

OIL AND GAS DRAFT REGULATION COMPARISON							
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	SECTION/TOPIC	2017 OCD REVIEWED DRAFT	2017 COUNTY COMMISSION DRAFT	CWG SCIENCE GROUP ORDINANCE (page numbers based on word version)	CWG ORDINANCE TEAM	BLOCK JULY 2018 DRAFT ORDINANCE	2018 P&Z COMMISSION DRAFT
1	DIVIDE COUNTY INTO AREAS	<p>TWO AREAS: SAN JUAN BASIN (NORTHWEST), ABQ BASIN (SOUTHEAST), ARTICLE 4, P. 13-19: 4.1 IDENTIFICATION OF NORTHWEST ENERGY DEVELOPMENT AREA.The Northwest Energy Development Area is hereby established to recognize this area as one where energy development has been invested in to significant levels in County areas to the north of Peña Blanca, and surrounding the Village of Cuba and the County communities of La Jara and Regina.4.7 IDENTIFICATION OF SOUTHEAST ENERGY DEVELOPMENT AREA.The Southeast Energy Development Area is hereby established to recognize this area as one where energy development has been researched in County areas including Peña Blanca, Sile, Budaghers, Algodones, Placitas, La Madera, and Rio Rancho Estates.</p>	<p>ENTIRE COUNTY, ARTICLE 3, P. 2: 3.1. Amending Comprehensive Zoning Ordinance. The Sandoval County Board of County Commissioners hereby amends Ordinance No. 10-11-18.7A, Comprehensive Zoning Ordinance of Sandoval County, to establish Oil and Gas exploration and production, and the structures and facilities associated with that use, as a Permissive use within Section 9 (1). RRA – Rural Residential Agricultural District, and to remove this use from Section 10. SU – Special Use District.</p>	<p>THREE AREAS ARTICLES VI-VIII P. 8-20: Creation of District A (San Juan Basin).There is hereby created District A (San Juan Basin) the boundaries of which are shown on Exhibit A attached hereto. Creation of District B (Transition Zone). There is hereby created District B (Transition Zone) the boundaries of which are shown on the Exhibit A attached hereto. The Official Zoning Map of the County is hereby amended to include and reflect the designation and boundary of the District B (Transition Zone) overlay zone. Creation of District C (Middle Rio Grande Basin). There is hereby created District C (Middle Rio Grande Basin) the boundaries of which are shown on the Exhibit A attached hereto.</p>	<p>ENTIRE COUNTY, ARTICLE I, B, P. 1: This Ordinance is promulgated pursuant to the authority set forth in Art. X and XIII of the New Mexico Constitution (1912); N.M.S.A. 1978, § Section 4-37-1 (1975), N.M.S.A. 1978, §§ Sections 3-21-1 et seq., N.M.S.A. 1978, §§ Sections 3-19-1 et seq.; N.M.S.A. 1978, §§ Sections 3-18-1 et seq., and N.M.S.A. 1978, §§ 19-10-4.1, 4.2 and 4.3 (1985). This Ordinance constitutes an exercise of the County's independent and separate but related police, zoning, planning and public nuisance powers for the health, safety and general welfare of the County and applies to all areas within the exterior boundaries of the County that lie outside of (1) the incorporated boundaries of a municipality; (2) any tribal trust lands owned by the Pueblo of Laguna, the Pueblo of Sandia, the Pueblo of Santa Ana, the Pueblo of San Felipe, the Pueblo of Cochiti, the Pueblo of Santa Domingo, the Pueblo of Zia, the Pueblo of Jemez, the Navajo Nation/Ojo Encino Chapter, and the Jicarilla Apache Nation; (3) lands owned by the state of New Mexico; and (4) lands owned by the United States, including, but not limited to, lands that are managed by the Forest Service and the Bureau of Land Management. Additionally, this Ordinance does not apply to the construction and operation of Oil or Gas Facilities where the mineral right(s) associated with such Facilities are owned partially or in their entirety by the United States government, the State of New Mexico, or a Tribe or Pueblo.</p>	<p>TWO AREAS: (1) ALL RRA, (2) COMMUNITY DISTRICTS OVERLAY ZONES CD-RRE ARTICLE 3, P. 3: ...to establish Oil and Gas exploration and production, and the structures and facilities associated with that use, as a Permissive use within Section 9 (1). RRA – Rural Residential Agricultural District, AND CONDITIONAL USE IN COMMUNITY DISTRICTS: CD-AL, CD-RRE Units 7,8,9 and 22, CD-LC, CD-JV, CD-DT, CD-WP, CD-LP, CD-IASF AND OVERLAY ZONES DOZ-LP, DOZ- I25, DOZ-WP, DOZ-LC, DOZ-CORR...</p>	
2	DRILLING SPECIFICATIONS	NOT ADDRESSED	NOT ADDRESSED	<p>HORIZONTAL DRILLING DISTRICT C ARTICLE VIII, P. 21: (1) Oil or gas drilling within District C using conventional, vertical drilling techniques only shall be considered a special use. No other type of oil or gas development using horizontal directional drilling with hydraulic fracking shall be permitted. In the event that this Ordinance and the CZO are in conflict, the provisions of this Ordinance shall apply. Otherwise, this Ordinance and the CZO, where applicable, are to be enforced together.</p>	NOT ADDRESSED.	NOT ADDRESSED	

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			<p>FRACKING PLAN DISTRICT B, ARTICLE IX, P. 25: Fracking Plan (Applicable Only in District B). If fracking is to be performed on any well in any location under County jurisdiction in District B, Applicant shall provide a plan for providing the Fire Chief, at least fifteen (15) calendar days before fracking is scheduled, with a list of any materials, fluids and/or gases to be used for each fracking of each well. The list 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. If Applicant, or any of Applicant's contractors, will store any materials used for fracking at any location in Sandoval County, Applicant or its contractor shall describe the procedure that will be used to the Fire Chief, including the following information: The GPS Coordinates of each location where fracking materials are stored; A complete list of all materials stored at each location in a sealed envelope, to be securely stored but immediately accessible should an incident occur; The location of the nearest fire station or fire-fighting equipment; and, Assurances that any fire, flood or other incident 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.</p>			
