

Rule 908.h Local Permits

LINN Operating Inc. O-29 Centralized E&P Waste Management Facility

OA Project No. 014-1565

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Reception#: 831032
02/07/2013 10:22:59 AM Jean Alberico
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At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held in the Commissioners' Meeting Room, Garfield County Administration Building in Glenwood Springs on Monday, the 14th day of January A.D. 2013, there were present:

John Martin _____, Commissioner Chairman
Mike Samson _____, Commissioner
Tom Jankovsky _____, Commissioner
Frank Hutfless _____, County Attorney
Carey Gagnon _____, Assistant County Attorney
Jean Alberico (absent) _____, Clerk of the Board
Andrew Gorgey _____, County Manager

when the following proceedings, among others were had and done, to-wit:

RESOLUTION NO. 2013-13

A RESOLUTION OF APPROVAL FOR A LAND USE CHANGE PERMIT FOR WATER TANK STORAGE, WATER IMPOUNDMENT AND MATERIAL HANDLING RELATED TO AN INJECTION WELL (29-17) ON WELL PAD O-29. THIS SITE IS WITHIN AN 880-ACRE PARCEL OWNED BY BERRY PETROLEUM, MARATHON OIL COMPANY, PGR PARTNERS, LLC AND WAPITI OIL & GAS, LLC WHICH IS LOCATED APPROXIMATELY 12 MILES NORTHWEST OF THE TOWN PARACHUTE IN SECTION 29, TOWNSHIP 5 SOUTH, RANGE 96 WEST OF THE 6TH P.M., GARFIELD COUNTY

PARCEL NO# 2135-321-00-009

Recitals

A. The Board of County Commissioners of Garfield County, Colorado, (Board) received a request for a Land Use Change Permit to allow for Tank Storage in excess of 50,000 gallons, a Water Impoundment and Material Handling related to an injection well on Well Pad O-29. This approval allows operation of facility to store produced water in tanks and a water impoundment for eventual disposal by injection. The approved site plan is attached as Exhibit A.

B. This facility is located within an 880-acre parcel of land owned by Berry Petroleum Company, Marathon Oil Company, PGR Partners, LLC and Wapiti Oil & Gas, LLC on a well pad approved by the Colorado Oil & Gas Conservation Commission (COGCC) and identified as

C412

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Well Pad O-29. The records of the Garfield County Clerk and Recorder contain Special Warranty Deeds regarding the ownership of this site, at Reception Numbers 797859, 794565, 775544, 769892, 769561 and a Quit Claim Deed at Reception 769106.

C. The subject property is located within unincorporated Garfield County in the Resource Lands (Plateau) zone district, west of County Road 215 in the Garden Gulch area located approximately 12 miles northwest of the Town of Parachute.

D. Tank Storage, Water Impoundment and Material Handling may be permitted in the Resource Lands (Plateau) zone district with Limited Impact review.

E. The Board is authorized to approve, deny or approve with conditions a Limited Impact application resulting in issuance of a Land Use Change Permit pursuant to the Unified Land Use Resolution of 2008, as amended.

F. The Board of County Commissioners opened a public hearing on the 14th day of January, 2013 for consideration of whether the proposed Land Use Change Permit should be granted or denied, during which hearing the public and interested persons were given the opportunity to express their opinions regarding the request.

H. The Board of County Commissioners closed the public hearing on the 14th day of January, 2013 to make a final decision.

I. The Board on the basis of substantial competent evidence produced at the aforementioned hearing, has made the following determinations of fact:

1. That proper public notice was provided as required for the hearing before the Board of County Commissioners.
2. That the hearing before the Board of County Commissioners was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at that meeting.
3. That for the above stated and other reasons, and upon compliance with conditions of approval, the Land Use Change Permit for Berry Petroleum O-29 Produced Water Facility is in the best interest of the health, safety, convenience, order, prosperity and welfare of the citizens of Garfield County.
4. That, upon compliance with conditions of approval, the application is in general conformance with the Comprehensive Plan 2030, as amended.
5. That, upon compliance with conditions of approval, the application is in conformance with the Unified Land Use Resolution of 2008, as amended.

RESOLUTION

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Garfield County, Colorado, that:

- A. The forgoing Recitals are incorporated by this reference as part of the resolution.
- B. The Land Use Change Permit for Water Tanks, Water Impoundment and Material Handling related to an injection well on Well Pad O-29 is hereby approved subject to compliance with the following conditions:
 1. That all representations made by the Applicant in the application, and at the public hearing before the Board of County Commissioners, shall be conditions of approval, unless specifically altered by the Board of County Commissioners;
 2. That the operation of the facility be done in accordance with all applicable Federal, State, and local regulations governing the operation of this type of facility.
 3. The facility shall comply with the fire protection provisions included in the rules and regulations of the Colorado Oil and Gas Conservation Commission (COGCC) and the International Fire Code as the Code pertains to the operation of this facility.
 4. Mitigation shall be performed on the site and access roads to prevent fugitive dust.
 5. The water impoundment shall be lined, mesh fenced around the pond perimeter, and netted over the top to prevent access by wildlife.
 6. Prior to issuance of the land use change permit the Applicant shall provide notification to Garfield County that the facility has met all CDPHE air quality emission control notice and permitting requirements.
 7. Existing ditches, berms, culverts, and sediment traps as indicated on the site plan must be properly utilized and maintained for the life of the facility.
 8. Industrial activities shall be required to comply with the following standards:
 - A. All products shall be stored in compliance with all national, State and local codes and shall be a minimum of 100 feet from an adjacent property line. In addition, petroleum, and hazardous products shall be stored in an impervious spill containment area(s).
 - B. All industrial wastes shall be disposed of in a manner consistent with Federal and State statutes and requirements of CDPHE.

