

**SITE SPECIFIC DEVELOPMENT PLAN AND USE BY SPECIAL
REVIEW (USR) APPLICATION**

FOR PLANNING DEPARTMENT USE RECEIPT # /AMOUNT # _____ /\$ _____ APPLICATION RECEIVED BY _____	DATE RECEIVED: _____ CASE # ASSIGNED: _____ PLANNER ASSIGNED: _____
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Parcel Number 0 2 9 1 - 1 3 - 1 - 0 0 - 0 1 0

(12 digit number - found on Tax I.D. information, obtainable at the Weld County Assessor's Office, or www.co.weld.co.us)

Legal Description NE1/4 & E1/2 of NW1/4 of _____, Section 13, Township 10 North, Range 61 West

Zone District: Agricultural, Total Acreage: 240 ac., Flood Plain: No, Geological Hazard: N/A,

Airport Overlay District: N/A

FEE OWNER(S) OF THE PROPERTY:

Name: Dietzler Ranch and Cattle Co LLC (Chris Dietzler)

Work Phone # 720-932-8072 Home Phone # _____ Email cdietzler@pawneewaste.com

Address: 3003 E. Harmony, Suite 300

Address: _____

City/State/Zip Code Fort Collins, CO 80528

Name: _____

Work Phone # _____ Home Phone # _____ Email _____

Address: _____

Address: _____

City/State/Zip Code _____

Name: _____

Work Phone # _____ Home Phone # _____ Email _____

Address: _____

Address: _____

City/State/Zip Code _____

APPLICANT OR AUTHORIZED AGENT (See Below: Authorization must accompany applications signed by Authorized Agent)

Name: Pawnee Waste LLC (Jane Witheridge)

Work Phone # 970-222-4243 Home Phone # _____ Email jwitheridge@pawneewaste.com

Address: 3003 E. Harmony, Suite 300

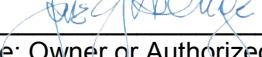
Address: _____

City/State/Zip Code Fort Collins, CO 80528

PROPOSED USE:

Commercial Land Treatment for Beneficial Use Facility

I (We) hereby depose and state under penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my (our) knowledge. Signatures of all fee owners of property must sign this application. If an Authorized Agent signs, a letter of authorization from all fee owners must be included with the application. If a corporation is the fee owner, notarized evidence must be included indicating that the signatory has the legal authority to sign for the corporation.



Signature: Owner or Authorized Agent

1/29/15

Date

Signature: Owner or Authorized Agent Date

January 15, 2015

Mr. Kim Ogle
Weld County Planning
1555 N. 17th Avenue
Greeley, CO 80631

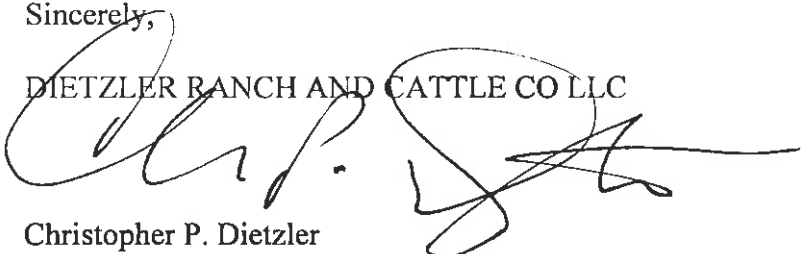
RE: Designation of Applicant and Authorized Agent

Dear Mr. Ogle:

This letter is in regards to the Pawnee Waste LLC Commercial Land Treatment for Beneficial Use Facility USR application that is being submitted to Weld County for review on the Northeast Quarter and the East Half of the Northwest Quarter of Section 13, Township 10 North, Range 61 West of the 6th P.M. in Weld County, Colorado. The applicant for the project is Pawnee Waste LLC and the land owner is Dietzler Ranch and Cattle Co LLC. I, Christopher P. Dietzler, am the Manager of the Dietzler Ranch and Cattle Co LLC (land owner) and a Member of Pawnee Waste LLC (applicant). For purposes of processing this application, I am authorizing Jane Witheridge to sign the application on behalf of Pawnee Waste LLC and I would like Pam Hora with Tetra Tech to be the designated point of contact for all communications about the application.

