

Enforcement Report

# NM OCD

NEW MEXICO OIL & GAS  
CONSERVATION DIVISION

**Inadequate enforcement  
guarantees irresponsible  
oil and gas development**

MAY 2012



Failure to adequately enforce  
existing drilling rules is harming  
New Mexico's public health,  
safety, and environment



**EARTHWORKS**<sup>TM</sup>

OIL & GAS ACCOUNTABILITY PROJECT

# New Mexico's Inadequate Enforcement of Oil & Gas Rules

## OCD NEEDS NEW ENFORCEMENT RULES IN ORDER TO PROTECT THE PUBLIC INTEREST

The New Mexico Oil Conservation Division (OCD) is charged by the New Mexico Oil and Gas Act to "enforce effectively the provisions of this act or any other law of this state relating to the conservation of oil or gas."<sup>1</sup>

New Mexico has been a major oil-and-gas-producing state since the 1920s.<sup>2</sup> The number of wells producing oil and gas in New Mexico has remained fairly constant over the past few years at approximately 53,000 wells.<sup>3</sup> However, according to the U.S. Energy Information Administration the potential for increased shale oil and shale gas development in New Mexico is on the horizon.<sup>4</sup>

**Unfortunately, by any reasonable measure, the OCD fails to fulfill its duty to the law, and to the public interest. In particular:**

- inspection capacity is severely limited;
- violations are arbitrarily assessed;
- violations are inadequately reported and tracked, and what information exists is opaque to the public;
- civil fines cannot be administratively assessed by the OCD;
- fines are rarely issued to companies violating the rules;
- penalties are inadequate to punish or prevent irresponsible behavior by oil and gas operators – or even to cover the state's costs of fining a violator.

Consequently, the public cannot have confidence that oil and gas development is occurring or will occur responsibly in the state of New Mexico.

## Inspection Capacity – SEVERELY UNDERSTAFFED

In 2010, there were just 12 New Mexico Oil Conservation Division (OCD) inspectors to oversee the 53,000 producing wells: that is more than 4,000 wells per inspector, the most unfavorable ratio amongst all states surveyed by Earthworks.<sup>5</sup> To visit every producing well at least once per year, OCD inspectors would each have to inspect more than 15 wells per day.<sup>6</sup>

Needless to say, OCD does not inspect all producing wells



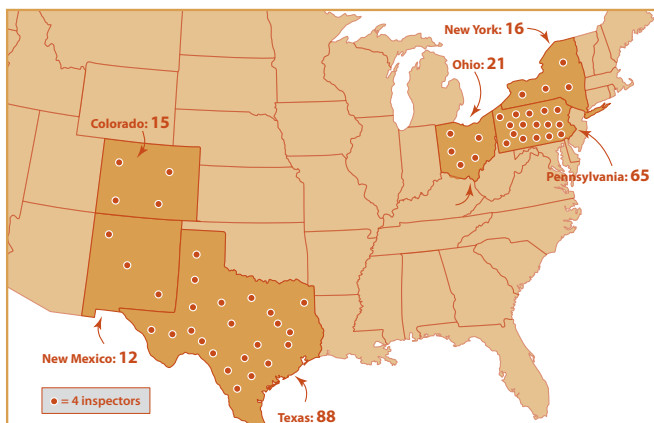
**In the Aztec office in 2008, OCD inspected each of the district's 24,000 wells only once every five years. In 2012 there are even fewer inspectors.<sup>9,11</sup>**

in New Mexico each year. In 2010, OCD conducted 20,780 inspections of producing and inactive wells, which means that at least 60% of producing wells did not get inspected.<sup>7</sup> In 2011, OCD increased its number of inspections but still failed to inspect approximately 54% of producing wells.<sup>8</sup>

Inspection capacity has been a problem in New Mexico for years. In 2008, OCD inspectors in the Aztec office tried to inspect each of the district's 24,000 active wells only once every five years.<sup>9</sup> In that year, New Mexico employed 18 inspectors.<sup>10</sup> In 2012 there are six fewer inspectors in the state,<sup>11</sup> so it is almost certain that wells inspected by the Aztec office of OCD are still only inspected once every five years, at most.

