



# Intermountain Oil and Gas BMP Project

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## New Mexico County and Municipal Law

This section includes information about and links to New Mexico municipal and county ordinances and code provisions related to oil and natural gas surface operations.

A number of New Mexico counties and municipalities have enacted laws covering oil and natural gas development. These local provisions supplement state and federal law and include permitting programs and best management practices, and vary in both the stringency of their requirements and in what they actually require. Many New Mexico counties and municipalities have not enacted any additional laws and rely on the state and federal framework to regulate development.

Under N.M. STAT. § 3-17-1, municipalities can pass ordinances "not inconsistent with the laws of New Mexico" to discharge powers and duties and to provide for safety, health, and prosperity of residents or order of the municipality. N.M. STAT. § 4-37-1 grants similar powers to counties. In addition, under N.M. STAT. § 3-18-17, any municipality or county with a floodplain or plains must have an ordinance that establishes building and permit requirements for construction – including that of oil and gas facilities – in floodplains.

The following is a non-exhaustive list of provisions of particular interest, intended to demonstrate the various ways in which local governments regulate oil and gas surface operations. Links are provided to cities' and counties' full codes, or in the case of those with freestanding ordinances, links are provided to the ordinances.

For more information on individual counties, please visit the [New Mexico Association of Counties](#). For more information on New Mexico geology as it relates to oil and gas development, please visit the [New Mexico Bureau of Geology and Mineral Resources' Oil and Gas Program](#).

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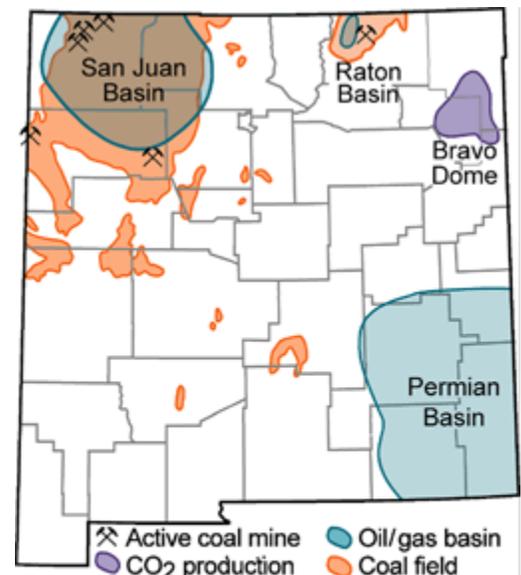
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New Mexico Producing Basins, image courtesy of the New Mexico Bureau of Geology and Mineral Resources

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# New Mexico Counties

## [Bernalillo County Zoning Provisions](#)

(click on "A-Z Services" on the left hand column, then click on "ordinances")

Bernalillo County is located in the central part of New Mexico, and is the location of Albuquerque, the state's largest city. To visit the website of the Bernalillo County Board of Commissioners, click [here](#). There is no major oil and gas basin in the county. The county does not have a specific oil and gas ordinance, but it does have code provisions on the subjects of flood control, waste management, and zoning that are applicable to oil and natural gas operations. Relevant provisions include:

**Ch. 38, art. II Flood Damage Prevention** – defining "drilling operations" as regulated development and requiring that development in flood hazard areas be done only after obtaining a development permit.

**Ch. 70, art. II Solid Waste Management** – defining "petroleum contaminated soils" as a form of special waste subject to additional "handling, transportation, or disposal requirements" as determined by the county manager.

**App. A, sec. 18 Special Use Permit Regulations** – classifying oil and gas "drilling, production, and refining" as a special use. Such uses can be granted or denied based on general safety, health, and welfare concerns. Applications for such uses must include planned grading and drainage at the site, information on landscaping and buffering, and are subject to a public hearing requirement.

## [Eddy County Oil and Natural Gas Well Setback Provisions](#)

Eddy County is located in the Permian Basin, which straddles the border between southeastern New Mexico and Texas. To visit the website of the Eddy County Board of Commissioners, click [here](#). The Eddy County oil and gas ordinance does not require specific management practices, but does have a setback provision:

**§ 3 Drilling Location** – requiring that oil and natural gas wells be located at least 300 feet away from "a residence, mercantile establishment, school or church" without written consent of the owner.

It should also be noted that any oil or gas well in a floodplain must comply with Eddy County's [Flood Plain Management Ordinance](#).