3	<p>AREA REVIEW PROCEDURES</p> <p>4.5 APPLICATION PROCESS FOR ADMINISTRATIVE REVIEW FOR OIL AND GAS EXPLORATION AND PRODUCTION.(A) The County hereby establishes an Administrative Review procedure for applications for oil and gas facilities where exploration and production are proposed, and for which an applicant provides required materials and information that adequately addresses exploration and production activities.4.6 APPLICATION PROCESS FOR ADMINISTRATIVE REVIEW FOR OIL AND GAS EXPLORATION ONLY.(A) The County hereby establishes an Administrative Temporary Use Permit review procedure for applications for oil and gas facilities where exploration only is proposed, and for which an applicant provides required materials and information that adequately addresses exploration activities.</p>	<p>ADMINISTRATIVE REVIEW RECOMMENDED ARTICLE 4-5, P. 13-19: 4.1 . The County hereby establishes a Permit review procedure for applications for oil and gas exploration and production, and the structures and facilities associated with that use. Approval of a request for a Permit for oil and/or gas facilities shall be granted by the Director upon satisfactory provision by the applicant of all the requirements established in this Ordinance as stated in ARTICLE V.</p>	<p>DISTRICT A ADMIN; DISTRICT B CONDITIONAL; DISTRICT C SPECIAL USE PERMIT, ARTICLES VI-VIII P. 8-20: Oil and Gas Exploration Development Within District A (San Juan Basin). No oil or gas drilling shall be conducted, and no oil or gas facility shall be constructed, within District A unless an application in compliance with this Ordinance has been filed and a development permit for such activity has been approved by the Director. Oil and Gas Development Within District B (Transition Zone). Oil or gas drilling development within District B shall be considered a conditional use as that term is defined in the CZO. In the event that this Ordinance and the CZO are in conflict, the provisions of this Ordinance shall apply. Otherwise this Ordinance and the CZO, where applicable, are to be enforced together. Oil and Gas Development Within District C (Middle Rio Grande Basin). Oil or gas drilling within District C using conventional, vertical drilling techniques only shall be considered a special use. No other type of oil or gas development using horizontal directional drilling with hydraulic fracking shall be permitted. In the event that this Ordinance and the CZO are in conflict, the provisions of this Ordinance shall apply. Otherwise, this Ordinance and the CZO, where applicable, are to be enforced together. No oil or gas drilling, and no construction of an oil and gas facility, shall take place within District C unless an application in compliance with this Ordinance has been filed, and a special use permit have been approved and granted in accordance with this Ordinance.</p>	<p>ARTICLE IV-VI, P. 14-23. APPROVAL FOR EXPLORATORY AND PRODUCTION ACTIVITIES BY PLANNING AND ZONING COMMISSION REQUIRED.</p>	<p>RRA: ADMIN REVIEW. CONDITIONAL USE FOR COMMUNITY DISTRICTS OVERLAY ZONES CD-RRE UNITS. ARTICLE 3, P. 3. SEE AREAS ABOVE.</p>	

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				Procedures for a Special Use Permit in District C. The procedures for a special use permit in District C shall include a Pre-Application Meeting (see Article VII.E); Onsite Visit (see Article VII.F); Review for Completeness of Application (see Article VII. G); Review Process and Criteria for Special Use Development Permits in District C (see Article VII. H); Public Notification (see Article VII. I); and are the same as the comparable referenced subsections of Article VII of this Ordinance. Said subsections of Article VII shall be applied and followed for a special use permit in District C substituting, where applicable, "special use" for "conditional use"; and changing the role of the Planning and Zoning Commission from decision maker to recommending agency.			
4	GROUND WATER MONITORING	NOT RECOMMENDED BY OCD, PREEMPTION ISSUE	NOT RECOMMENDED BY OCD, PREEMPTION ISSUE	REFERENCE TO MONITORING IN JULY 2018 PDF DOCUMENT, ARTICLE IV, PROVISIONS, P. 13, HAS BEEN DELETED FROM THE WORD VERSION DOCUMENT SEND TO P&Z 8/3/18	GENERAL MONITORING RECOMMENDED, ARTICLE III, P. 11-12: Where the Director is charged in this Ordinance with the responsibility of monitoring compliance with Oil and Gas Permits, the Director may, at the expense of the Operator, hire such experts, consultants, companies or agencies as are deemed necessary to perform the Citizens Working Group Ordinance Team monitoring function. The Operator shall give the County a certified or bank check, wire transfer or letter of credit deposit in an amount to be determined by the Director to cover all of the County's expenses as are considered necessary for such monitoring.	RECOMMENDED, ARTICLE 6, P. 6: 6.12: .The operator will conduct a pre-drill water sample quality test on any public drinking water well within three thousand seven hundred fifty (3,750) feet of the drill site, and shall conduct quarterly water sample quality tests thereafter for so long as the well is not plugged and abandoned in accordance with NMOCD and NMED requirements. Such test results shall be made available as soon as practicable to the P&Z administrator or his designee.	