OCD has recognized its lack of inspection capacity. In the *2011 Energy, Minerals and Natural Resources Annual Report*, one of the OCD's goals was increasing "staffing in the district offices to enhance application processing and well inspections."<sup>14</sup>

**OCD must increase the number of inspectors on staff until all wells can be adequately inspected. New staff hires must go to inspections of existing wells, not permitting of new wells.**



**State oil and gas inspection capacity (2010)** Compared to other oil and gas states, New Mexico's inspection capacity is very low. In 2010 Pennsylvania had 65 inspectors to monitor 90,000 active wells and New York state had 16 inspectors for 10,000 active wells. Meanwhile, New Mexico OCD had 12 inspectors to monitor more than 50,000 wells in a state that is larger than New York and Pennsylvania combined.<sup>13</sup>

## Violations – ARBITRARILY ASSESSED; PUBLICLY OPAQUE

When a serious violation of OCD rules is discovered, an OCD inspector may issue a formal Letter of Violation (LOV). For less serious violations, noncompliance letters (LET) or Field Visit Inspection Letters (FVIs) may be sent.<sup>15</sup>

But New Mexico lacks consistent state guidelines for determining what constitutes a significant violation of OCD rules.

This means each individual inspector has total discretion to determine what constitutes a serious violation requiring an LOV, for example. According to OCD, "Each inspector has his own criteria," for determining when Letters of Violation are issued to operators.<sup>16</sup> In some cases, noncompliance is not formally recorded at all – instead inspectors may simply call

or email a violator and ask them to come into compliance. As a result, operators may receive different treatment simply because their site was inspected by inspector X instead of inspector Y.

Based on Earthworks' analysis of OCD data acquired through a public information request, it is clear that LOVs are inconsistently applied. For example, in 2011 the very same rule violations resulted in an LOV, LET or FVI. About half of the operators that did not have signs on their wells received an LOV, while half received an FVI or LET. Similarly, the more serious violation of a "failed pressure test" resulted in 6 LOVs, 11 FVIs and 6 LETs. (See Earthworks' New Mexico Enforcement web page for more details.)

Furthermore, there are regional differences in the use of LOVs as an enforcement tool. For example, very few Letters of Violation are issued out of the Aztec field office – a district that has more than 22,000 active oil and gas wells.<sup>17</sup> According to OCD, the Aztec District has a "different type of working relationship with operators," than other OCD districts. There are fewer operators, and so Aztec inspectors convey non-compliance through emails, phone calls or letters that are not official Letters of Violation.<sup>18</sup>

When enforcement actions for both minor and more serious violations can vary widely from one inspector to the next, and from one district to the next, it erodes public confidence in OCD. Where inspectors have their own personal criteria for enforcement, it makes a mockery of the notion that we are a country of laws. And it creates the opposite of the regulatory "certainty" oil and gas operators repeatedly and publicly claim they desire.<sup>19</sup>

**OCD should create binding policies statewide outlining what level of enforcement action should be taken for different violations (e.g., based on which rule was violated, the severity of the violation, etc.), and require all inspectors to consistently adhere to the policy.**

**OCD inspectors should record all rule violations found during inspections, and all violations should result in a Letter of Violation informing the operator of the violation and a date by which then must come into compliance.**

When violations are assessed, the public cannot easily find information about them.

OCD does maintain an internal database that tracks violations, enforcement actions and compliance data, but this database is not accessible to the public. Nor are statistics on violations of OCD oil and gas rules published on the OCD web site.

The only violations-related data

readily available to the public is via the OCD Electronic Permitting System (EPS). The EPS allows users to search for individual wells, and provides information on compliance actions and other data for each well.<sup>20</sup> But EPS compliance information is misleading. The only time OCD considers a Letter of Violation to have been issued is if the Notification box and the

Enforcement box in the Compliance Section of a well file both indicate "Letter of Violation". If the Notification box includes "Field Visit or Inspection" or is empty, and the Enforcement section shows Letter of Violation, it really means that a letter was sent that was not an actual LOV.

This ambiguous system mirrors the letters that violators receive: all are titled LETTER OF VIOLATION whether it was an actual LOV or a less significant letter of noncompliance.<sup>21</sup>

In addition, not all letters cite the rule(s) that have been violated,<sup>22</sup> so it is not always possible to determine how serious the violation was or even which rules were violated.