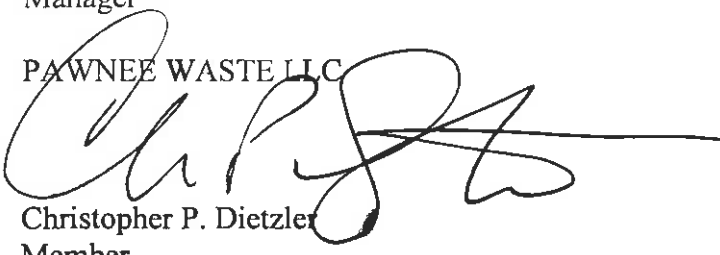
Sincerely,

DIETZLER RANCH AND CATTLE CO LLC



Christopher P. Dietzler
Manager

PAWNEE WASTE LLC



Christopher P. Dietzler
Member

cc: Jane Witheridge, Pawnee Waste LLC
Pam Hora, Tetra Tech

Pawnee Waste Facility USR Questionnaire

1. Explain, in detail, the proposed use of the property.

Pawnee Waste LLC (Pawnee Waste) is proposing to lease a 240 acre parcel of land from the Dietzler Ranch and Cattle Co LLC for a commercial land treatment for beneficial use facility to serve the oil and gas industry. The property is a newly created parcel of land that is located in the E1/2 of the NW1/4 and the NE1/4 of Section 13, Township 10 North, Range 61 West (the deed was recorded on November 13, 2014 and a parcel number is not yet available). The property is zoned A (Agricultural).

A substantial amount of exploration and production (E&P) waste is generated in Weld County. Many E&P companies and service providers are disposing of their wastes by spreading it on parcels of land in the County under the Colorado Oil & Gas Conservation Commission rules, regulations, and related policies. Pawnee Waste has determined that, if given the option, some of these companies would prefer to send their E&P waste to have it managed by a third party commercial provider. Therefore, Pawnee Waste is proposing to operate a commercial land treatment for beneficial use facility under the more stringent regulations of the Colorado Department of Public Health and the Environment (CDPHE) to accept CDPHE exempt non-hazardous E&P wastes ("acceptable E&P wastes") for treatment to beneficial use.

As planned and in order to accommodate the client base, the facility will operate seven days a week, during daylight hours with the ability to operate 24 hours per day if needed. The operator must be present on-site for the site to accept waste so anytime that the facility would be opened outside of standard operating hours would need to be pre-arranged so that staff would be present.

Customers will be responsible for delivering their own E&P wastes to the facility. When customers arrive at the facility, they will be directed to a load scale so that the trucks can be weighed and the content evaluated to ensure it matches the required paperwork. Water based-muds, treated tank bottoms and treated solids will be considered "acceptable E&P wastes" if they meet the criteria specified in the Design and Operations Plan submitted to CDPHE. Once a truckload of waste is accepted, the truck will be directed to a location at the facility to unload the waste from their trucks. After the materials are unloaded, the drivers will complete the required exit paperwork prior to leaving the site. The material that is unloaded at the facility will be spread, disked, aerated, and otherwise managed to enhance treatment for beneficial use. Equipment to manage the material may include a tractor or equivalent with a disking or ripping implement, a water truck, dozer and/or bucket loader.

The portion of the site designated for use as the land treatment for beneficial use area will be divided into three operating areas (see USR plat map for phasing). The three operating areas will be further sub-divided into areas to ensure the wastes are properly applied and monitored. In order to minimize the amount of surface water that will come into contact with the waste, the phases will generally be developed from west to east.

Because this facility will generally operate during daylight hours, it is anticipated that there will be just one shift and there will be up six employees working at the site each day. One to two people will work at the scale house and another two to four people will work in the field managing the E&P materials.

An equipment parking and staging area as well as a maintenance facility are also planned at the facility. The equipment used to operate the facility will be parked in the equipment parking and staging area at night and this area could also potentially be used by customer trucks waiting for direction on where to unload the waste from their trucks. This area may also be used to store ancillary equipment such as pumps, tool attachments for the equipment, a properly contained fuel tank, and replacement parts needed for routine maintenance of the equipment.

The maintenance shed will be used by employees performing maintenance on equipment used at the facility. Office wastes generated on site by employees as well as any wastes generated by the

service and repair of the equipment will be properly contained and disposed of off-site at an approved commercial waste management facility.