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5	SETBACK REQUIREMENTS	<p>RECOMMENDED BY USE, ARTICLE 5, P. 23-24: 5.3 SETBACKS.(A) No Oil or Gas Facility shall be permitted within a floodplain as mapped and designated by the Federal Emergency Management Agency (FEMA).(B) Setbacks shall not apply to roads used solely for the purpose of accessing Oil or Gas Facilities.(C) 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.(D) No Oil or Gas Facility shall be permitted within the following distances:(1) Distance from Lot Line or Property Where a NMCID Licensed, County Addressed Residential Structure is Present: 600 feet.(2) Distance from Lot Line or Property Where NMCID Licensed, County Addressed Places of Worship and/or Schools are Present: 750 feet.(3) Distance from Lot Line of Property Where NMCID Licensed and County Addressed Electrical, Natural Gas, and Related Public Water Utility Structures are Present: 1 mile.(4) Distance from Lot Line of Property where a NMCID Licensed, County Addressed Non-Residential Occupied Structure and/or Use, Excluding Places of Worship and/or Schools, is Present: 400 feet.</p>	<p>RECOMMENDED, ARTICLE 6, P. 5: 5.5. Property Details. The legal property description and a map or plat depicting (i) the location of the proposed well and/or facility equipment, (ii) occupied dwellings, schools, churches, hospitals, or cemeteries within seven hundred fifty (750) feet for a single well, and seven hundred fifty (750) feet of each well, (iii) fresh water supply wells and subsurface fresh water storage reservoirs within seven hundred fifty (750) feet of the proposed well(s), and (iv) seven hundred fifty (750) feet distance of the proposed well from any public roads.</p>	<p>RECOMMENDED BY USE, ARTICLE X, GENERAL PROVISIONS, P. 29: Setbacks. (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 NMCID licensed, County addressed residential structure is present: 1000 feet. (b) Distance from lot line or property where NMCID licensed, County addressed places of worship, and/or schools are present: 1500 feet. (c) Distance from lot line of property where NMCID licensed and County addressed electrical, natural gas, and related public water utility structures are present: 1 mile. (d) Distance from lot line of property where a NMCID licensed, County addressed non-residential occupied structure and/or use, excluding places of worship and/or schools, is present: 1000 feet.(e) Distance from existing water well permitted by the NM Office of the State Engineer:1000 feet for well used by a single family residence;</p>	<p>RECOMMENDED BY USE, ARTICLE VIII, C. P. 35-36: No oil or gas facility shall be permitted within a floodplain as mapped and designated by the Federal Emergency Management Agency (FEMA). Setbacks shall not apply to roads used solely for the purpose of accessing oil or gas facilities. 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. No oil or gas facility shall be permitted within the following distances: Distance from lot line or property where a residential structure is present: 1,500 feet; Distance from lot line or property where schools or playgrounds: ½ mile; Distance from lot line or property where places of worship, hospitals or institutions are present: 1,500 feet; Distance from lot line of property where electrical, natural gas, solar, wind and Citizens Working Group Ordinance Team related public water utility structures are present: 1 mile; 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;</p>	<p>RECOMMENDED, ARTICLE 6, P. 5: 7.3. Setback Requirements. No person shall drill or deepen an oil and gas well within one thousand (1000) feet of occupied dwellings, schools, churches, or cemeteries outside an incorporated municipality in the County without the written consent of the owner of such occupied dwellings, businesses, schools or churches.</p>	
		<p>5) Distance from Existing Water Well Permitted by the NM Office of the State Engineer: 750 feet for well used by a single family residence; 1,000 feet for wells used by five (5) or more residences.(6) Distance from a Cultural, Historic, or Archaeological Resource as designated by State Historic Preservation Register: 750 feet.(7) Distance from a State or Federal Designated Trail or Open Space, whether part or not part of a State or Federal Forest or Preserve: 200 feet.(8) Distance from a Public Road or Highway: 200 feet.</p>		<p>2000 feet for wells used by five (5) or more residences. (f) Distance from a cultural, historic, or archaeological resource as designated by State Historic Preservation Register: 1500 feet. (g) Distance from a state or federal designated trail or open space, whether part or not part of a state or federal forest or preserve: 500 feet. (h) Distance from a public road or highway: 250 feet.</p>	<p>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; Distance from Continuously Flowing Water Courses and Lakes: 1,000 feet; Distance from a cultural, historic, or archaeological resource as recommended by NM Historic Preservation Division. This distance may be increased upon written request by a Tribe or Pueblo for the preservation of a Cultural Property; 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; Distance from a public road or highway: 250 feet; Distance from lot line of property where non-occupied agricultural facilities are used including acequias, stock ponds and irrigation structures: 500 feet. These setbacks are minimal standards. The Director may recommend greater setbacks depending on topography, Cultural Properties, livestock, wildlife habitat and other factors. Surface Owner agreements establishing setbacks shall not be subject to A (4).</p>		

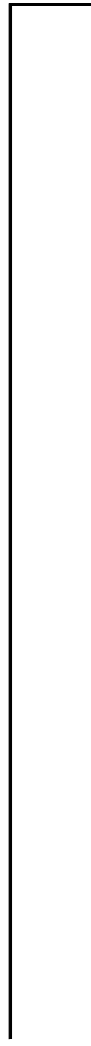
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6	NOISE PLAN	NOT ADDRESSED	<p>RECOMMENDED ARTICLE 5 P. 4: 5.6. Noise Control Plan. Estimate the noise levels from expected operations requiring notice, which shall not exceed sixty (60) decibels as measured from a distance of seven hundred fifty (750) feet from the well or associated operations, including noise from traffic, and describe the manner in which operator intends to limit the noise levels associated with such operations below that threshold. Noise levels may exceed sixty (60) decibels, up to eighty (80) decibels, for a period of time not to exceed thirty (30) calendar days for each calendar year.</p>	<p>RECOMMENDED DISTRICTS B AND C, ARTICLE IX, P. 24: Noise Control Plan. Applicant must provide a noise control plan identifying: The type, frequency and maximum level of noise to be emitted during construction, maintenance and operations of the hydrocarbon well(s) and associated facilities, including during any kind of fracturing of the well bore. Any noise mitigation to be performed to ensure that continuous noise shall not exceed 55 decibels at the property line of the parcel containing a well pad and any adjacent occupied structure or wildlife corridor.</p>	<p>RECOMMENDED, ARTICLE VII, P. 31: Sound Management Plan. 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. 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. The Plan shall identify any sound sensitive locations within one-half (1/2) mile, including, schools, libraries, hospitals, group homes, recreation areas, livestock and wildlife habitats. 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. Sound measurements shall be taken by a qualified sound Consultant approved by the Director and paid for by the Applicant.</p>	<p>RECOMMENDED, ARTICLE 6, P. 5: 6.6. Noise Control Plan. Estimate the noise levels from expected operations requiring notice, which shall not exceed sixty (60) decibels as measured from a distance of seven hundred fifty (750) feet from the well or associated operations, including noise from traffic, and describe the manner in which operator intends to limit the noise levels associated with such operations below that threshold. Noise levels may exceed sixty (60) decibels, up to eighty (80) decibels, for a period of time not to exceed thirty (30) calendar days for each calendar year.</p>	