## [Grant County Flood Damage Prevention Provisions](#)

Grant County is located in southwestern New Mexico. Grant County does not have a specific oil and gas ordinance. To visit the website of the Grant County Board of Commissioners, click [here](#). There is no major oil and gas basin in the county. However, its flood damage prevention ordinance does define regulated development to include "drilling operations," meaning a development permit is required for drilling operations in floodplains. Article 4, sections C and D describe permit and variance procedures.

## [Lincoln County Flood Damage Prevention Provisions](#)

Lincoln County is located in central New Mexico. There is no major oil and gas basin in the county. To visit the

website of the Lincoln County Board of Commissioners, click [here](#). Lincoln County does not have a specific oil and gas ordinance. However, its flood damage prevention ordinance does define regulated development to include "drilling operations." Thus, a development permit is required for any drilling operation in a floodplain. § 12 of the ordinance describes permit procedures, and § 13 describes variance procedures.

#### [Luna County Flood Damage Prevention Provisions](#)

Luna County is located in southwestern New Mexico. Luna County does not have a specific oil and gas ordinance. To visit the website of the Luna County Board of Commissioners, click [here](#) (this link will only work properly in Internet Explorer). There is no major oil and gas basin in the county. However, its flood damage prevention ordinance does define regulated development to include "drilling operations," meaning a development permit is required for drilling operations in floodplains. Article 4, sections C and D describe permit and variance procedures.

Additionally, Luna County has a [natural resource planning and review process](#). However, the process's reporting and monitoring requirements apply only to government action, and not to private oil and gas operations. § 8 of the ordinance mandates that "nothing in this ordinance shall be construed to extend regulation by the County to private property or to private business enterprises."

#### [Otero County Draft Oil and Gas Draft Provisions](#)

Otero County is located in the Permian Basin, which straddles the border between southeastern New Mexico and Texas. Otero County does not have a specific oil and gas ordinance, although it has produced a draft ordinance. To visit the website of the Otero County Board of Commissioners, click [here](#). The county's draft ordinance would require that several best management practices be observed. The county has an oil and gas website that includes recommendations from various groups and drafts, which can be found [here](#).

#### [Quay County Flood Damage Prevention Provisions](#)

Quay County is located in eastern New Mexico. Quay County does not have a specific oil and gas ordinance. To visit the website of the Quay County Board of Commissioners, click [here](#). There is no major oil and gas basin in the county. However, its flood damage prevention ordinance does define regulated development to include "drilling operations," meaning a Floodplain Development Permit is required for any oil and gas operation located in an area identified as a floodplain. The ordinance specifies the grounds on which the granting or denial of a permit is to be based, as well as variance procedures.

#### [Rio Arriba County Oil and Gas Provisions](#)

Rio Arriba County is located in the San Juan Basin in northwestern New Mexico. To visit the Rio Arriba County Board of Commissioners, click [here](#). As of May 20, 2009, the county has an oil and gas ordinance "intended to address oil and gas exploration, drilling, production, transportation, abandonment and reclamation." The ordinance requires both a permit for oil and gas exploration and either a development or special use permit depending on in what part of the county the site is located.

The ordinance divides Rio Arriba County into two districts. Under § 3.2 of the ordinance, oil and gas activity in the Energy Resources Development District – which corresponds to the areas of the San Juan Basin that are in the county – requires an exploratory permit and a development permit. Under § 7.1, activity in the Frontier District requires a special use permit instead of a development permit, as that district contains important wildlife habitat, flood plains, and historical sites, and is not zoned for oil and gas activity.

Provisions of note include:

**§ 4 Exploratory Permit Application Contents and Submittals** – requiring that all exploratory permit applications contain a copy of the applicant’s county business license; a discussion of possible surface disturbances, affected acreage, and mitigation measures; and a map showing geographic and topographic features and human development, including emergency facilities. Notably, § 3.17 does not require an exploratory or development permit for mapping and planning activity that does not cause surface disturbances.

**§ 5 Development Permit Application Contents and Submittals** – imposing the same requirements as § 4, and the additional requirements of proof of insurance, plans for obtaining water and managing water and solid waste, information on existing surface and ground water at the site, and photographs of the well site. Additionally, the following two mitigation plans are required:

**§ 5.2 Surface Disturbance Plan** – requiring that all applications for development permits contain surface disturbance plans that specify the type of disturbances anticipated at the site, as well as how the applicant plans to mitigate adverse impacts on surface resources, groundwater, and other surface presences. The report also has to specify drainage and any invasive plant species at the site.

