

**From:** Marette - DNR, Brandon <[brandon.marette@state.co.us](mailto:brandon.marette@state.co.us)>  
**Sent:** Thursday, February 24, 2022 3:51 PM  
**To:** Riemer, Joseph <[Joseph\\_Riemer@oxy.com](mailto:Joseph_Riemer@oxy.com)>; Friedman, Rachel <[Rachel\\_Friedman@oxy.com](mailto:Rachel_Friedman@oxy.com)>  
**Cc:** Michael Grooms - DNR <[michael.grooms@state.co.us](mailto:michael.grooms@state.co.us)>; Boyd Wright - DNR <[boyd.wright@state.co.us](mailto:boyd.wright@state.co.us)>; Kyle Battige - DNR <[kyle.battige@state.co.us](mailto:kyle.battige@state.co.us)>  
**Subject:** [EXTERNAL] Fwd: Re: Fwd: CPW 1202.a(3) Waiver- Charlene Nelson 12-34HZ

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Good afternoon Joseph & Rachel,

Thanks for your e-mails and these attachments.

Based on your provided information that the ditch & associated wetland is upgradient of this Working Pad Surface and that the downgradient Big Thompson River will be protected by perimeter berming, my concerns are alleviated since it appears that Oxy is not directly or indirectly impacting any wetlands or adjacent drainages with this new location due to the presence of their stormwater BMPs, thus CPW grants a waiver for COGCC Rule 1202.a.(3).

Should the design change or if you need anything else, please let me know.

Regards,

**Brandon B. Marette, CWB<sup>®</sup>**  
**Northeast Region Energy Liaison and Land Use Coordinator**

On Tue, Feb 22, 2022 at 6:28 AM Riemer, Joseph <[Joseph\\_Riemer@oxy.com](mailto:Joseph_Riemer@oxy.com)> wrote:

Hey Brandon,

Please see attached for the documents pertaining to the Charlene Nelson Rule 1202 c.(3) waiver. Please note the attached WMP contains topographic depictions of the area in the attachments section.

Thank you,

**Joseph Riemer, MS, MBA, RSO**

ENVIRONMENTAL SPECIALIST, ROCKIES HSE

Office: 720.929.6090 | Denver

**From:** Marette - DNR, Brandon <[brandon.marette@state.co.us](mailto:brandon.marette@state.co.us)>  
**Sent:** Wednesday, February 16, 2022 5:12 PM  
**To:** Riemer, Joseph <[Joseph\\_Riemer@oxy.com](mailto:Joseph_Riemer@oxy.com)>  
**Cc:** Friedman, Rachel <[Rachel\\_Friedman@oxy.com](mailto:Rachel_Friedman@oxy.com)>  
**Subject:** [EXTERNAL] Re: Fwd: CPW 1202.a(3) Waiver- Charlene Nelson 12-34HZ

Good evening Joseph,

Could you send me a map with the wetland locations in relation to the WPS? I would like to verify that they are not on the WPS and upgradient (if I'm reading the threads correctly)?

Regards,

**Brandon B. Marette, CWB<sup>®</sup>**

**Northeast Region Energy Liaison and Land Use Coordinator**

On Wed, Feb 16, 2022 at 8:40 AM Riemer, Joseph <[Joseph\\_Riemer@oxy.com](mailto:Joseph_Riemer@oxy.com)> wrote:

Hey Brandon,

I just wanted to check in on this. We determined there to be a wetland present in the ditch. We will be requiring a waiver from you. Let me know if you need any additional documentation to make your final decision.

Thank you,

**Joseph Riemer, MS, MBA, RSO**

ENVIRONMENTAL SPECIALIST, ROCKIES HSE

Office: 720.929.6090 | Denver

**From:** Marette - DNR, Brandon <[brandon.marette@state.co.us](mailto:brandon.marette@state.co.us)>

**Sent:** Monday, February 7, 2022 1:00 PM

**To:** Riemer, Joseph <[Joseph\\_Riemer@oxy.com](mailto:Joseph_Riemer@oxy.com)>

**Cc:** Friedman, Rachel <[Rachel\\_Friedman@oxy.com](mailto:Rachel_Friedman@oxy.com)>; Michael Grooms - DNR <[michael.grooms@state.co.us](mailto:michael.grooms@state.co.us)>; Boyd Wright - DNR <[boyd.wright@state.co.us](mailto:boyd.wright@state.co.us)>; Kyle Battige - DNR <[kyle.battige@state.co.us](mailto:kyle.battige@state.co.us)>; Mike Sherman - DNR <[mike.sherman@state.co.us](mailto:mike.sherman@state.co.us)>

**Subject:** [EXTERNAL] Fwd: CPW 1202.a(3) Waiver- Charlene Nelson 12-34HZ

Good afternoon Joseph,

Thank you for your e-mail and attachments.

It was good to see that the ditch is upgradient to the WPS.

Also, to clarify below, the earthen berms will be on the south/SW side of the WPS to protect the Big Thompson River, correct?

Regards,

**Brandon B. Marette, CWB<sup>®</sup>**

## Northeast Region Energy Liaison and Land Use Coordinator

On Mon, Feb 7, 2022 at 12:18 PM Riemer, Joseph <[Joseph\\_Riemer@oxy.com](mailto:Joseph_Riemer@oxy.com)> wrote:

Hey Brandon,

We are writing to request a waiver at KMOG's Charlene Nelson 12-34HZ location from Rule 1202 c.(3) which states, At new and existing Oil and Gas Locations, Operators will not situate new staging, refueling, or Chemical storage areas within 500 feet of the Ordinary High Water Mark ("OHWM") of any river, perennial or intermittent stream, lake, pond, or wetland. The chemicals will be used for the production phase of the location. The chemical totes that are used on KMOG locations in the DJ contain built in secondary containment and are made of steel. In addition, KMOG will have earthen berms on the downgradient edges of the pad. All other tanks on location will be within steel bermed secondary containment compliant with EPA rule 40CFR 112 Subpart A, B, C.

I have attached a picture of the chemical totes as well as a map of the area that shows flow direction relative to the location. These can be found in the appendix of the attached wildlife mitigation plan. I will also note we had a cross section created of the topography to highlight that the crown of the ditch actually places our pad down gradient of the Hill & Brush ditch.

Please don't hesitate to reach out if you have any questions or concerns. If possible, we would like a response by 1/26/22.

Thank you,

Joseph Riemer, MS, MBA, RSO  
Environmental Specialist, Rockies HSE