

**Replacement Language for Proposed OCD Rule 17
Regarding Surface Restoration and Revegetation on Oil & Gas Well
Sites**

OCC Case 14015, proposing
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G. Well site reclamation.

(1) All well sites must be reclaimed to a safe and stable condition and restored to a condition that blends with the surrounding area. Well site reclamation includes both interim and final reclamation. Interim reclamation consists of minimizing any disturbed surface area resulting from operations by reclaiming all portions of the well site not needed for production operations.

Within 6 months of release of the drilling rig, the portions of the disturbed well site not needed for operational and safety purposes shall be recontoured to a final or intermediate contour that blends with the surrounding topography as much as possible. Sufficient level area for setup of a workover rig and to park equipment should remain.

(2) Soil cover designs.

(a) The soil cover for closures where the operator has removed temporary pit contents or remediated the contaminated soil to the division's satisfaction shall consist of the background thickness of topsoil or one foot of suitable material, whichever is greater, contoured to grade and blended with the surrounding area. ~~to establish vegetation at the site.~~

(b) The soil cover for on-site deep trench burial shall consist of a minimum of four feet of compacted, non-waste containing, earthen material. The top layer of the soil cover shall include either the background thickness of topsoil or one foot of suitable material to establish vegetation at the site, whichever is greater. (3) The operator shall construct the soil cover to the site's existing grade and prevent ponding of water and erosion of the cover material.

(3) Site preparation for interim and final reclamation and revegetation includes spreading all topsoil and may also include ripping, tilling, disking on contour, and dozer track-imprinting. Topsoil should be salvaged when building location, and should be spread over the entire area during interim reclamation, rather than stockpiled.

H. Revegetation requirements:

(1) Seeding should be accomplished by drilling on the contour wherever practical or by other approved methods. Seeding or planting may need to be repeated until vegetative cover is successful to equal 70% of the native perennial vegetative cover (un-impacted by overgrazing, fire or other intrusion damaging to native vegetation) consisting of at least 3 native plant species, including at least one grass, but not including noxious weeds, and maintenance of that cover through two successive growing seasons.

(2) When conditions are not favorable for the establishment of vegetation, such as periods of drought, the division may allow for subsequent reseedings to be delayed until soil moisture conditions become favorable or may require additional cultural techniques such as mulching, fertilizing, irrigating, fencing, or other practices. It is the operator's responsibility to monitor the site, take the necessary steps to ensure reclamation success, and to notify the division when success is achieved.

Re-vegetation requirements

~~—— (1) Upon completion of closure, the operator shall substantially restore the impacted surface area to the condition that existed prior to oil and gas operations, by placement of the soil cover and re-vegetation of the site, and maintain the cover established by re-vegetation, which shall not include noxious weeds, through two successive growing seasons.~~

(3) The operator may propose an alternative to the revegetation requirement if the operator demonstrates that the proposed alternative effectively prevents erosion, and protects fresh water, human health and the environment. The proposed alternative shall be agreed upon by the surface owner. The operator shall submit the proposed alternative, with written documentation that the surface owner agrees to the alternative, to the division for approval.

**Justification for Amending Language Proposed for Rule 17
Regarding Surface Restoration and Revegetation on Oil & Gas Well
Sites**

- OCD repeatedly testified that a new rule is necessary because the current Rule 50 is not prescriptive enough for enforcement in the field. The OCD-proposed language for Rule 17 surface reclamation and revegetation is so broad that enforcement will be difficult or impossible. Such terms as “substantially restore to the condition that existed prior to oil and gas operations” are unenforceable. The proposed language provides adequate guidance for these activities.
- All hydrologic testimony at the hearing stressed the vital importance of vegetation when modeling contaminant transport to groundwater. Without adequate revegetation at well sites, the modeling is invalid, and the threat to human health, groundwater, and the environment is magnified.
- OCD testified that use of Best Management Practices is a goal and benefit of the proposed rule change. The attached language is adapted from the BLM’s Gold Book, the federal code of Best Management Practices for the oil and gas industry.
- Since most oil and gas production in New Mexico comes from federal lands, operators already are required to comply with the adapted proposed reclamation and revegetation language on federal land. Private surface should have the same guaranteed benefits as federal land in this state.
- The proposed language detailing the type of plants and the performance standard for vegetative cover come from the recently enacted OCD Rule 36. There is virtually no difference in the reasons why disturbed land from landfarms/landfills and well sites shouldn’t be equally reclaimed.
- OCD testified several times concerning “cumulative effects” of drilling in New Mexico. Given the average number of drill sites per year, the cumulative effects of unreclaimed locations can have a significant impact on the public.
- Wind and water erosion from unreclaimed locations or sites that have not been revegetated contribute to deteriorating air quality in NM.

- All technical experts, including OCD's expert on BMP's supported the inclusion of specific language for well site reclamation and revegetation, rather than vague, generalized performance based language such as that proven inadequate for proper enforcement of Rule 50.