**§ 5.3 Visual Mitigation Plan** – requiring that all applications for development permits for sites located near scenic byways or BLM/Forest Service-designated visual resources contain visual mitigation plans. The plans must specify visual mitigation strategies, including low profile buildings and tanks, use of fencing or vegetative screening, presence of ground cover, cutting and filling of slopes, and strategic use of natural terrain features.

**§ 8 Special Use Permit Application Contents and Submittals** – imposing the same requirements as § 5. Additionally, § 8.2 requires an environmental report, which must include information on habitat – including that of threatened and endangered species – as well as data on soil and water quality, information on cultural, historical, or archaeological resources at the site, impacts of the proposed development, alternatives to development, and proposed mitigation measures. Hydrological and air quality reports are also required.

**§ 6 and 9** of the ordinance require specific design and development standards, including:

**§ 6.2 Setbacks** – prohibiting oil and gas development in floodplains, and setting a variety of setback requirements, including 650 feet from dwellings, 200 feet from highways, 300 feet from surface water, 200 feet for wells used by less than five residences, and 1,000 feet for wells used by five or more people. The director of the county planning and zoning department can allow derivation from the setback requirements if the operator is able to mitigate any potential adverse effects.

**§ 6.3 Storage Tanks** – requiring that all storage tanks be constructed to American Petroleum Institute standards, that all above ground tanks have secondary containment systems, and that all tanks conform to New Mexico Oil Conservation Division standards.

**§ 6.4 Well Sites and Facilities** – prohibiting storage at non-active well sites, requiring that site pads be the minimum size necessary for safe work, and mandating that disturbed surface areas adjacent to well pads be reclaimed after well construction has been completed.

**§ 6.5 Co-location of Oil or Gas Wells** – "strongly" encouraging that, where possible, multiple wells be located on a single pad.

**§ 6.8 Lighting** – requiring that permanent lighting fixtures comply with the county’s [night sky](#)

[protection ordinance](#).

**§ 6.9 Cultural, Historical, or Archaeological Sites** – requiring compliance with applicable local, state, and federal law if a cultural, historical, or archeological site will be affected by well development.

**§ 6.10 Air Quality** – requiring that oil and gas facilities comply with state air quality standards.

**§ 6.11 Waste** – requiring that waste storage and removal comply with applicable regulations, and prohibiting operators from injecting "produced water or any other fluid into a reservoir or formation to maintain reservoir pressure, for secondary or other enhanced recovery, or for storage or disposal except pursuant to an approved NMOCD permit."

**§ 6.12 Surface Disturbance and Reclamation** – requiring storage of displaced soil and its redistribution during any reclamation effort. Also requiring operators to maintain natural soil composition, avoid increasing the risk of erosion during grading or cleaving, minimize dust creation, preserve natural drainage to the extent possible, not allow polluted runoff, not operate heavy equipment on roads with ruts six inches or more in depth, minimize damage to vegetation, and begin reclamation activities as soon as possible.

**§ 6.13 Visual Impacts** – discouraging facilities from being located near scenic areas, and requiring paint colors that minimize visual impacts. Contrasting or reflecting colors are prohibited, and camouflage colors matching land are required.

**§ 6.14 Fencing** – requiring six foot chain link perimeter fencing with two strands of barbed wire if there is nearby human activity, and requiring fencing to protect wildlife at any facility that includes a pit.

**§ 6.15 Noise** – requiring that operators minimize **noise** at facilities, and setting specific **noise** production standards of between 55 and 100 decibels depending on the time of day, whether the facility is temporary or permanent, and whether the **noise** will last longer than 15 minutes.

**§ 6.17 Water Quality and Quantity** – prohibiting wells from degrading surface and ground water quality or quantity below state standards, or from causing significant degradation to the quality, quantity, or pressure of water at existing wells. Oil and gas development is prohibited from affecting existing water rights.

**§ 6.18-19 Ground Water Monitoring and Reporting** – requiring that operators drill a ground water monitoring well at any well located within a critical management overlay zone. Samples must be taken immediately after construction and at least annually afterward, subjected to laboratory analysis, and any increase in specified compounds must be reported to the county.

**§ 9 Design and Development Standards for Oil and Gas Development Within the Frontier District** – requiring "strict compliance" with the § 6 requirements, as well as additional water quality monitoring if the distance to ground water from the bottom of the well is 100 feet or less.