**OCD needs to increase the public transparency of the violations data. OCD should develop an on-line, publicly accessible system that allows both OCD staff and the public to track an operator's record of compliance and ensure that violations have been corrected. The database should include information on violations by well sites, operator name, the rules violated, the OCD response (e.g., date and type of enforcement actions), the date compliance was achieved, and a link to other OCD well data.**

**All violations, regardless of whether or not an LOV was issued, should be recorded and tracked by OCD. These statistics should be compiled and reported on a monthly and annual basis on the "Statistics" page of the OCD web site.**

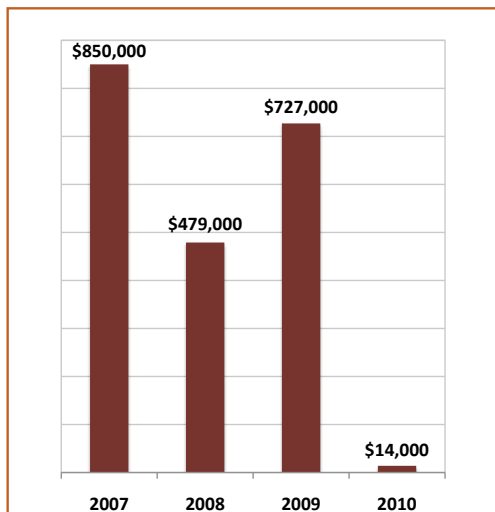
## **Sanctions – PENALTIES IMPOSSIBLE TO ADMINISTER, TOO LOW TO DETER VIOLATORS**

The OCD lacks a regulatory tool that many other oil-and-gas-producing states and even other New Mexico state agencies possess – the ability to administratively assess civil penalties on operators who violate the rules. See box at left.

When properly implemented, not only do such penalties help to deter operators from breaking the rules, they can also be a source of revenue to help fund oil and gas



**In New Mexico the maximum fine has not changed since the 1935 Oil and Gas Act. It is still is \$1,000 per day.**



### **Oil and gas penalties collected by OCD From 2007 through 2009**

New Mexico collected hundreds of thousands of dollars in penalties per year from the oil and gas industry. In 2009, however, an oil and gas company won a court case that effectively stopped OCD from assessing civil penalties for rule violations.

The New Mexico Supreme Court ruled that OCD could not administratively assess penalties, but rather, the state Attorney General's office must bring suit on behalf of the OCD in district court for each and every violation to establish liability and assess the appropriate penalty.<sup>29</sup>

agency programs (such as enforcement or plugging inactive wells).<sup>23</sup>

In Pennsylvania, the Department of Environment can penalize operators of unconventional gas wells up to \$75,000 plus \$5,000 for each continuing day of violation and operators of conventional wells \$25,000 plus \$1,000 per day for violating oil and gas rules.<sup>24</sup> In Texas, the Railroad Commission can fine oil and gas operators up to \$10,000/day if they break rules pertaining to safety or pollution prevention.<sup>25</sup> In recent years, Pennsylvania, Texas and Colorado have each annually collected millions of dollars worth of revenue from penalties for oil and gas rule violations.<sup>26</sup>

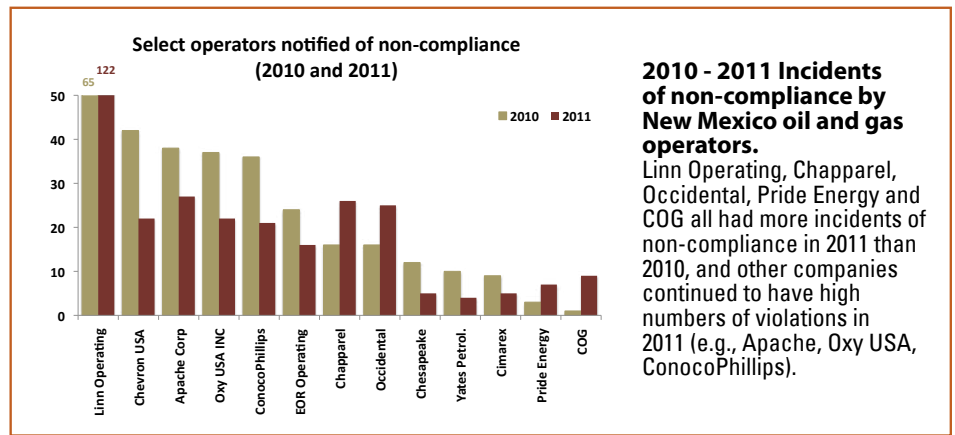
Since 2009, when OCD lost its ability to administratively levy penalties, OCD had not pursued any penalty cases in court “due to lack of funding and resources.”<sup>30</sup> This is not surprising. The fines that OCD can pursue are so low that it would rarely make financial sense for OCD to pursue penalties through the court system. In New Mexico the maximum fine — which has not changed since the inception of the 1935 *Oil and Gas Act*— is \$1,000 per day.<sup>31</sup> The cost for OCD staff to work with the Attorney General to prepare a case, travel to the district court in the county in which the defendant resides,<sup>32</sup> and pay for meals and lodging no doubt often exceeds what OCD would collect in fines.