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7	ROAD PLAN AND FINANCIAL REQUIREMENTS	<p>RECOMMENDED, ARTICLE 4, P. 20: (2) Road Plan: The applicant shall submit an Oil and Gas road route plan that identifies adequate roads for oil and gas related truck traffic for exploration and production. The County shall review and revise as needed. The County may require the applicant to secure Right Of Way (ROW) Permits for County roads. The applicant may also be required to secure Right-of-Way (ROW) Permits for municipal and/or State roads where needed. The County may require the applicant to provide a cash bond security, a letter of credit, escrow deposit or other method acceptable to the County, and/or Road Improvement Agreement for use of County roads.</p>	<p>RECOMMENDED, NO FINANCIAL, ARTICLE 5, P. 4: 5.7. Road Plan. The applicant shall submit an Oil and Gas road route plan that identifies adequate roads for oil and gas related truck traffic for exploration and production. The Planning and Zoning Division Director or designee shall convey the Road Plan to the Public Works Department Director or designee for review, and may revise as needed. The Public Works Department Director or designee may require modification of affected County roads consistent with County Standards prior to utilization by the Applicant. The Public Works Department Director or designee shall issue a determination to accept or deny the Road Plan within 30 days. The applicant may file for a Variance on the determination of the Public Works Director or designee to the Planning and Zoning Commission.</p>	<p>RECOMMENDED FOR DISTRICTS B AND C, ARTICLE IX, P. 24-25: Road Plan. Applicant shall submit a road plan that identifies: Roads that will be used during any phase of hydrocarbon extraction operations; Gross weight of equipment using these roads during each phase of operations; The number of estimated trips per day during each phase of operations; and, The estimated time that well(s) will be in operation. Road Plan Approval. The Director shall send the Road Plan to the Public Works Department Director for review. The Public Works Department Director shall review the Road Plan using the health, safety and general welfare standards in the CZO. 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. The Public Works Department Director, as part of his review, may require the Applicant to secure Right-of-Way (ROW) Permits for County roads. The Applicant may also be required to secure Right-of-Way (ROW) Permits for municipal and/or State roads where needed.</p>	<p>RECOMMENDED, ARTICLE V, P. 15: Road Plan. The applicant shall submit an Oil and Gas road route plan that identifies roads for oil and gas related truck traffic for exploration, including the average and maximum gross weights of any trucks and other heavily laden vehicles. The Plan shall identify access roads that used including roads what will be upgraded or new roads that need to be constructed. The Plan shall be reviewed and approved by the County Department of Public Works which may request revisions as needed. The Plan must describe how all upgraded and new roads will comply with County Standards. The County may require the applicant to secure Right Of Way (ROW) Permits for County roads, for municipal and/or State roads and Tribal and Pueblo roads where needed. The County may require the applicant to provide a cash bond security, a letter of credit, escrow deposit or other method acceptable to the County, and/or Road Improvement Agreement for use of County roads.</p>	<p>RECOMMENDED, ARTICLE 6, P. 5: 6.7. Road Plan. The applicant shall submit an Oil and Gas road route plan that identifies adequate roads for oil and gas related truck traffic for exploration and production. The Planning and Zoning Division Director or designee shall convey the Road Plan to the Public Works Department Director or designee for review, and may revise as required. The Public Works Department Director or designee may require modification of affected County roads consistent with County Standards and Regulations prior to utilization by the Applicant. The Public Works Department Director or designee shall issue a determination to accept or deny the Road Plan within 30 days to the Planning and Zoning Division Director. The applicant may file for a Variance on the determination of the Public Works Director or designee to the Planning and Zoning Commission. In the event that the Public Works Department Director or designee does not provide a determination on the submitted Road Plan to the applicant (ROW) Permits for municipal and/or State roads where needed. shall be taken by a qualified sound Consultant appro</p>	
				<p>The Public Works Director may require the Applicant to provide a cash bond security, a letter of credit, escrow deposit or other method acceptable to the County for repair to, or maintenance of, roads damaged or deteriorated as a result of Applicant's activities; and/or, enter into a Road Improvement Agreement for use of County roads. The Public Works Department Director shall accept or deny the Road Plan within thirty (30) calendar days of receipt of the Plan from Director. The Applicant or the Public works Director may ask 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. Applicant may appeal the Public Works Director's denial of a Road Plan to the Planning and Zoning</p>			

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8	EMERGENCY SERVICES PLAN	<p>RECOMMENDED, ARTICLE 4, P. 20: (3) <u>Fire/Police/Emergency Response Plan</u>: the applicant shall provide documentation of all location of fire, police, and emergency response service facilities which may be contacted for these services. The documentation shall be reviewed and revised where needed by the County Fire Department, and municipal and other agencies where needed. The applicant shall provide to the County a vicinity map with these facilities indicated, and a document narrative of information that includes contact information, address, directions, and distance to each facility. The applicant shall provide documents indicating communication with these facilities, and financial arrangements with these facilities and agencies for fire/police/emergency response support.</p>	<p>RECOMMENDED, ARTICLE 5, P. 4: 5.8. Emergency Response Plan. The applicant shall submit an Emergency Response Plan identifying all fire, police, and emergency response services in the County that are closest to the well site as well as a description of standard operating procedures, including applicable health, safety and environment protocols, used by the operator in the event of emergencies. The Emergency Response Plan must include a section for fire protection and when the permittee will call emergency responders. The Planning and Zoning Division Director or designee shall convey the Emergency Response Plan to the Fire Department Fire Chief or designee for review, and may revise as needed. The Fire Department Fire Chief or designee shall issue a determination to accept or deny the Emergency Response Plan within 30 days. The applicant may file for a Variance on the determination of the Fire Department Fire Chief or designee to the Planning and Zoning Commission.