Additionally, Rio Arriba County's [flood control ordinance](#) requires a flood plain development permit for any oil or gas well constructed in a flood plain. "Structures with a potential for high flood damage" are prohibited by § 1(f)(2) of the ordinance.

[San Juan County Flood Control Provisions](#)

San Juan County is located in the San Juan Basin in northwestern New Mexico. To visit the website of the San Juan County Board of Commissioners, click [here](#). Although several San Juan County municipalities have oil and gas ordinances, San Juan County does not. However, the county's flood control ordinance's definitions section specifically defines regulated development as including "drilling operations." Thus, for any drilling operation located in a floodplain, a Floodplain Use Permit is required.

### [Santa Fe County Oil and Natural Gas Provisions](#)

Santa Fe County is the location of the Galisteo Basin in the northcentral part of the state. To visit the website of the Santa Fe County Board of Commissioners, click [here](#). Santa Fe County's oil and natural gas ordinance, adopted in December 2008, is intended to govern "exploration, drilling, production, transportation, abandonment and remediation," and provides for a three step permitting process for oil and gas development.

The permitting process itself provides for discretionary approval of the required zoning classifications and special use and development permits, and also an approval requirement for grading and building permits.

Provisions of note include:

**§ 5 Purpose** – stating that the ordinance is designed to protect the health, safety, and welfare of County residents. This section also specifies that "No oil or gas facility is permitted as of right in the County," and that applicants for oil and gas permits must apply for and obtain both an Oil and Gas Overlay Zoning District Classification and a Special Use and Development Permit. As a third step, applicants must obtain the required grading and building permits as well as a certificate of completion. Several types of impact statements, including environmental and fiscal, are also required, as well as emergency response and fire prevention plans.

**§ 9 Oil and Gas Overlay Zoning District Classification** – providing that a development suitability classification must be obtained from the Oil Conservation Division ("OCD") of the state department of Energy, Minerals, and Natural Resources before oil and natural gas development can begin at a given site. The classification is based on factors such as the size of overlying farms and ranches, the presence of plant and animal habitat on overlying land, depleted soil quality, the effect of development on drainage, the presence of historic sites, and proximity of highways and important buildings, such as fire stations and hospitals. Under § 9.4.1.1.3-5, required management practices will vary depending on whether the site is classified as of high, moderate, or low sensitivity. Proscribed practices include the allowable acreage of drill sites per square mile, the size and number of drill sites, and the transferability of development rights. To apply for a classification, under § 9.6 applicants must provide a plan that includes detailed information on the number and type of wells to be drilled, overlying terrain type, vegetation and animal habitat within five miles of the site perimeter, building dimensions at the site, and neighboring uses within five miles.

**§ 11 Special Use and Development Permit** – providing that a special use and development permit must be obtained from the County Development Review Committee ("CDRC"). This permit imposes ongoing fee and reporting requirements on the permittee, insurance requirements, and specifies required steps that must be taken before the use can be modified. Additionally, this section requires specific management practices, including:

**§ 11.19 Appearance and Maintenance of the Site** – mandating that any development site must "be kept in a clean and orderly condition at all times." This provision regulates toilet facilities at the site, runoff, erosion, and color of equipment ("flat tan").

**§ 11.20 Storage Tanks** – requiring that storage tanks comply with American Petroleum Institute standards, including having secondary containment and level-control systems.

§ **11.21 Closed Loop Systems** – prohibiting open pits and reserve pits, and requiring closed systems for fluid containment.

§ **11.22 Water Quality Protection Program** – requiring that a water test be conducted prior to construction of a drilling facility, that at least three monitoring wells be constructed to specifications supplied by the county hydrologist, and that annual water tests be conducted.

§ **11.23-24 Noise and Light** – regulating **noise** and light produced by facilities. Lighting must be kept to the minimum required for safety and security purposes, and lights must be turned off when not drilling. **Noise** is limited to 75 decibels measured at a distance of 300 feet, or 70 decibels if an inhabited building is within 500 feet of drilling. Further, production equipment must be powered by an electric motor if it is within one-fourth of a mile of sufficient distribution voltage.