Not only is the maximum penalty for an oil and gas violation extremely low in New Mexico, but the threshold for assessing this penalty is extremely high: penalties only apply if an operator knowingly and willfully commits the violation.<sup>33</sup> Plainly speaking, *for New Mexico oil and gas operators incompetence or ignorance of OCD rules serve as legitimate excuses to break the law.* Contrast this with New Mexico’s Air Quality Bureau, which has a policy that “the violator’s lack of knowledge regarding the requirement does not excuse the violation because *ignorance of the law is not a defense to liability.*”<sup>34</sup>

As seen in the table below, other New Mexico resource or environmental statutes provide for higher penalties than the *Oil and Gas Act*, they provide “strict liability” for civil penalties (i.e., a violator is subject to a penalty for any violation regardless of knowledge or intent), and the penalties can be assessed administratively (i.e., by the agencies, rather than the courts).

**Inconsistent penalty assessment in New Mexico statutes.**

	Maximum Penalty	Strict Liability	Able to administratively assess penalties
<b>Oil and Gas Act</b>	1,000 <sup>35</sup>	<b>NO.</b> OCD must prove violator acted willfully and knowingly. <sup>36</sup>	<b>NO</b> <sup>37</sup>
<b>Air Quality Control Act</b>	\$15,000 <sup>38</sup>	<b>YES.</b> Knowing and willful violations can increase a penalty, but lack of knowledge cannot reduce or negate a penalty. <sup>39</sup>	<b>YES</b> <sup>40</sup>
<b>Water Quality Act</b>	\$10,000 to \$15,000 <sup>41</sup>	<b>YES.</b> Whenever a constituent agency determines there has been a violation the agency may issue a compliance order to assess a civil penalty. <sup>42</sup>	<b>YES</b> <sup>43</sup>
<b>New Mexico Mining Act</b>	\$10,000 <sup>44</sup>	<b>YES.</b> Knowing and willful violations increase the amount of penalty, but are not required to assess penalty. <sup>45</sup>	<b>YES</b> <sup>46</sup>



**2010 - 2011 Incidents of non-compliance by New Mexico oil and gas operators.**  
Linn Operating, Chapparel, Occidental, Pride Energy and COG all had more incidents of non-compliance in 2011 than 2010, and other companies continued to have high numbers of violations in 2011 (e.g., Apache, Oxy USA, ConocoPhillips).

The inability of OCD to take strong enforcement actions may explain why many of the same operators receive high numbers of non-compliance letters (LOVs, FVIs and LETs) from one year to the next, and why numerous violations remain unresolved for years. The chart above illustrates how some companies clearly have a problem with compliance.<sup>47</sup>

Earthworks’ analysis of data from Compliance Summaries supplied by OCD shows that as of February 2012 compliance had been achieved in only 311 (39%) of the 797 incidents that resulted in letters of non-compliance in 2010, and compliance had been achieved in 170 of the 453 cases in 2011 (38% compliance).

With respect to the more serious violations (those that inspectors believed warranted LOVs), Earthworks’ analysis of OCD data showed slightly higher rates of compliance. In 2010, 414 LOVs were sent to operators, and as of early 2012 compliance had been achieved for 220 (53%) of the cases.<sup>48</sup> In 2011, 203 LOVs were sent, and compliance had been achieved for 101 (50%) of the cases.

