

RESOLUTION NO. 2018-32
BOARD OF COUNTY COMMISSIONERS
OF RIO BLANCO COUNTY,
COLORADO

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RIO
BLANCO COUNTY, COLORADO, APPROVING THE URSA PICEANCE, LLC- BOIES
RANCH PRODUCED WATER PIT PLIR-0002-18 IN RIO BLANCO COUNTY,
COLORADO**

WHEREAS, Ursa Piceance, LLC (“Applicant”) is requesting a Limited Impact Review PLIR-0002-18 located on land owned by the Applicant in Rio Blanco County, Colorado; and

WHEREAS, the subject property is located at 2500 County Road 26, Meeker, CO 81641 situated in Section 33, Township 2 South, Range 98 West of the 6th Principal Meridian, specifically Rio Blanco County Assessor Parcel Number 1659-233-00-016; and

WHEREAS, the Applicant is requesting approval of an Oil and Gas operation facility including storage pits known as the Boies Ranch Produced Water Pit; and

WHEREAS, the Board of County Commissioners has reviewed applicable Colorado Statutes, the Rio Blanco County Master Plan, the Rio Blanco County Land Use Regulations (LUR), the materials submitted by the Applicant, the materials submitted by members of the public at the hearing held pursuant to notice duly given in Meeker, Colorado on August 13, 2018;

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO FINDS AS FOLLOWS:

- A. The application is complete.
- B. The public hearing before the Board of County Commissioners was extensive and complete, pertinent facts, matters, and issues were submitted, and any interested parties were given an opportunity to be heard at the hearing;
- C. The record is complete.
- D. The proposed Limited Impact Review Permit is in the best interests of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Rio Blanco County.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO:

The Ursa Piceance, LLC Boies Ranch Produced Water Pit PLIR-0002-18, is hereby approved with the following conditions:

Conditions Prior to Issuance of the Land Use Change Permit

1. The Applicant shall submit approved copies of the following permits to the Rio Blanco County Community Development department as required by the Rio Blanco County Land Use Regulations Section 9-502.B. Coordination with State and/or Federal Permits, *“Final action by the County on an Oil and Gas Permit application may be delayed until any required EA, EIS or required permit by a State or Federal agency is issued, so that the County will have the benefit of the analysis and determinations made by other entities in reaching its own decision.”*

A. Three Rio Blanco County Road and Bridge Department commercial driveway permits

B. COGCC Form 2A- Oil and Gas Location Assessment

C. COGCC Form 15- Earthen Pit Report/Permit

D. Spill Prevention Control and Countermeasures (SPCC) plan

E. CDPHE General APEN- Form APCD-200. One water storage pit.

F. CDPHE Condensate Storage Tanks APEN- Form APCD-205. Two 400 barrel condensate storage tanks for collection of oils removed from water being processed by the produced water tanks (RACT system).

G. CDPHE Hydrocarbon Liquid Loading APEN- Form APCD-208. One loadout rack for truck loading of recovered condensate.

H. CDPHE Produced Water Storage Tanks- APEN Form APCD-207. Four 1,000 barrel polish tanks for removal of free hydrocarbons prior to discharge into water storage pit.

I. Produced Water Storage Tanks- APEN Form APCD-207. One 750 barrel de-sander tank for removal of suspended solids prior to discharge into Polish Tanks.

2. Once the documents noted in Condition #1 above have been reviewed and approved by the Rio Blanco County Community Development Department, consideration of approval of the issuance of the Land Use Change Permit shall be placed on the Board of County Commissioners agenda. Operation of the facility shall not occur prior to issuance of the Land Use Change Permit.

Other Conditions of the Land Use Change Permit

3. The Applicant is authorized to proceed with construction of the facility and improvements to Rio Blanco County Road 26 prior to issuance of the land use change permit. The Applicant agrees to hold the County harmless from any liability or responsibility related to this authorization to proceed with construction of the facility and improvements prior to issuance of the Land Use Change Permit.

4. The Rio Blanco County Community Development Building Department is authorized to issue building permits prior to issuance of the land use change permit. The Applicant agrees to hold the County harmless from any liability or responsibility related to this authorization to proceed with applying for and receiving building permits prior to issuance of the Land Use Change Permit.

5. A final inspection report prepared by the Colorado Dam Safety Division of the Colorado Division of Water Resources indicating that the water impoundment is a non-jurisdictional size dam and that the dam meets all requirements of the Colorado Dam Safety Division.

6. Within 60 calendar days after issuance of the Land Use Change Permit, the following information shall be submitted to Rio Blanco County: as-built survey of the facility, and areas where improvements have been made to Rio Blanco County Road 26, including one foot interval topography, building locations, equipment locations, bird netting extent and retention pond volumes. This document must be sealed by a Colorado Professional Licensed Surveyor.

7. Within 90 days after the start of the issuance of the Land Use Change Permit, the Applicant must submit the COGCC Form 26 and COGCC Form 28 and upon approval must provide a copy to Rio Blanco County.

8. Within 60 calendar days after issuance of the Land Use Change Permit the following information must be submitted to Rio Blanco County. A final inspection report prepared and sealed by the Project Engineer of Record, Heather McDaniel, P.E., Souder, Miller & Associates, indicating that the construction of the project meets the requirements of the sealed construction documents and addenda. This report must also reference the as-built survey. If the requirements of the sealed construction documents and addenda have not been met, the Applicant will be required to either correct the construction errors or request the Project Engineer of Record to revise the construction documents and resubmit these to the Rio Blanco County Community Development Department for review.

9. All representations made by the Applicant in its application are conditions of approval, unless specifically altered by the Board of County Commissioners.

10. This Limited Impact Review Permit shall be valid only during compliance with such conditions and other applicable provisions of the Rio Blanco County Land Use Regulations, Rio Blanco County Building Code, other regulations of the Board of County Commissioners of Rio Blanco County, Colorado, Colorado Oil and Gas Conservation Commission, Colorado Department of Public Health and Environment, Colorado State Statutes and all applicable Federal Regulations.

11. If any section, subsection, sentence, clause, phrase or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or this Resolution. The Board of County Commissioners of Rio Blanco County, Colorado declares that it would have adopted this Resolutions and each section, subsection, sentence, clause, phrases, or portion herein, despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.

12.. Approval of this Limited Impact Review Permit constitutes approval of a site specific development plan which establishes a vested property right, as provided by §24-28-101 C.R.S., et.seq. This vested right is valid for a period of 3 years from the date of publication of this approval. The Community Development Department of Rio Blanco County, Colorado, will publish notice of this approval and vested right in the Meeker Herald as soon as possible.


DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 3 FOR AND 0
AGAINST, THIS 13TH DAY OF AUGUST, 2018.



ATTEST:


Boots Campbell
Clerk to the Board

THE BOARD OF COUNTY
COMMISSIONERS OF
RIO BLANCO COUNTY, COLORADO

By: 
Shawn J. Bolton, Chairman


Jeff Rector, Commissioner


Si Woodruff, Commissioner