§ **11.25 Fracturing and Acidizing** – setting time and sound limits on how and when fracturing and acidizing can be conducted, and requiring strict compliance with OCD rules. Further, fracturing must be done with only fresh water (although other liquids may be used with permission from the County Petroleum Engineer). Any fracturing that pollutes surface or ground water before, during, or after the procedure is prohibited.

§ **11.26 Setbacks** – setting a number of setback requirements, including 750 feet for dwellings and water wells and 200 feet for roads.

§ **11.27 Hours of Operation** – allowing operating hours of 8 a.m. to 5 p.m., although extended hours may be allowed by the CDRC.

§ **11.28-29 Drill Sites and Visual Impacts** – requiring that all structures and equipment at drill sites, and drill sites themselves, be as small as possible.

§ **11.30 Flaring of Gas** – allowing gas flaring only during drilling hours, and requiring strict compliance with OCD rules.

§ **11.31-32 Landscaping and Screening; Fencing** – requiring construction and site location that maximizes "natural screening," and also requiring fencing for sites located near human activity.

§ **11.35 Abandonment, Plugging and Site Redemption** – requiring that sites be "fully restored to a safe and clean condition" within four months of abandonment in compliance with the applicant's pre-permit reclamation plan.

§ **12 Beneficial Use and Value Determination** – creating a county-level review process that allows an applicant whose zoning district classification or special use and development permit has been denied to request a variance. The request must be based on a claim that there has been an unconstitutional taking.

### [Valencia County Zoning Code Provisions](#)

Valencia County is located in the central part of New Mexico, near Albuquerque. To visit the website of the Valencia County Board of Commissioners, click [here](#). There is no major oil and gas basin in the county. The county has a number of zoning provisions that are relevant to oil and gas development.

Provisions of note include:

§ **154.006 Definitions** – defining "mineral resource" to include oil and gas, "mineral resource operation" to include drilling, and "extraction" to include excavation for oil and gas.

§ **154.020 Classification of Districts** – defining classifications of zoning districts, which include mineral resource districts where oil and gas operations can be located.

§ **154.091 Mineral Resource District** – providing specific rules applying to mineral resource districts, including:

§ **154.091(c)(2) Conditional Uses** – specifying that oil and natural gas extraction are conditional uses subject to application and review procedures set out in § 154.076 and § 154.057.

§ **154.091(g)(1) Setbacks** – requiring that extraction not be conducted within 100 feet of a zoning district boundary or 500 feet of a well or road, and that processing activity not take place within 500 feet of a suburban or rural residential district boundary. Both extraction and processing are prohibited within 1,000 feet of schools and health care facilities.

§ **154.091(g)(2) Screening** – requiring screening to block the view of sites from roadways and residential districts. Natural forms of screening, i.e. vegetation, must be preserved, and other forms of screening, such as fences and landscaping, must be submitted for approval.

§ **154.091(g)(3) Environmental Standards** – requiring that operations minimize **noise**, dust, odor, vibration, surface water pollution, and erosion, and comply with state and federal law. Also requiring excavation that results in ponding to either be deep enough to prevent mosquito breeding or be backfilled.

§ **154.091(g)(5) Site Operation and Safety** – placing general safety requirements, requiring six foot fencing around unattended well sites, requiring dust and mud treatment at the site and on access roads, requiring that light pollution be prevented, and placing time of day limits on site preparation activities and blasting.

§ **154.091(g)(6) Land Reclamation** – requiring that a reclamation plan be on file with the county, that the plan specify the order of reclamation activities, that the plan provide for backfilling, contouring, or terracing, and that the plan – in the county's discretion – provide for reclamation activities on some areas of the site while operations are still ongoing.

## New Mexico Municipalities

### [Aztec, NM Oil and Gas Provisions](#)

[Aztec](#) is one of three US Census Bureau-designated cities in San Juan County (the other two being Bloomfield and Farmington). Chapter 15 of the city's code imposes a permitting process on the drilling and operation of oil and natural gas wells. Under § 15-12 of the city code, applications for wells are required to include plans related to managing weeds and surface disturbances, performance standards, and mitigation plans relating to **noise**, visual impacts, dust, and wildlife. Chapter 15, article III of the code imposes several performance standards, including:

§ **15-22 Area** – requiring that the area occupied by producing equipment be no larger than 100 feet by 150 feet.

**§ 15-23 Minimum Setback Required** – imposing a setback requirement of 400 feet from structures and 100 feet from roads.