After the material has been treated, it will be put to beneficial use on-site. Intended on-site beneficial uses include fill material, a soil amendment to foster improved vegetation, and visual berms. Should the beneficial use materials be taken off-site, strict adherence to CDPHE rules for use as a recycled material will be maintained.

There will be one private gravel access road into the facility off of WCR 95. Tracking control (an access road designed to County standards for a gravel road) will be provided on the access road. The access point is proposed to be located on the north edge of the W1/2 of the NW1/4 of Section 13, Township 10 North, Range 61 West within the south 30' of County Road 118 right-of-way. Currently WCR 118 dead ends at WCR 95. The land that will be crossed by the private access road is owned by Grassland Water Solutions LLC. Grassland Water Solutions will grant an access easement for the road and Pawnee Waste will enter into a non-exclusive license agreement with Weld County in order to locate the road in this right-of-way.

A three-strand, barbed wire fence is planned to be constructed around the perimeter of the site. There will be a swing gate at the entrance into the facility that will be closed and locked when the facility is closed. While employees are at the facility and able to accept waste, the gate will be left open. Pawnee Waste will work with the fire district to make sure they have access into the facility 24 hours a day to be able to respond to an after hour emergency, if necessary.

2. Explain how this proposal is consistent with the intent of the Weld County Code, Chapter 22 of the Comprehensive Plan.

The Pawnee Waste Facility will be consistent with the intent of the Weld County Code and Comprehensive Plan in the following ways:

A.Policy 7.2.: Conversion of agricultural land to nonurban residential, commercial and industrial uses should be accommodated when the subject site is in an area that can support such development, and should attempt to be compatible with the region.

The land that Pawnee Waste is proposing to use is non-irrigated rangeland that is located in a very rural area where there is a significant amount of oil and gas activity occurring. It will also be adjacent to the Grassland Water Solutions operation that serves the industry. Therefore, the proposed use is compatible with the region and will be in a convenient location to serve the industry.

OG.Goal 1: Promote the reasonable and orderly exploration and development of oil and gas mineral resources.

OG.Goal 2: Ensure that the extraction of oil and gas resources conserves the land and minimizes the impact on surrounding land and the existing surrounding land use.

The proposed Pawnee Waste facility is proposed to serve the oil and gas industry which is active in the area. The industry produces non-hazardous E&P waste that needs to be properly handled and treated. Many E&P companies and service providers are disposing of their wastes by spreading it on parcels of land in the County under the Colorado Oil & Gas Conservation Commission rules, regulations, and related policies. Pawnee Waste has determined that, if given the option, some of these companies would prefer to send their E&P waste to have it managed by a third party commercial provider. Therefore, Pawnee Waste is proposing to operate a commercial land treatment for beneficial use facility under the more stringent regulations of the Colorado Department of Public Health and the Environment (CDPHE). Providing this service will help the industry operate in a reasonable and orderly manner and reduce truck miles by providing a more centrally located waste management facility. In addition, the site is located in an area of the County where there is a significant amount of oil and gas activity; thus, the proposed use will have a minimal impact on the surrounding land.

3. Explain how this proposal is consistent with the intent of the Weld County Code, Chapter 23 (Zoning) and the zone district in which it is located.

The property is located in the Agricultural Zone District. According to the Weld County Code, oil and gas support and service facilities, as proposed on this application for the Pawnee Waste Facility, are a Use by Special Review in the Agricultural Zoning District.

4. What type of uses surround the site (explain how the proposed use is consistent and compatible with surrounding land uses).

The Pawnee Waste Facility property and surrounding areas are non-irrigated rangeland that are generally used for cattle grazing and oil and gas facilities. There are very few residences in the area, the closest one being a little over a mile to the west. However, it is very important to Pawnee Waste LLC that they design and operate the facility in a manner that is respectful to the neighbors. Therefore, we have reached out to all neighboring property owners within a 9 square mile area (WCR 93 ROW on the west, WCR 120 ROW on the north, WCR 99 ROW on the east, WCR 114 ROW and road on the south) about this project. If any of the neighbors express concerns about the facility, Pawnee Waste LLC will listen to the concerns and attempt to address them.

