

**SAN JUAN COUNTY, NEW MEXICO
NOTICE OF INTENT TO ADOPT COUNTY ORDINANCE NO. 121
AND NOTICE OF PUBLIC HEARING**

Notice is hereby given of the title and of a general summary of the subject matter contained in an Ordinance proposed to be adopted and approved by the Board of County Commissioners of San Juan County, New Mexico, on November 9, 2021, requiring remediation of coal-fired electricity generating facilities upon retirement. Complete copies of the proposed Ordinance are available for public inspection during normal and regular business hours at the Office of the County Clerk, 100 S. Oliver Drive, Aztec, New Mexico.

The title and a general summary of the proposed Ordinance are as follows:

**SAN JUAN COUNTY, NEW MEXICO
COAL-FIRED ELECTRICITY GENERATING FACILITY
REMEDICATION ORDINANCE
ORDINANCE NO. 121**

**AN ORDINANCE REQUIRING REMEDIATION OF COAL-FIRED
ELECTRICITY GENERATING FACILITIES UPON RETIREMENT**

SECTION 1. DEFINITIONS

Defines terms used in the Ordinance such as “full demolition decommissioning,” “qualifying generating facility,” “remediation,” etc.

SECTION 2. REMEDIATION PLAN

Requires the Owner(s) of a Qualifying Generating Facility to submit to San Juan County a proposed remediation plan for the facility being retired.

SECTION 3. APPROVAL OF PLAN, TIME LIMITS, CONTENTS AND EXPIRATION

Explains that the County shall review the submitted plan with the assistance of a qualified engineer and approval or denial shall be made by the County Commission within 120 days of receipt of a proposed remediation plan. Also outlines next steps in the event of a denial.

SECTION 4. DEGREE OF REMEDIATION REQUIRED

Requires a Qualifying Generating Facility to undergo Full Demolition Decommissioning upon being retired.

SECTION 5. FUNDING FOR FULL DEMOLITION DECOMMISSIONING

Requires for the Owner(s) of a Qualifying Generating Facility to fund the Full Demolition Decommissioning with the cost to be allocated among the Owner(s) according to the terms of agreements between the Owner(s).

SECTION 6. REMEDIATION PLAN — APPEAL — VENUE

Describes an appeal process Owner(s) may pursue by filing for judicial review by the Eleventh Judicial District Court in San Juan County.

SECTION 7. ENFORCEMENT OF PLAN

Describes a series of actions to be taken by San Juan County in the event that an Owner(s) has failed to file or implement an approved plan.

SECTION 8. RELEASE BY COUNTY

The parties shall be released from the provisions of this Ordinance upon satisfactory proof of completion of Full Demolition Decommissioning of a Qualifying Generating Facility. Such proof shall include, but is not limited to, post decommissioning site inspections by the County, reports from an independent third-party engineering firm, and reports of state or federal environmental agencies. Upon satisfaction of proof of completion, the County will issue a formal notification of release within thirty (30) days.

SECTION 9. SAVING CLAUSE

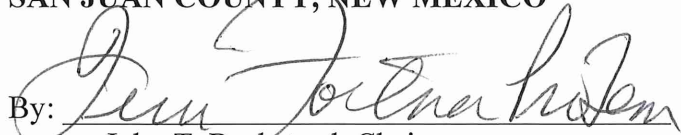
Should any portion of this Ordinance be declared unenforceable after a final, non-appealable decision of a court of competent jurisdiction, the remaining provisions of this Ordinance shall, to the extent feasible, remain in full force and effect.

Notice is hereby given that a public hearing will be held at the hour of 4:00 p.m. on November 9, 2021, at the San Juan County Commission Chambers, County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico, for the purpose of allowing comment either for or against the adoption of the above-described Ordinance.



SEAL

**BOARD OF COUNTY COMMISSIONERS OF
SAN JUAN COUNTY, NEW MEXICO**

By: 
John T. Beckstead, Chairman


Tanya Shelby, County Clerk