

# LAND USE CHANGE PERMIT

for

*A Parcel of Land Owned by OXY USA WTP LP Located Approximately 12 Miles North of DeBeque in Section 5, Township 7 South, Range 97 West of the 6<sup>th</sup> P.M. and Legally Described in a Deed found at Reception Number 759939 in the records of the Garfield County Clerk and Recorder with a project area of approximately 9.835 acres*

*(Assessor's Parcel No. 2169-214-00-026)*

In accordance with and pursuant to provisions of the Garfield County Land Use and Development Code, as amended, and Resolution No. 2014-28 of the Board of County Commissioners of Garfield County, State of Colorado, the following activity is hereby authorized by Land Use Change Permit:

*Water Impoundment and Three (3) Storage Facilities known as the Pond 10 Centralized E&P Waste Management Facility as shown on the Site Plan Attached as Exhibit "A" (LIPA -7864)*

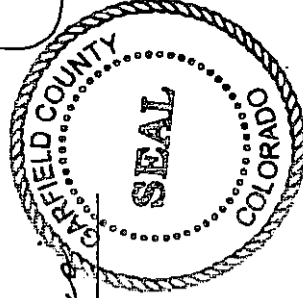
This Land Use Change Permit – Limited Impact Review is issued subject to the conditions contained in Resolution No. 2014-28 and set forth in Exhibit "B" and shall be valid only during compliance with such conditions and other applicable provisions of the Garfield County Land Use and Development Code, as amended, Building Code, and other regulations of the Board of County Commissioners of Garfield County, Colorado.

ATTEST:

*Jean M Alberico*  
Clerk of the Board

GARFIELD COUNTY BOARD OF  
COUNTY COMMISSIONERS,  
GARFIELD COUNTY, COLORADO

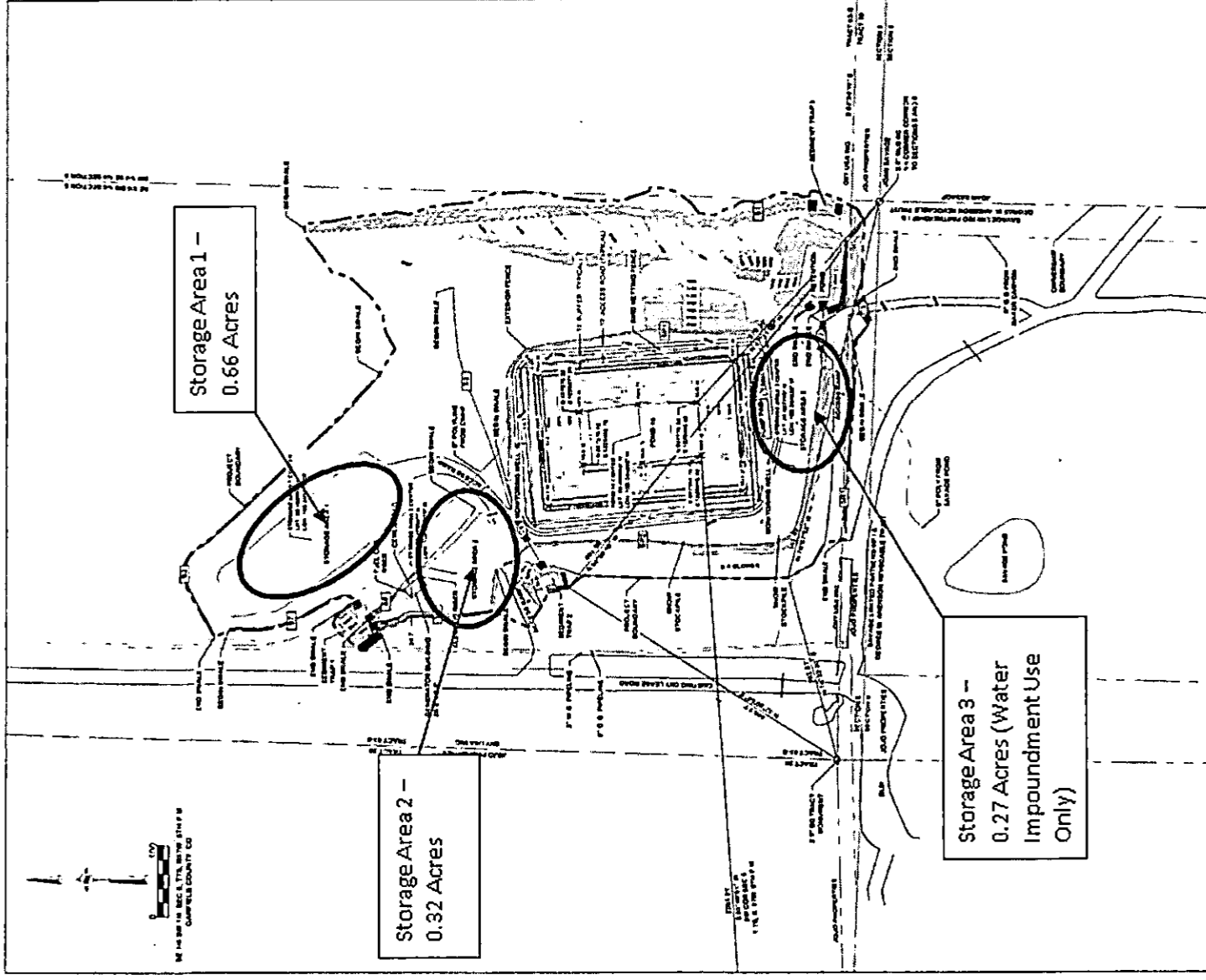
*[Signature]*  
Chairman  
Date *6/16/14*



