

ORDINANCE NO. 2019-24

AN ORDINANCE EXTENDING A MORATORIUM ON THE ACCEPTANCE, REVIEW AND ISSUANCE OF ALL BUILDING AND SUBDIVISION PERMITS IN THE AREA KNOWN AS THE I&W BRINE WELL MAIN CAVERN AND PARTIAL SALT REMOVAL AREAS.

WHEREAS, on July 16, 2008, a brine well owned and operated by Jim's Water Service, BW-005, located on state trust land about 17 miles southeast of Artesia, NM collapsed creating a sinkhole that was approximately 200 feet across initially, doubled in size in less than 24 hours, and continued to grow; and

WHEREAS, in July 2008, the Oil Conversation Division of the New Mexico Energy, Minerals, and Natural Resources Department (OCD) became concerned about the safety of the I&W brine well, BW-006, because it had a similar depth and production history as the Jim's Water Service well; because of the potential size of the cavern created by that operation; because of its location near populated areas including residential, commercial, and industrial uses; and because of its proximity to the intersection of US Highways 62/180 and 285; and

WHEREAS, with those concerns, OCD required I&W to shut in its brine production well; and

WHEREAS, on November 3, 2008, a second brine well, Loco Hills Water Disposal, BW-021, also collapsed creating a sinkhole that was initially approximately 50 feet across and by May2009 was 290 feet across and 200 feet deep; and

WHEREAS, because of the similarities between the I&W well and the Loco Hills well, concerns about the stability of the I&W brine well were further raised; and

WHEREAS, the I&W brine well site has been intensively investigated and monitored for signs of collapse; and

WHEREAS a 2014 Feasibility Study indicated cavern failure would likely occur at the I&W site between 2023 and 2038, and a refinement of those calculations in late 2014 indicated failure could occur as early as 2021; and

WHEREAS, cavern pressure changes and microseismic data continued to show the probability of cavern collapse is increasing; and

WHEREAS, based upon the investigations and monitoring, OCD has created a map of the Main Cavern and Partial Salt Removal areas related to the I&W location; and

WHEREAS, during the 2018 state legislative session, bills were introduced seeking funding for remediation of the I&W brine well beginning with the development of a design-build request for proposals for remediation services; and

WHEREAS, the New Mexico State Legislature passed, and the Governor of New Mexico signed, bills targeting funding for the repair of the I&W brine well to be combined with funding provided by the City of Carlsbad and Eddy County; and

WHEREAS, with the knowledge that the I&W brine well poses a significant threat and in order to preserve and protect the health, safety and welfare of the inhabitants of the City and to protect their property, and to preserve the peace and order with the City, the Carlsbad City Council wishes to have the plan for remediation of the I&W brine well designed before there is further development of those places identified by OCD as the Main Cavern or Partial Salt Removal areas; and

WHEREAS, in order to provide the time necessary to adequately examine the issues and to develop an appropriate remediation process, the City Council wishes to place a moratorium on

the acceptance, review, and granting of any and all building and subdivision permits in the area known as the I&W brine well Main Cavern and Partial Salt Removal areas as shown on Exhibit “A”.

NOW THEREFORE, be it ordained by the Governing Body of the City of Carlsbad, County of Eddy, State of New Mexico, that:

1. There is, hereby, a moratorium placed upon the acceptance, processing, or approval of any permit application made for a building permit or subdivision for property within the Main Cavern and/or Partial Salt Removal areas as shown on Exhibit “A”.
2. This moratorium shall not apply to the acceptance, review, or issuance of any permit application necessary for the investigation of or remediation of the I&W brine well, nor shall the moratorium shall apply to the acceptance, review, or issuance of any building permit application for the demolition or repair of a building already in existence within the Main Cavern or Partial Salt Removal areas as of March 28, 2017.
3. This moratorium shall apply to any permit application for the expansion or enlargement of any building within the Main Cavern or Partial Salt Removal areas.
4. This moratorium shall continue until the remediation of the remediation of the I&W brine well has been completed and the Carlsbad City Council lifts the moratorium.

INTRODUCED, PASSED, ADOPTED AND APPROVED this 28th day of May, 2019.

/s/Dale Janway
DALE JANWAY, MAYOR

ATTEST:

/s/Nadine Mireles
CITY CLERK