</p>	<p>RECOMMENDED DISTRICTS B AND C, ARTICLE IX, P. 25: Emergency Response Plan Applicant shall submit an emergency services plan that: Contains a map showing the location of the well pad(s), the location of the nearest County emergency services and the location of the nearest other (municipal, tribal, private, etc.) emergency services; Describes any emergency services that will be available on-site; and Describes the services available from the nearest source(s), any arrangements for assistance that are already in place, whether a reliable method of communication with these services is planned or in place, and the circumstances that will cause the applicant to seek emergency assistance.</p>	<p>RECOMMENDED, ARTICLE VII, P. 30-31: Emergency Response Plan. The Emergency Response Plan shall include the following: 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. Describe any emergency services that will be available on-site. Identify all fire, police and emergency response services in or near the County that are within two miles of the Facility. Identify other possible fire, police and emergency response services outside the two-mile area. 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. An Oil and Gas Facility emergency services map showing the name, location and description of all potentially dangerous facilities on the site and their GPS coordinates and includes the size, type and content of all pipelines, wells and tanks.</p>	<p>RECOMMENDED ARTICLE 6, P. 5: 6.8. Emergency Response Plan. The applicant shall submit an Emergency Response Plan identifying all fire, police, and emergency response services in the County that are closest to the well site. The plan shall include a description of standard operating procedures, including applicable health, safety and environment protocols, used by the operator in the event of a contingency situation. The Emergency Response Plan shall include a section for fire protection and when the permittee will call emergency responders. The Planning and Zoning Division Director or designee shall convey the Emergency Response Plan to the Fire Department Fire Chief or designee for review, and may revise as needed. The Fire Department Fire Chief or designee shall issue a determination to accept or deny the Emergency Response Plan within 30 days. The applicant may file for a Variance on the determination of the Fire Department Fire Chief or designee to the Planning and Zoning Commission.</p>	
					<p>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 to the County Fire Chief. 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 Prepared 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.</p>		

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				<p>The Director may also contract with one or more consultants to review the Air Quality Plans and advise the Director. If consultants are used, the consultants' reasonable fees and expenses shall be paid by Applicant. The Director may approve the Air Quality Plans as submitted; request additional information; require changes before approval; or deny approval of the plans. The Director shall accept or deny the Air Quality Plans within thirty (30) calendar days of receipt of the plans. The Applicant may request, 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 plans. The Applicant may appeal the Director's denial of a one or both of the Air Quality Plans to the Planning and Zoning Commission. Once Air Quality Plans are approved, the Director shall ensure that the plans are made available to "need to know" County Departments and local municipalities. The Fire Chief shall assist municipalities that request help in preparing for an air quality emergency.</p>			
10	WATER USAGE AND SOURCES PLAN	NOT RECOMMENDED BY OCD, PREEMPTION ISSUE	NOT RECOMMENDED BY OCD, PREEMPTION ISSUE	<p>RECOMMENDED DISTRICTS B AND C, ARTICLE IX, P. 27-28: Water Usage and Sources Plan. The Applicant shall submit a plan showing: The amounts of water to be used during drilling, fracking, and other operations at the well(s) site(s), including all processing that is performed before the hydrocarbons leave the well(s) site(s) area(s); The frequency (times per year) of each operation requiring water; The source of water for each operation The type of water (fresh, effluent or produced) that will be used for each operation; The steps that will be taken to avoid pollution of surface and ground water; and, The clean-up procedure that will be used if more than 1000 gallons of water of any kind is spilled at the website, including when emergency services assistance will be requested. Water Usage and Sources Plan Approval. The Director may seek comments on the Water Usage and Sources Plan from the NM Environment Department, the State Engineer, other County departments and/or from municipalities. The Director may also contract with one or more consultants to review the Water Usage and Sources Plan and advise the Director. If consultants are used, the consultants' reasonable fees and expenses shall be paid by applicant.</p>	<p>RECOMMENDED, ARTICLE VII, P. 31-32: Water Use and Protection Plan. The Water Use and Protection Plan shall contain sufficient information to demonstrate to the County that the proposed well site protects surface and ground water for present and potential use as domestic, agricultural and wildlife water supply. The Applicant shall submit a Water Protection Demonstration Report as required under Article VII, Section J (1) that demonstrates that the proposed oil and gas well site will not cause Degradation according to USDW standards. If, after receiving the Consultant's evaluation of the Water Protection Demonstration Report, there is no potential for Degradation of USDW, the monitoring requirements described below may be waived by the Director. The Water Use and Protection Plan shall describe in detail how the Operator will meet the requirements of Article VIII Section M that include: Initial Baseline testing of surface and groundwater; Ongoing testing and monitoring of on-site groundwater during Drilling and Production; Leak and spill Protection measures; and Other Protection measures as determined by the Director. The Applicant shall demonstrate how the Plan complies with downstream water quality standards established by Tribes having "Treatment as a State" status. The Applicant shall include a certification signed by an officer of the company that it will comply with requirements relating to water of the NM Oil Conservation Division, NM Department of the Environment and the NM State Engineer.</p>	NOT ADDRESSED	

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				<p>The Director may approve the Water Usage and Sources Plan as submitted; request additional information; require changes before approval; or deny approval of the plan. The Director shall accept or deny the Water Usage and Sources Plan within thirty (30) calendar days of receipt of the plan. The Applicant may request, in writing, 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 plans. The Applicant may appeal the Director's denial of a one its Water Usage and Sources Plan to the Planning and Zoning Commission.</p>	<p>Water Usage and Sources. The following information regarding water usage shall be submitted as part of the application: 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 copies of written approvals from any public or private well owners, from the appropriate governmental agencies and any Tribes and Pueblos must be provided for all sources of water to be used in the drilling and the production of oil and gas. Non-potable water shall be used whenever possible. Baseline Water Testing and On-Site Monitoring Measures. Unless the Applicant has received a waiver as described in Article VII, Section O (2), the Water Use and Protection Plan shall describe the Applicant's proposed design and plans for baseline and on-site monitoring to protect water quality according to USDW Quality standards. These on-site measures, at a minimum, shall include the following: On-site monitoring wells that must be designed and constructed according to the New Mexico Environment Department's Monitoring Well Construction</p>		
