maintained as to be vapor tight and properly vented. All crude oil storage tanks must have a vapor recovery unit. A permittee may use, construct and operate a steel conventional separator and such other approved tanks and appurtenances as are necessary for treating oil with each of such facilities, to be so constructed and maintained as to be vapor tight. All fluid storage vessels and confined spaces (injection well enclosures) must be equipped with H2S monitoring equipment that emits an audible and visual

alarm when H2S levels exceed acceptable levels. Each oil and gas separator shall be equipped with adequate over pressure relief protection safety devices. All tanks shall be placed above ground, and the tanks shall be placed upon a suitable earth or concrete pad. All equipment is to be constructed and maintained in accordance with API Standards.

- C. The use of a central tank battery is permitted, but must comply with the requirements of subsection B above.
- D. Unless prohibited by Federal Emergency Management regulations, tanks shall be enclosed within a conventional type fire wall constructed of compacted earth; sufficient water shall be used during the fire wall construction to assure adequate compaction.
- E. The firewall enclosing the tanks shall have a minimum capacity equal to one and one-third (11/3) times the volume of the tanks enclosed.
- F. The top or crown of the fire wall shall have a normal height of three (3) feet above normal ground elevation. The location of the tank site shall be approved by the city and county designated Inspector.

200.21 - FENCES WITH LOCKING GATES REQUIRED.

- A. **Prior to Drilling and After** drilling and completion operations have been conducted and prior to marketing the well product or well function:
 - 1. Production and injection sites shall be enclosed on all sides by a minimum eight-foot chainlink fence with double strands of barbed wire or concertina wire across the top. The chainlink fence shall have a minimum of two (2) remotely located gates or exit-ways on the site and the gates shall be kept locked at all times when the permittee or his or her employees are not within the enclosure.
- B. The permittee shall place a sign at each entrance to each well location or site that includes the following information as well as any other information required by OCD or BLM.:
 - 1. The site;
 - 2. The operator;
 - 3. Emergency contact information; and
 - 4. All applicable warnings and dangers.

200.22 - MINOR DEVIATIONS DURING ACTUAL OPERATIONS.

The City Manager or his/her designee may authorize minor deviations from the standards of this Chapter 200 that appear necessary in light of technical or

engineering considerations first discovered during actual development or operations and that are not reasonably anticipated during the initial approval process, as long as they comply with the spirit and intent of this Chapter. Minor deviations shall not include increases in the intensity of use or the introduction of uses not previously approved. **All Deviations no matter how minor or perceived to be minor must be reported tot City Council.**