

Section 9. Preventing Pollution and Waste.

Every person who conducts operations within the confines of the County of Otero shall use all and full precautions to prevent waste. Any person who conducts drilling operations for fluid minerals within the confines of the County of Otero shall case and cement the borehole through the deepest fresh water aquifer no matter the depth of said aquifer, as well as through the identified recharge zone for any aquifer. Additional precautions shall be taken to prevent pollution in the contributing zone(s) to fresh water aquifers. Enforcement shall also place special focus on preventing pollution in the contributing zone to the aquifer. Fresh water aquifers and their corresponding recharge and contributing zones will be identified by a qualified, independent hydro-geological agent.

A recharge zone is defined as the geographic area that is hydrologically connected to a known aquifer, and where water flows into the aquifer.

A contributing zone is defined as the area or watershed where runoff from precipitation flows downgradient to the recharge zone.

Section 17. Secondary Containment Requirements and Construction Standards.

- (A) All wellheads and pump jacks installed after the effective date of this ordinance and surface facilities constructed after the effective date of this ordinance, shall provide for secondary confinement pursuant to the requirements of this section. The County Administrator (County Manager or designee) may require surface facilities for hydrocarbon, gas, brine injection, or brine handling constructed before the effective date of this ordinance to be upgraded to meet requirements of this section if the facility is substantially reconstructed.
- (B) An operator shall submit secondary containment plans to the County Administrator (County Manager or designee) for approval before construction of the facility. The secondary containment plans shall consist of a plot plan of the proposed facility and cross sections showing construction details of the sidewalls and floor or floors of all secondary containment areas, including the proposed overall dimensions of the facility. The County Administrator (County Manager or designee) shall approve or disapprove the secondary containment plans within 30 days of receipt of the plans.
- (C) An operator shall comply with all of the following minimum construction standards to meet the secondary containment requirements of this rule:
 - (1) An operator shall be required to prepare a hydro-geological investigation of the facility area to establish local background groundwater quality and to identify surface areas in need of protection, including the recharge zone and contributing zone (as defined in Section 9). The hydro-geological

investigations shall include all of the following:

- (i) Water quality sampling pursuant to the parameters established in the New Mexico Quality Control Act.
- (ii) A determination of the direction of groundwater flow and depth to the groundwater in the uppermost aquifer and in the deepest aquifer.
- (iii) A determination of the boundaries of contributing zones for fresh water aquifers located within the facility.
- (iii) A chemical analysis showing the concentrations of benzene, ethyl benzene, toluene, and xylene.
- (iv) A geologic description of earth materials, both horizontally and vertically, in the immediate vicinity of the proposed facility.
- (v) All results of the hydro-geological investigations will be corroborated by an independent firm or agency not associated with the oil and gas industry that is qualified to make said investigations.