					<p>and Abandonment Guidelines (March 2011); A system of prompt detection and reporting of Degradation of water quality according to the requirements and standards of the NM Water Quality Control Act. A set of analytes for baseline and ongoing measurement, including methane, which will be used as tracers, to ensure the County that there will be timely and accurate detection of leaks or spills. A description of measures that the Operator will implement to ensure the containment of any leaks or spills that may include the following: physical barriers to be installed and maintained under and around the facility or group of facilities; a description of the method and frequency of on-site inspections for spills or leaks that will be performed by the Operator. the methods the Operator will use to perform an initial baseline sampling of any watercourses and lakes in the Area of review.</p>		



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11	TERRAIN MANAGEMENT PLAN	<p>RECOMMENDED, ARTICLE 4, P. 20: 6) <u>Terrain Management Plan</u>: The Terrain Management Plan shall include a narrative describing clear goals for post-production land management and how those goals are to be achieved. A Terrain Management Plan shall address the restoration of all areas of the development where the surface was disturbed. The Terrain Management Plan shall include, but may not be limited to, the following information:(a) A schedule and description of interim terrain management activities to be conducted following the completion of each phase of development within the Well Site; and (b) A schedule and description of proposed final restoration activities to be completed upon the final NMOCD approved plugging and abandonment of the Oil or Gas Well and a discussion of how those restoration activities will impact the anticipated future uses of the property.</p>	<p>OCD REMEDIATION RECOMMENDED, ARTICLE 6, P. 6: 6.8. Abandonment, Plugging and Remediation. Operator shall submit to the County copies of all OCD approved plugging and abandonment permits.</p>	<p>RECOMMENDED DISTRICTS B AND C, ARTICLE IX, P. 28: Terrain Management Plan. The Terrain Management Plan shall include a narrative describing clear goals for post-production land management and how those goals are to be achieved. It shall address the restoration of all areas of the development where the surface was disturbed. The Terrain Management Plan shall include, but may not be limited to, the following information: A schedule and description of interim terrain management activities to be conducted following the completion of each phase of development within the well site; and, A schedule and description of proposed final restoration activities to be completed upon the final NMOCD approved plugging and abandonment of the Oil or Gas Well and a discussion of how those restoration activities will impact the anticipated future uses of the property. All restoration activities described in the Terrain Management Plan shall include a Grading and Drainage Plan which shall include the following, where appropriate, but may not be limited to: Configuration of the reshaped topography and restored drainage; Soil treatments; Reseeding materials and revegetation methods; Backfill or grading requirements; and Soil stabilization techniques.</p>	<p>RECOMMENDED, ARTICLE V, P. 15-16: Terrain Management Plan. The Terrain Management Plan shall address the restoration of all areas of the development where the surface will be disturbed should the Exploratory Well be plugged and abandoned as required by OCD. 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. The Terrain Management Plan shall be approved by the Director. It shall include, but may not be limited to, the following information. A schedule and description of interim terrain management activities to be conducted following the completion of each phase of development of the Oil and Gas Facility. 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.</p>	<p>OCD REMEDIATION RECOMMENDED, ARTICLE 7, P. 7: 7.8. Abandonment, Plugging and Remediation. Operator shall submit to the County copies of all OCD approved plugging and abandonment permits.</p>	
		<p>(c) All restoration activities described in the Terrain Management Plan shall include a Grading and Drainage Plan which shall include the following, where appropriate, but may not be limited to; (i) Configuration of the reshaped topography and restored drainage; (ii) Soil treatments; (iii) Reseeding materials and revegetation methods; (iv) Backfill or grading requirements; and (v) Soil stabilization techniques.</p>			<p>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; Should the exploration well site be plugged and abandoned, a schedule and description of proposed final restoration activities to be completed after the final NMOCD approved plugging and abandonment of the Exploration Well including a discussion of how those restoration activities will impact the anticipated future uses of the property. All restoration activities described in the Terrain Management Plan shall provide a Grading and Drainage Plan which shall include the following, where appropriate: Configuration of the reshaped topography and restored drainage; Soil treatments; Reseeding materials and revegetation methods; Backfill or grading requirements; and Soil stabilization techniques.</p>		

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12	WASTE DISPOSAL PLAN	<p>RECOMMENDED ABQ BASIN (SOUTHEAST), ARTICLE 4.11, P. 20: (3) <u>Waste Disposal Plan:</u> Oil or gas field waste must be removed from the subject site. On-site pits for oil or gas field waste are prohibited. Closed-Loop Storage Systems for production water are required. Injection of produced water on-site may be permitted by the Planning and Zoning Commission where needed to alleviate additional truck related removal traffic. Injection of produced water on-site must be approved by NMOCD.</p>	<p>GENERAL PROVISION ARTICLE 6, P. 6: 6.6. Trash and Debris. Operator shall maintain all locations and well sites upon which operations are currently taking place or have taken place to ensure the removal of all litter, trash, and other waste as reasonably practicable.</p>	<p>RECOMMENDED DISTRICTS B AND C, ARTICLE IX,P. 28: Waste Disposal Plan.Oil or gas field waste must be removed from the subject site. On-site pits for oil or gas field waste are prohibited. Closed-Loop Storage Systems for production water are required. Injection of produced water on-site may be permitted by the Planning and Zoning Commission where needed to alleviate additional truck related removal traffic. Injection of produced water on-site must be approved by NMOCD.</p>	<p>RECOMMENDED, ARTICLE V, P. 16-17: 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. Applicant must submit a waste management plan that identifies the type and volume of solid and liquid waste that will be generated at the site and how that waste will be properly stored, transported and disposed of. 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. 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.</p> <p>The applicant must include the following information regarding the transportation of off-site of any solid and liquid wastes. 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. 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. Any additional information as determined by the Director.</p>	<p>GENERAL PROVISION ARTICLE 7, P. 7: 7.6. Trash and Debris. Operator shall maintain all locations and well sites upon which operations are currently taking place or have taken place to ensure the removal of all litter, trash, and other waste as reasonably practicable.</p>	

