

## What a Difference an Ordinance Makes ....The September 2018 Choices

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

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

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

Sandoval County Oil and Gas Ordinance Citizens’ Study Group Contact: Alan Friedman email: [alfreedo@comcast.net](mailto:alfreedo@comcast.net)

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

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

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