**§ 15-25 Sound Emissions** – requiring that **noise** production be minimized, and placing several mitigation requirements on continuous operations, including venting exhaust away from the nearest residence, using hospital-grade mufflers on all motors, requiring vibration dampeners on equipment, and the creation of an acoustic barrier for facilities that have been granted a variance to be closer than 400 feet to a structure.

**§ 15-26 Air and Water Quality** – requiring that operations be constructed to avoid odor creation, comply with air quality standards, and not contaminate water resources.

**§ 15-27 Fencing** – requiring a six foot perimeter fence with a strand of barbed wire around operations.

**§ 15-28 Fluids** – prohibiting unlined pits, and requiring that operations closer than 400 feet to structures comply with other requirements. Also requiring that water used during production be disposed of off-location or injected underground in compliance with state and federal regulations.

**§ 15-29 Reserve Pits** – requiring fencing around lined reserve pits, among other requirements.

**§ 15-30 Storage Tanks** – requiring that all storage tanks, including those for brine, be covered and located in diked areas.

**§ 15-32 Visual Impacts** – requiring visual mitigation plans, including the use of natural screening, the placement of facilities away from landmarks, the use of ground cover, the minimizing of structure size, and the use of non-contrasting, non-reflective paint. Also requiring the re-seeding with native vegetation of the pad area, except for an access road and the area within 25 feet of structures.

### [Bloomfield, NM Oil and Gas Provisions](#)

[Bloomfield](#) is located in San Juan County. Chapter 12 of the city's code imposes a permitting process on oil and gas wells. Provisions of note include:

**§ 12-3 Restrictions in Location of Wells** – prohibiting wells within 300 feet of residences, and limiting the area occupied by producing equipment to 100 by 150 feet.

**§ 12-4 Requirements for Operation of Producing Well** – requiring a six foot chain link fence around the site, and also requiring landscaping, maintenance, soundproofing to minimize **noise** of production equipment, and off-site fluid disposal. This provision also bans "production or storage tank containing oil or distillate" within city limits.

### [Carlsbad, NM Oil and Gas Provisions](#)

[Carlsbad](#) is located in Eddy County. Chapter 52, article IV of the city's code prohibits oil and gas wells within water wellhead protection areas, defined as "areas within which water will travel to the Wellfields within ten years." Chapter 34 imposes a permitting system on oil and natural gas wells and pipelines. Provisions of note include:

**§ 34-63 Proximity of Well, Tanks or Pipeline to Buildings** – mandating a 500 foot setback for wells, storage tanks, and compressors from commercial and residential buildings. Also mandating a 40 foot setback for pipelines from commercial, industrial, or residential buildings.

**§ 34-64 Operations and Equipment** – placing various pressure monitoring and blowout prevention requirements on drilling operations, and requiring the removal of drilling rigs within 30 days of well completion. Any future well servicing must be done with a portable rig, to be removed within 15 days of the completion of the servicing.

**§ 34-66 Practices and Standards** – placing various **noise** and nuisance reduction requirements, including mandated operating hours, requiring the use of mufflers on engines, and requiring the minimization of **noise**, dust, odor, and vibration production.

**§ 34-67 Cleanliness and Sanitation** – imposing cleanliness and sanitation requirements, such as weed and trash removal.

**§ 34-68 Surface Equipment, Storage Tanks and Separators** – requiring low profile tanks and placing firewall capacity requirements of "one and one third of the volume enclosed."

**§ 34-69 Fences With Locking Gates Required** – requiring that during drilling operations, the site be enclosed with a fence designed to keep children and animals out. The "compressor unit or pump station and injection well location" must be enclosed by a six foot chain link fence with double strands of barbed wire.

**§ 34-70 Requirements for Flaring; Fire Prevention** – allowing flaring only in either "very limited circumstances" or "for a limited time when necessary to complete [or re-complete] any oil or gas well."

**§ 34-73 Directional Drilling** – encouraging directional drilling to get at formations where the permitting scheme would limit the use of normal drilling.

### [Farmington, NM Oil and Gas Provisions](#)

[Farmington](#) is located in San Juan County. Chapter 19 of the city's code imposes a permitting process on oil and gas wells. Under § 19-2-69, permit applications must specify, among other things, well depth, drilling rig type, expected pressure of wellhead, pipelines, and facilities, and location and type of compressor and compressor control, along with related safety devices. Other provisions of note include:

**§ 19-1-3 Proximity of Well, Tanks or Pipeline to Buildings** – prohibiting development within 75 feet of roads, 200 feet of residences, commercial, or industrial buildings, and 300 feet of schools, institutions, and places of assembly.