13	INSURANCE	<p>RECOMMENDED ARTICLE 5, P. 28: 5.10 ADDITIONAL FINANCIAL SECURITIES.(A) Additional financial securities shall be evaluated by the County every five (5) years from the date of approval of the application, and may include:(1) A policy or policies of commercial general liability insurance, including contractual liability, covering bodily injuries and property damage, and environmental impacts, that names the applicant as the insured and the County as an additional insured, issued by an insurance company approved by the State of New Mexico Superintendent of Insurance. The insurance policy must be in a form acceptable to the County and shall further provide a limit of liability of not less than One Million Dollars (\$1,000,000) per occurrence. Said policy or policies shall provide that they may not be cancelled without written notice to the County of at least thirty (30) days prior to the effective date of such cancellation.(2) In the event that the above described policy or policies does not include environmental impacts, the County shall require a pollution insurance policy or policies that provide standard pollution liability insurance with a coverage of not less than One Million Dollars (\$1,000,000) per occurrence,</p>	<p>RECOMMENDED, ARTICLE 7, P. 6: 7.1. Insurance. In addition to the financial assurance required by the OCD and other laws and subject to the self-insurance option below, 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 corrective actions to reinstate the insurance policy or policies, and notify the County of said corrective action. A. The County, its officials, employees, agents and officers shall be endorsed as an "additional insured" on the required policies. B. 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. C. 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. 7.2. Standard Commercial General Liability Policy. 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. This coverage shall be a minimum combined single limit of \$5,000,00.00 per occurrence for bodily injury and property damage.</p>	<p>RECOMMENDED FOR DISTRICTS B AND C, ARTICLE IX, P. 32: Financial Security. Financial security shall be evaluated by the County every five (5) years from the date of approval of the application, and must include:(a) A policy or policies of commercial general liability insurance, including contractual liability, covering bodily injuries and property damage, and environmental impacts, that names the Applicant as the insured and the County as an additional insured, issued by an insurance company approved by the State of New Mexico Superintendent of Insurance. The insurance policy must be in a form acceptable to the County and shall further provide a limit of liability of not less than Five Million Dollars (\$5,000,000) per occurrence. Said policy or policies shall provide that they may not be cancelled without written notice to the County of at least thirty (30) days prior to the effective date of such cancellation.In the event that the above described policy or policies does not include environmental impacts, the County shall require a pollution insurance policy or policies that provide standard pollution liability insurance with a coverage of not less than Ten Million Dollars (\$10,000,000) per occurrence,</p>	<p>RECOMMENDED, ARTICLE IX, P. 46-47: Pollution Insurance: 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. 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. 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).</p>	<p>RECOMMENDED, ARTICLE 8, P. 7-8: 8.1. Insurance. In addition to the financial assurance required by the OCD and other laws and subject to the self-insurance option below, 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 corrective actions as soon as reasonably practicable to reinstate the insurance policy or policies, and notify the County of said corrective action.The County, its officials, employees, agents and officers shall be endorsed as an "additional insured" on the required policies. 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,</p>	
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		issued by an insurance company approved by the New Mexico Superintendent of Insurance, and that names the applicant as insured. Such insurance policy shall be maintained in full force and effect from the date of approval of this Conditional Use Permit request by the Planning and Zoning Commission and continuing in force until the well is plugged and abandoned in accordance with the applicable State statutes, NMOCD regulations, and the Site Remediation Plan as approved by the County Engineer. A separate policy is not required if pollution coverage is included as a part of the comprehensive general liability insurance policy required by this Section. 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. The applicant, offering a plan of self- insurance, may provide a certificate of insurance as required by this Section issued pursuant to such plan provided that such plan has been approved by the Public Regulation Commission of the State of New Mexico and the County Manager.		issued by an insurance company approved by the New Mexico Superintendent of Insurance, and that names the applicant as insured. Such insurance policy shall be maintained in full force and effect from the date of approval of this Conditional Use Permit request by the Planning and Zoning Commission and continuing in force until the well is plugged and abandoned in accordance with the applicable State statutes, NMOCD regulations, and the Site Remediation Plan as approved by the County Engineer. A separate policy is not required if pollution coverage is included as a part of the comprehensive general liability insurance policy required by this Section as long as the coverage is not less than Ten Million Dollars (\$10,000,000). 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. The Applicant, offering a plan of self-insurance, may provide a certificate of insurance as required by this Section issued pursuant to such plan provided that such plan has been approved by the Public Regulation Commission of the State of New Mexico and the County Manager.	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. The Applicant, if offering a plan of self-insurance, may provide a certificate of insurance as required by this Section issued pursuant to such plan provided that such plan has been approved by the New Mexico Division of Insurance and the County Manager.	prior to the commencement of operations requiring notice. 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. 8.2. Standard Commercial General Liability Policy. 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. This coverage shall be a minimum combined single limit of \$5,000,00.00 per occurrence for bodily injury and property damage.	