Still, when only half of the serious problems are resolved within a year or two, it is clear that there is a significant problem with compliance.

**New Mexico’s oil and gas statute needs to be revised to return to OCD the ability to assess administrative penalties, to remove ignorance/incompetence as a means of escaping liability for violations, and to increase penalty amounts to a level sufficient to deter potential violators. As with violations, clear and consistent guidelines for levying penalties must be included as well. Otherwise, oil and gas operators have little incentive to comply with oil and gas law.**

**OCD needs to develop an inspection protocol to ensure that sites with violations receive follow-up inspection within a specified timeframe. If this is not done, there is no incentive for operators to come into compliance in a timely manner.**

## The Path Forward

Our review of New Mexico's enforcement of oil and gas regulations shows OCD does not have the regulatory tools to adequately enforce its rules. To remedy this, we believe there should be a new rulemaking focusing exclusively on enforcement. **Those new rules should address:**

### INSPECTIONS

- Develop comprehensive and binding inspection protocols.
- Establish minimum inspector-to-well and annual-inspections-to-well ratios. New wells must not be permitted unless the state meets the minimum inspection levels.
- Competitively pay inspectors so as to retain high quality personnel and ensure competent inspections.

### VIOLATIONS

- Reestablish the rule of law by developing clear and consistent guidelines for assessing Letters of Violation and other types of non-compliance notifications.

### PENALTIES

- Transparently establish binding criteria for levying penalties.
- Revise New Mexico's Oil and Gas Act to enable administrative assessment of penalties and increase penalty amounts so that penalties effectively deter rule violations.

### TRANSPARENCY/THE PUBLIC ROLE

- Collect and track comprehensive data regarding oil and gas enforcement including citizen complaints, violation data, dates of resolution, enforcement actions taken, and penalties levied/collected.
- Periodically analyze and publicly report trends in enforcement.
- Make comprehensive enforcement data publicly available online – on a well-by-well basis and by bulk download.

For a more detailed analysis of oil and gas enforcement in New Mexico visit Earthworks' New Mexico Enforcement web page: <http://enforcement-nm.earthworksaction.org>