**§ 19-1-4 Removal of Rigs from the Premises; Watchmen** – requiring that drilling and completion rigs be removed within 30 days of well completion and that servicing be done by portable rigs, to be removed within 15 days of servicing. Also requiring that watchmen be stationed at all oil and gas operation sites during non-operational hours until the site is abandoned and plugged.

**§ 19-1-5 Workover and Temporary Reserve Pits** – requiring that the city council approve any pit. Also requiring that steel pits and tanks, and their contents, be removed within 30 days after well completion or reworking. Pits must be constructed, lined, and sealed to state guidelines. Brine and other substances must be dried to the extent practicable within 30 days, and disposed of outside city limits.

**§ 19-2-30--37 Oil and Gas and Geologic and Engineering Hazards Advisory Committee** – establishing a four-member expert committee, to be appointed by the mayor and confirmed by the city

council, to advise the city on matters related to oil and gas operation drilling, maintenance, zoning, and other issues.

**§ 19-2-72 Excavation; Standards of Operation** – placing limits on excavation to prevent damage to streets. Also limiting the operating gauge pressure of gathering lines and pipelines to 250 p.s.i.g.

**§ 19-3-1 Cleanliness and Sanitation at Well Site** – requiring general cleanliness, and also requiring operators to take reasonable precautions to prevent waste and other fluids from flowing off the site.

**§ 19-3-3 Nuisances and Annoyances** – requiring that facilities be constructed to minimize **noise**, vibrations, odors, and dust emittance. Facilities must not be "dilapidated, unsightly, or unsafe," and all above-ground equipment must be painted a flat green or tan color. New technology for minimizing nuisances and annoyances must be adopted as it becomes available. This provision also prevents gas venting between 7 p.m. and 7 a.m.

**§ 19-3-4 Operations Generally** – prohibiting nighttime drilling except for wells deeper than 5,000 feet and over 500 feet from residences. Also requiring practices conform to those of a "reasonable and prudent operator in the San Juan Basin." "Casing, valves, bradenhead, and Christmas tree" must be new at the time of construction. Casing must contain a minimum of two joints above-ground and set in at least 50 feet of bedrock.

**§ 19-3-10 Fencing and Landscaping of Well Site** – requiring six foot chain link perimeter fencing topped with at least two strands of barbed wire, and also requiring landscaping and screening for sites within 300 feet of principle use buildings.

**§ 19-3-11 Storage Tanks** – requiring storage tanks conform to American Petroleum Institute standards, be no more than 12 feet tall, and that the earthen fire wall and reservoir area be lined with liquid tight material that has a UV life of at least 12 years, be "chemically compatible" with the stored substance, and be repairable and/or weldable.

**§ 19-3-12 Noise** – mandating that a sound level test be conducted within 15 days of well construction or modification. The test is to be taken at either 300 feet from the well site or the nearest adjacent primary use building, whichever is closer, and at 12 a.m. to 3 a.m. The well cannot increase the sound level by more than one decibel.

### [Lovington, NM Oil and Gas Provisions](#)

(the link goes to a Colorado document that has the Lovington ordinance attached, scroll down to page 41 for the Lovington ordinance)

Lovington is located in Lea County in southeastern New Mexico, which is the site of the Permian Basin. The city code places maintenance, spill reporting, safety, waste prevention, and leakage surveys requirements on all drilling operations and pipelines located within the "water facilities field," which is city-owned land used for the municipal water supply. Provisions of note include:

**§ 8.30.370 Disposal Wells** – prohibiting the drilling of disposal wells in the water facilities field.

**§ 8.30.390 Drilling Mud Pits** – requiring the use of closed systems in the water facilities field.

**§ 8.30.410 Oil Brine, or Associated Oil or Gas Field Waste; Storage** – prohibiting the storage of oil, brine, and associated waste in "earthen reservoirs" or open tanks.

**§ 8.30.440 Monitoring of Injection and Disposal Wells** – requiring weekly monitoring of and monthly reporting on brine disposal wells, and monthly monitoring of secondary recovery injection wells.

**§ 8.30.470 Restoration of Well Site; Filling and Leveling of Cellars, Pits, and Excavations** – requiring restoration of the site within six months of the well's plugging "as nearly as practicable" to its original state.

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