5. Describe, in detail, the following:

a. Number of people who will use this site.

It is anticipated that Pawnee Waste will employ up to six employees working at the site each day. One to two people will work at the scale house and another two to four people will work in the field managing the E&P materials. Over the course of a day, up to 50 truck drivers could also be on the site for a temporary period of time while they are dropping off their load.

b. Number of employees proposed to be employed at this site.

As described above, there will be up to six people employed at this site.

c. Hours of operation.

The facility will operate seven days a week, during daylight hours with the ability to operate 24 hours per day, if needed.

d. Type and Number of structures to be erected (built) on this site.

Improvements/structures planned for the site are called out in detail on the USR site plan map. However, below is a summary of the improvements/structures:

- One scale house/trailer
- One or two scales – it is anticipated that just one scale will be needed when the site first begins to operate; however, if as the operation gets busier a second scale is needed, a second scale will be installed so that there is one scale to handle incoming trucks and another to handle outgoing trucks.
- Maintenance shed that will sit on a concrete pad, with containment to capture waste that may be generated during routine equipment maintenance.
- Fuel storage tank (size to be 1320 gallons or smaller)

e. Type and number of animals, if any, to be on this site.

There will be no animals kept on this site.

f. Kind of vehicles (type, size, weight) that will access this site and how often.

Following are the types of vehicles that may access the site organized by the various proposed uses on the site. The weight of vehicles is unknown, but it is noted that the County will not allow vehicles on County roads to exceed CDOT's required specifications for pounds per axle.

Type/Size of Vehicles	Estimated Number of Trips per 24 hour day
Large trucks (dump trucks)	50
Employee vehicles	6
Miscellaneous visitor vehicles (mail, delivery, trash, maintenance)	4

g. Who will provide fire protection to the site.

The property falls within the Pawnee Fire Protection District. We will be reaching out to the District to let them know about the project and coordinate with them on an Emergency Action Plan for the facility.

h. Water source on the property (both domestic and irrigation).

There is no existing water source (domestic or irrigated) on the property. Pawnee Waste LLC plans to have a restroom facility in the scale house on the property when the site develops. At that time, they will permit and install a commercial well. Bottled water will be provided during construction.

i. Sewage disposal system on the property (existing and proposed).

There is no existing sewage disposal system on the property. Pawnee Waste plans to have a restroom facility on the property when the site develops. At that time, they will permit and install a septic system. Portable restrooms with handwashing facilities will be used during construction.

j. If storage or warehousing is proposed, what type of items will be stored.

Storage of such items as replacement parts, filters, tools and pumps will be performed within the maintenance shed.

6. Explain the proposed landscaping for the site.

No landscaping is proposed because there is no irrigation on the site to support landscaping. In addition, because this is a very remote area and there are no homes next to this facility, landscaping to mitigate or screen the area is not proposed.

7. Explain any proposed reclamation procedures when termination of the Use by Special Review activity occurs.

Through the CDPHE process required for permitting this facility, a detailed Design and Operations Plan was prepared. A copy of this Plan was submitted to the Weld County Department of Public Health and Environment. The Plan includes a Closure/Post-Closure Plan which addresses the procedures when termination of the land treatment facility occurs. All closure activities will be performed in accordance with applicable CDPHE regulations.

8. Explain how the storm water drainage will be handled on the site.

A perimeter berm will be constructed around the land treatment workpad area to manage stormwater in accordance with the Weld County criteria. There will be a lined contact water impoundment located on the west side of the facility that will contain stormwater run-off from the active portions of the workpad area. Water from this pond may be re-used by Pawnee Waste for dust control on roads within the workpad area and/or applied to the wastes to enhance biodegradation.

Stormwater run-on from topographically upgradient areas will be diverted around the north and east sides of the workpad area via a channel adjacent to the perimeter berm. The run-on channel flow will be converted to overland sheet flow via energy dissipation structures located south of the entrance facility road crossing as well as within the workpad area to minimize sediment from entering the contact pond. A stormwater catchment basin is proposed south of the scale house, scales, and maintenance shed to capture run-off from this area. For a detailed explanation of the proposed storm water drainage plan and the proposed improvements, please see the Drainage Report included with this application.