- C. Noise shall not exceed State noise standards pursuant to C.R.S., Article 12, Title 25, as amended, unless the use is regulated by the COGCC. In this case, the use shall be subject to COGCC Rule 802, Noise Abatement.
- D. Every use shall be operated so that the ground vibration inherently and recurrently generated is not perceptible without instruments at any point of any boundary line of the property.
- E. Every use shall be so operated that it does not emit heat, glare, radiation, or fumes which substantially interfere with the existing use of adjoining property or which constitutes a public nuisance or hazard. Flaring of gases, aircraft warning signal, and reflective painting of storage tanks, or other legal requirements for safety or air pollution control measures shall be exempted from this provision.

Dated this 4th day of February, A.D. 2013.

ATTEST:



Jean M Alberico
Clerk of the Board

GARFIELD COUNTY BOARD OF
COMMISSIONERS,
COUNTY, COLORADO
[Signature]
Chairman

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

COMMISSIONER CHAIR JOHN F. MARTIN, Aye
COMMISSIONER MIKE SAMSON, Aye
COMMISSIONER TOM JANKOVSKY, Aye

STATE OF COLORADO)
)ss
County of Garfield)

I, _____, County Clerk and ex-officio Clerk of the Board of County Commissioners, in and for the County and State aforesaid, do hereby certify that the



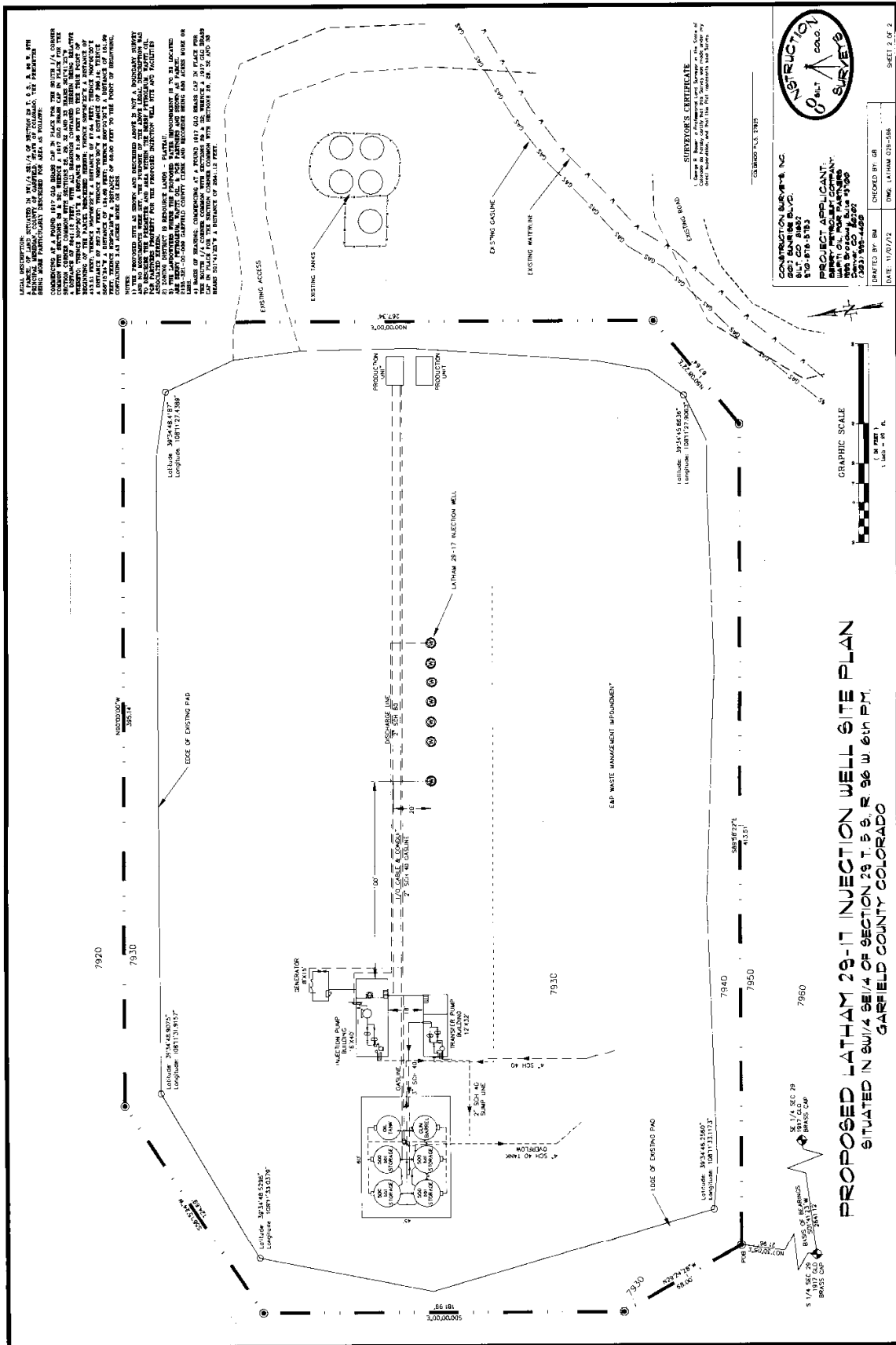
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annexed and foregoing Resolution is truly copied from the Records of the Proceeding of the Board of County Commissioners for said Garfield County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Glenwood Springs, this ____ day of _____, A.D. 20____.

County Clerk and ex-officio Clerk of the Board of County Commissioners

_____.

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PROPOSED LATHAM 29-17 INJECTION WELL SITE PLAN
SITUATED IN SW1/4 SE1/4 OF SECTION 29 T. 5 S. R. 96 W. 6th PM.
GARFIELD COUNTY COLORADO