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## Exhibit A (Project Site Plan)



## *Exhibit B*

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### Conditions of Approval

1. That all representations made by the Applicant in the application shall be conditions of approval, unless specifically altered by the Board of County Commissioners.
2. That the operation of the Pond 10 Water Impoundment and Storage Facilities shall be done in accordance with all applicable Federal, State, and local regulations governing the operation of this type of facility.

### Conditions Prior to Issuance

3. The Applicant shall provide specifications on the netting to Colorado Parks and Wildlife which verifies that waterfowl and birds are prevented from entering the Water Impoundment. These specifications shall be reviewed and accepted by Colorado Parks and Wildlife. Verification of this acceptance shall be provided to the Garfield County Planning Department prior to issuance of the Land Use Change Permit.
4. The surface area to be reseeded has been quantified as 1.63 acres. Prior to issuance of the Land Use Change Permit, a revegetation security in the amount of \$4,075 shall be provided in a form recommended by the Garfield County Vegetation Manager. The security shall be held by Garfield County until vegetation has been successfully reestablished according to the Reclamation Standards section in the Garfield County Weed Management Plan (Resolution 2002-94, Section 4.06, 4.07 and 4.08).
5. Prior to issuance of the Land Use Change Permit, the Applicant shall provide Garfield County Vegetation Management a soil management plan that identifies any stockpiles that will sit exposed for a period of 90 days or more. This plan shall be reviewed and accepted by Garfield County Vegetation Management.
6. Prior to issuance of the Land Use Change Permit, the Applicant's contract wildlife and vegetation specialist, ERO, shall conduct a follow-up site visit consistent with their recommendations in the report dated March 20, 2014 to verify that no raptors or noxious weeds are identified on the site.

### Other Conditions

7. The Applicant shall provide documentation that the site remediation has been completed to the satisfaction of the COGCC. This documentation

## *Exhibit B*

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shall be provided to the Planning Department when such documents are received from the COGCC.

8. The facility shall maintain compliance with CDPHE Storm Water Management Permits, Drainage and Grading Plans, Reclamation and Erosion Control Plans for the site.
9. Implementation of the Applicant's Dust Control Plan shall be required.
10. Compliance with all COGCC fencing, lining, leak detection, monitoring well, and high level monitoring/alarms shall be required. Copies of the COGCC Form 28 approvals shall be provided to the County upon issuance by COGCC.
11. The facility shall maintain compliance with COGCC Noise Standards/Regulations. If future compliance issues are identified the Applicant shall provide noise mitigation in order to achieve compliance along with a technical evaluation by a qualified professional to confirm compliance.
12. The Applicant shall comply with all SPCC Plan provisions and shall keep the plan current and updated for any changes to the facility.
13. The facility shall maintain compliance with Section 7-306 Lighting, with all lighting to be directed inward and downward toward the interior of the site. Facilities and storage tanks shall be painted a non-glare neutral color to lessen any visual impacts.
14. The Emergency Response Plan provided with the Application submittal including contact information shall be kept updated.
15. The Applicant shall comply with their Noxious Weed Management Plan including the best management practices.
16. The Applicant shall comply with the recommendations of the ERO Resources Biological Resource Report (dated March 20, 2014) included in the Applicant's submittals and the Colorado Parks and Wildlife recommendations contained in their referral letter dated April 24, 2014. These conditions include:
  - a. Night lighting should be reduced to reduce disruption to wildlife;
  - b. Any garbage containers shall be in locking and bear-proof;
  - c. Disturbed soils shall be reseeded and reclaimed as soon as possible with a seed mix prescribed in the Oxy SPCC and in accordance with the requirements of Garfield County

## *Exhibit B*

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### Vegetation Management;

- d. All speed limits shall be posted, enforced and set at 25 mph or less;
- e. The netting on the pit shall be designed to prevent birds from entering;
- f. Colorado Parks and Wildlife shall be notified immediately if any birds and/or wildlife are found dead or trapped within or around the pit, netting or fencing;
- g. The pit shall be constructed with a 4:1 escape ramp to allow entrapped wildlife to escape;
- h. Fencing around the pit shall consist of a minimum of a 7-foot chain-link fence capable of preventing elk and deer from entering the pit; concurrently it should have a small mesh type of fencing along the bottom of the fence (buried one-foot below grade level and extending a minimum of two-feet above grade) capable of preventing small animals from entering between the gaps (gaps should be no larger than 3-inches).

- 17. Storage areas shall be limited to the areas identified in the site plan and limited to the use of Oxy USA WTP LP operations on the subject property. The Storage Area identified as #3 shall only be utilized to serve the Water Impoundment facility.