## ENDNOTES

- 2011 New Mexico Statutes Chapter 70: Oil and Gas Article 2: Oil Conservation Commission; Division; Regulation of Wells, 70-2-6 A. <http://law.justia.com/codes/new-mexico/2011/chapter70/article2/section70-2-6/>
- New Mexico Bureau of Geology and Mineral Resources. "Oil and Gas Program." <http://geoinfo.nmt.edu/resources/petroleum/home.html>
- We looked for data on "active" wells, but the OCD does not have active well statistics on its web site. The New Mexico Energy, Minerals and Natural Resources Annual Reports for 2010 and 2011 have information on the number of "wells," while previous reports, e.g., 2008 and 2009 have data on "active producing wells." (<http://www.emnrd.state.nm.us/main/Publications.htm>) Because of this lack of consistency, we decided to report the number of producing wells, based on data from the Petroleum Recovery Research Center, GO-TECH web site. "General Production Data Search." ([http://octane.nmt.edu/gotech/Petroleum\\_Data/General.aspx](http://octane.nmt.edu/gotech/Petroleum_Data/General.aspx)) Data accessed March 22, 2012. Searched years: 2008, 2009, 2010, 2011. Selected: Production. Ignored wells with no data. Summary provides a count of producing wells. 2008: 53,179, 2009: 52,545, 2010: 53,063, 2011: 53,209.
- U.S. Energy Information Administration. July 2011. *Review of Emerging Resources: U.S. Shale Gas and Shale Oil Plays*. <ftp://ftp.eia.doe.gov/natgas/usshaleplays.pdf> This report mentions shale oil resources of 2 billion barrels in the Avalon shale formation in the Permian Basin of New Mexico and Texas, and a resource of 12 billion cubic feet of natural gas in the Lewis shale of New Mexico and Colorado.
- More information on this comparison is available on Earthworks' New Mexico Enforcement – Inspections web page: [http://www.earthworksaction.org/issues/detail/new\\_mexico\\_oil\\_gas\\_enforcement\\_inspections](http://www.earthworksaction.org/issues/detail/new_mexico_oil_gas_enforcement_inspections)
- Assumes each inspector works 5 days per week and receives two weeks vacation and 5 holidays.
- There were 53,063 wells that produced oil or gas in 2010. OCD inspectors conducted 20,780 inspections in 2010. It is likely that some wells were inspected more than once (e.g., if a violation was found a well might receive a follow-up inspection, or if a new well might be inspected multiple times during and after drilling) and that some "inactive" wells, i.e., unplugged wells that did not produce oil and/or gas, were inspected. Unfortunately, OCD does not publish annual statistics on inactive wells. Assuming that each inspection was done for a different well, OCD inspectors did not visit at least 32,283 wells, or 61% of wells that produced oil or gas in 2010. Data available on Earthworks' NM Inspections web page: [http://www.earthworksaction.org/issues/detail/new\\_mexico\\_oil\\_gas\\_enforcement\\_inspections](http://www.earthworksaction.org/issues/detail/new_mexico_oil_gas_enforcement_inspections)
- According to information provided to Earthworks by OCD, the agency conducted 25,543 inspections in 2011. The Petroleum Recovery Research Center, GO-TECH web site shows 53,309 producing wells that year, which means that 53,309 – 24,543 = 28,766 producing wells (54%) were not inspected. (Source: Information request to Jim Winchester, New Mexico Energy, Minerals & Natural Resources Department (EMNRD) Communications officer, March 5, 2012.)
- Haywood, P. March 1, 2008. "Inspectors struggle to monitor vast area," *Santa Fe New Mexican*. <http://www.santafenewmexican.com/Local%20News/Inspectors-struggle-to-monitor-vast-area>
- ibid.*
- Personal communication between Lisa Sumi, Earthworks and New Mexico Oil Conservation Division (OCD) Enforcement and Compliance Manager, Daniel Sanchez, OCD attorney, Sonny Swazo, and New Mexico EMNRD Communications officer, Jim Winchester. March 5, 2012.
- New Mexico EMNRD Annual Report for 2011. Page 39. <http://www.emnrd.state.nm.us/main/documents/EMNRD-2011-Annual-Report.pdf>
- Noncompliance letters such as LETs and FVIs are not Letters of Violations and are not counted in LOV statistics.
- Personal communication between Lisa Sumi and Gwen Lachelt, Earthworks and New Mexico OCD Enforcement and Compliance Manager, Daniel Sanchez, OCD attorney, Sonny Swazo, and New Mexico EMNRD Communications officer, Jim Winchester. April 11, 2012.
- OCD Electronic Permitting System. Well Search. <https://wwwapps.emnrd.state.nm.us/ocd/ocdpermitting/Data/Wells.aspx>