9. Explain how long it will take to construct this site and when construction and landscaping is scheduled to begin.

Pawnee Waste anticipates that it will take three to six months to construct the facility. Construction is expected to commence following approval of the USR application so that the facility can be operational in the 3rd quarter of 2015.

10. Explain where storage and/or stockpiles of wastes will occur on this site.

Acceptable E&P wastes will be placed and treated in the land treatment for beneficial use area as shown on the USR plat map.

11. Please list all proposed on-site and off-site improvements associated with the use (example: landscaping, fencing, drainage, turn lanes, etc.) and a timeline of when you will have each one of the improvements completed.

Construction of the access road within the County Road 118 right-of-way as well as all on-site improvements proposed on the USR is proposed to commence following approval of the USR application so that the site can begin operating in the summer of 2015. Construction is expected to take between three and six months to complete.

**Weld County Public Works Dept.**

1111 H Street
P.O. Box 758
Greeley, CO 80632
Phone: (970)304-6496
Fax: (970)304-6497

ACCESS PERMIT APPLICATION FORM

Applicant

Name Jane Witheridge
Company Pawnee Waste LLC
Address 3003 E. Harmony, Suite 300
City Fort Collins State CO Zip 80528
Business Phone 970-222-4243
Fax _____
E-mail jwitheridge@pawneewaste.com

Property Owner (If different than Applicant)

Name Grassland Water Solutions (Chris Dietzler)
Address 3003 E. Harmony, Suite 300
City Fort Collins State CO Zip 80528
Phone 720-932-8072
Fax _____
E-mail cdietzler@pawneewaste.com

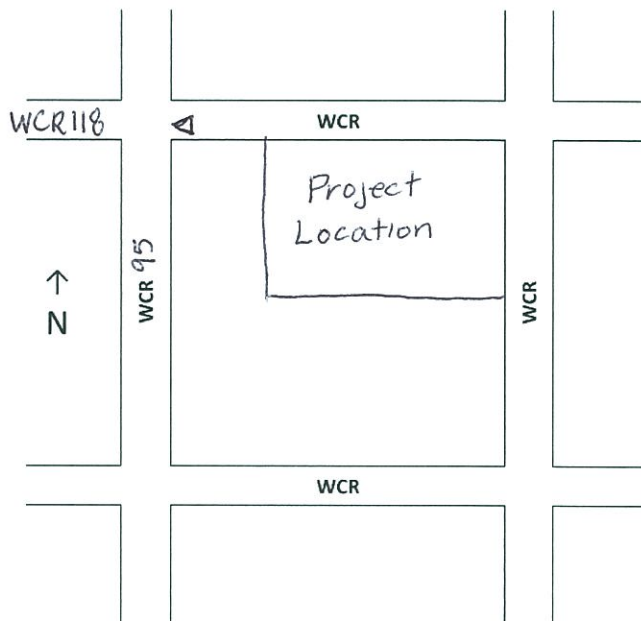
▲ = Existing Access Δ = Proposed Access

Parcel Location & Sketch

The access is on WCR 95
Nearest Intersection: WCR 95 & WCR 118
Distance from Intersection 0' (at intersection)
Parcel Number 029113200009
Section/Township/Range S13, T10N, R61W
Is there an existing access to the property? ☐ YES NO ☒
Number of Existing Accesses none

Road Surface Type & Construction Information

Asphalt ☐ Gravel ☒ Treated ☐ Other _____
Culvert Size & Type TBD
Materials used to construct Access gravel
Construction Start Date 5/2015 Finish Date 12/2015

**Proposed Use**

- ☐ Temporary (Tracking Pad Required)/ \$75 ☐ Single Residential/\$75 ☒ Industrial/\$150
☐ Small Commercial or Oil & Gas/\$75 ☐ Large Commercial/\$150 ☐ Subdivision/\$150
☐ Field (Agriculture Only)/Exempt

Is this access associated with a Planning Process? ☐ No ☒ USR ☐ RE ☐ PUD ☐ Other _____

Required Attached Documents

- Traffic Control Plan -Certificate of Insurance - Access Pictures (From the Left, Right, & into the access)