14	FINANCIAL REVIEW/ASSURANCE	NOT ADDRESSED	NOT ADDRESSED	RECOMMENDED DISTRICTS B AND C, ARTICLE IX, P. 23: Financial Solvency. Applicant must demonstrate financial solvency. If the Applicant is a subsidiary of another company, Applicant must also demonstrate the financial solvency of the parent company. The information provided must be certified by an officer of the company.	RECOMMENDED, ARTICLE VII, P. 25: 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.		

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15	ENGINEERING REVIEW	<p>CONSULTANT RECOMMENDED, ARTICLE 3, P. 13: 3.1 ESTABLISHMENT OF CONSULTANT ASSISTANCE, FEES. (A) The County hereby establishes, by Agreement, Consultant assistance for the review and evaluation of applications, and the construction, modification, and monitoring of the site. (B) An Applicant shall deposit with the County funds sufficient to reimburse the County for all reasonable costs of consultant and expert evaluation and consultation to the County in connection with the review of any Application including the construction and modification of the site, once permitted, as established in the Oil and Gas Fee Schedule and Fee Procedures as follows: <u>Consultant Fee Schedule and Procedures</u>: The County shall maintain a separate escrow account for all such funds. The County's consultants/experts shall invoice the County for its services in reviewing the Application, including the construction and modification of the site, as approved under this Ordinance. (C) Resolution No. 11-18-10.7C establishes a fee for submittal of an application for a Conditional Use Permit for review by the Planning and Zoning Commission. This fee is also applicable to review of an application through the Administrative process as established in this Ordinance.</p>	NOT ADDRESSED	<p>CONSULTANT RECOMMENDED, ARTICLE IV, P. 5: Consultants. If at any time during the review process for a permit hereunder, the Director, Planning and Zoning Commission, or the County Commission determines that the application for a permit for oil or gas development may present a negative impact on sensitive habitats and resources, historic, cultural or archeological resources, ground or surface water quality, or the environment, they may, at the expense of the Applicant, hire experts to review an application or to evaluate specific technical issues related to those matters. If they determine that the County should retain such experts, they shall notify the Applicant and the Applicant shall have the opportunity to provide recommendations of experts to the County. The Applicant shall make a company check, certified or bank check, wire transfer or letter of credit deposit in an amount to be determined by the requesting authority for each application submitted, to cover all of the County's expenses incurred to engage such consultants and experts as are considered necessary and appropriate.</p>	<p>RECOMMENDED, ARTICLE II, P. 11: Consultants. If at any time during the review process for a permit hereunder, the Director, Planning and Zoning Commission, the County Commission, the Public Works Department Director or the Fire Chief determines that the application for a permit for oil or gas development may present serious impacts on Wildlife Habitat, Cultural Properties, ground or surface water quality, air quality, sound, traffic or otherwise believe that they require outside expertise to discharge their duties, they may, at the expense of the Applicant, hire experts to review an application or to evaluate specific technical issues related to those matters. If they determine that the County should retain such experts, they shall notify the Applicant and the Applicant shall have the opportunity to provide recommendations of experts to the County; but the final decision on which consultant(s) to be used shall be that of the County official(s) involved. The Applicant shall give the County a certified or bank check, wire transfer or letter of credit deposit in an amount to be determined by the requesting authority for each application submitted, to cover all of the County's expenses incurred to engage such consultants and experts as are considered necessary and appropriate.</p>	NOT ADDRESSED	
16	TRIBAL NOTIFICATION	NOT ADDRESSED	NOT ADDRESSED	<p>RECOMMENDED NOTICE, ARTICLE XI, P. 33: All government and Native American Nation/Pueblo agencies within three (3) miles of subject site are notified by the County of any request for Oil and Gas Facilities as regulated by this Ordinance. Municipalities within five (5) miles of the subject site, with a population of over fifty thousand (50,000), are also notified by the County. The County shall communicate all comments from State reviewing agencies to notified area agencies regarding any request for Oil and Gas Facilities as regulated by this Ordinance.</p>	<p>RECOMMENDED, ARTICLE VI, P. 21: 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.</p>	COUNTY SUBDIVISION NOTIFICATION PROCEDURE RECOMMENDED FOR TRIBAL ADMINISTRATION.	
17	ENVIRONMENTAL COMPLIANCE HISTORY	NOT ADDRESSED	NOT ADDRESSED	<p>RECOMMENDED DISTRICTS B AND C, ARTICLE IX, P. 23: Environmental Compliance History. Applicant must provide a list, certified by an officer of the company, of: Any hydrocarbon extraction activity where Applicant has had a permit suspended or revoked or paid a fine for violations of any law or regulation in any location during the past five years and; Information on whether any of these violations are still outstanding.</p>		NOT ADDRESSED	
18	AQUIFER PROTECTION						
19	PROCESS TIMELINES						
20	FINDINGS OF FACTS FOR EACH DISTRICT						

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21	ABILITY TO HIRE CONSULTANTS AT APPLICANT'S EXPENSE						
22	BURDEN OF PROOF						
23	ABILITY TO HIRE INDEPENDENT CONTRACTORS TO DO POST PERMIT MONITORING AT OPERATOR'S EXPENSE						
24	SEPRATE EXPLORATORY (NON-DRILLING) AND DEVELOPMENT PERMIT PROCESSES						
25	INDEMNIFICATION CLAUSE TO PROTECT THE COUNTY						
26	P&Z Director authority to deny incomplete or inadequate applications						
27	Separate standards for Exploration & Production Wells						
28	General Liability Insurance Coverage						
30	Pollution Insurance Coverage						