- Personal communication between Lisa Sumi and Gwen Lachelt, Earthworks and New Mexico OCD Enforcement and Compliance Manager, Daniel Sanchez, OCD attorney, Sonny Swazo, and New Mexico EMNRD Communications officer, Jim Winchester. April 11, 2012.
- When the fracturing fluid disclosure rule was passed, the oil and gas association said it was pleased because it offered certainty for operators. (Source: Montoya, S. Nov. 17, 2011. "NM regulators approve fracking disclosure rule." *Santa Fe New Mexican*. <http://www.santafenewmexican.com/localnews/NM-regulators-approve-fracking-disclosure-rule>)
- OCD Electronic Permitting Well Search. <https://wwwapps.emnrd.state.nm.us/ocd/ocdpermitting/Data/Wells.aspx>
- Personal communication between Lisa Sumi and Gwen Lachelt, Earthworks and New Mexico OCD Enforcement and Compliance Manager, Daniel Sanchez, OCD attorney, Sonny Swazo, and New Mexico EMNRD Communications officer, Jim Winchester. April 11, 2012.
- This LOV and Shut-In Directive for Apache's East Blinebry Drinkard Unit #003 well did not mention which rule(s) had been violated ([http://ocdimage.emnrd.state.nm.us/Imaging/FileStore/hobbs/wf/81924/3002506535\\_21\\_wf.tif](http://ocdimage.emnrd.state.nm.us/Imaging/FileStore/hobbs/wf/81924/3002506535_21_wf.tif)), while this LOV and Shut-In Directive for Apache's North Monument G/SA Unit #003 well did list a rule violation. ([http://ocdimage.emnrd.state.nm.us/Imaging/FileStore/hobbs/wf/81995/3002504155\\_38\\_wf.tif](http://ocdimage.emnrd.state.nm.us/Imaging/FileStore/hobbs/wf/81995/3002504155_38_wf.tif))
- According to the STRONGER board, "Pennsylvania's oil and gas program is now completely funded by well permit fees. The increase in permit fees allowed DEP to increase the size of its permitting, compliance and enforcement staff." (Source: STRONGER (State Review of Oil and Natural Gas Environmental Regulations, Inc.). Sept. 2010. Pennsylvania Hydraulic Fracturing State Review. p. 6. [http://www.shalegas.energy.gov/resources/071311\\_stronger\\_pa\\_hf\\_review.pdf](http://www.shalegas.energy.gov/resources/071311_stronger_pa_hf_review.pdf))
- Feb. 14, 2012. "Pennsylvania passes comprehensive amendments to Oil and Gas Laws." Morgan Lewis. <http://www.morganlewis.com/index.cfm/publicationID/cfd3c31d-64a3-4e9e-9e49-ee9506dea03/fuseaction/publication.detail> To view the bill, go to: General Assembly of Pennsylvania, House Bill No. 1950, Session of 2011, S3256. Civil penalties. <http://www.legis.state.pa.us/CFD/CS/Legis/PN/Public/btCheck.cfm?btType=HTM&sessYr=2011&sessInd=0&billBody=H&billTyp=B&billNbr=1950&pn=3048>
- Texas Natural Resources Code, Title 3, Oil and Gas; Subtitle B, Conservation and Regulation of Oil and Gas; Chapter 85, Conservation of Oil and Gas; Subchapter A, General Provisions; Section 85.381. Penalty for violation of laws, rules and orders. <http://www.statutes.legis.state.tx.us/Docs/NR/htm/NR.85.htm>
- TEXAS DATA: Sunset Advisory Commission, January 2011. *Sunset Advisory Commission Decision, Railroad Commission of Texas*, p. 8. [http://www.sunset.state.tx.us/82ndreports/trc/trc\\_fr.pdf](http://www.sunset.state.tx.us/82ndreports/trc/trc_fr.pdf) COLORADO DATA: Colorado Oil and Gas Conservation Commission. 2011 Annual Report to Water Quality Control Commission. p. 11. [http://cogcc.state.co.us/Library/WQCC\\_WQCC\\_AnnualReports/WQCC11\\_1RPT.pdf](http://cogcc.state.co.us/Library/WQCC_WQCC_AnnualReports/WQCC11_1RPT.pdf)
- New Mexico Legislative Finance Committee. Feb. 17, 2011. Fiscal Impact Report for HB 176, Oil & Gas Act Enforcement. p. 6. <http://www.nmlegis.gov/sessions/11%20regular/ftrs/HB0176.pdf>
- ibid.*
- New Mexico Statutes Annotated (NMSA), 1978, Section 70-2-31. Violations of the Oil and Gas Act; penalties. [http://search.nmcomcomm.us/nmsa/pext.dll/nmsa1978/4cb/22920/2292f/229ba7f-templates&f=fn/document-frame.htm&2.0#JD\\_70-2-31](http://search.nmcomcomm.us/nmsa/pext.dll/nmsa1978/4cb/22920/2292f/229ba7f-templates&f=fn/document-frame.htm&2.0#JD_70-2-31)
- ibid.*
- New Mexico Air Quality Bureau. Oct. 20, 2005. *Civil Penalty Policy*, p. 14. [http://www.nmenv.state.nm.us/aqb/enforce\\_compliance/Civil%20Penalty%20Policy%2010-20-05%20Version.pdf](http://www.nmenv.state.nm.us/aqb/enforce_compliance/Civil%20Penalty%20Policy%2010-20-05%20Version.pdf)
- Due to time constraints, the chart contains a selection of operators receiving enforcement letters (LOVs, FVI or LET in the compliance summaries) in 2010 and 2011.
- The number of wells in compliance was determined by counting the number of LOVs that had a date in the column "Dt Comp. Activ d."



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