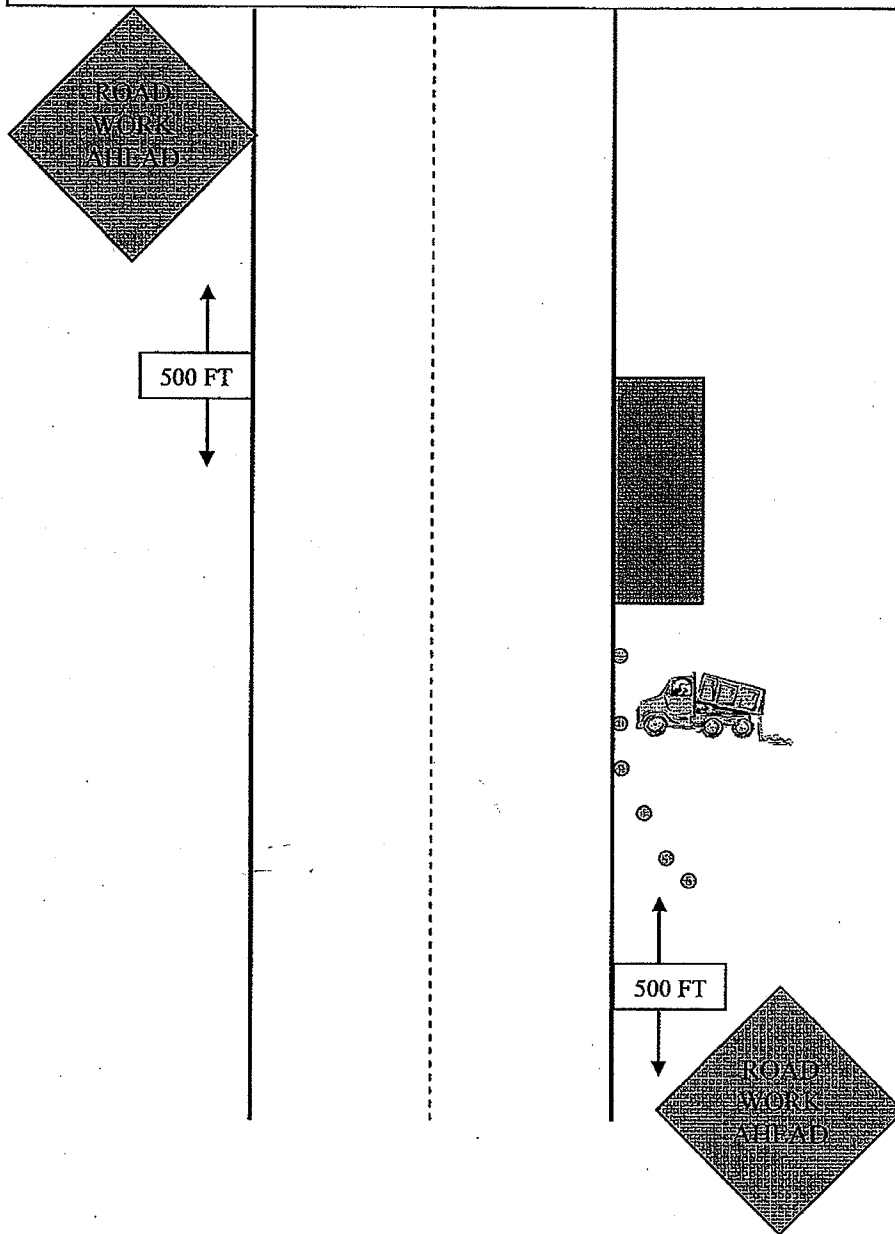
By accepting this permit, the undersigned Applicant, under penalty of perjury, verifies that they have received all pages of the permit application; they have read and understand all of the permit requirements and provisions set forth on all pages; that they have the authority to sign for and bind the Applicant, if the Applicant is a corporation or other entity; and that by virtue of their signature the Applicant is bound by and agrees to comply with all said permit requirements and provisions, all Weld County ordinances, and state laws regarding facilities construction.

Signature Jane G. Witheridge Printed Name Jane G. Witheridge Date Jan. 29, 2015

Approval or Denial will be issued in minimum of 5 days.

Approved by _____

Typical Traffic Control Plan Diagram



Notes:

1. The above diagram is typical for normal shoulder work applications. Additional signing may be required.
2. Vehicles or construction equipment shall not be parked in the travel way and should be moved to the shoulder. If vehicles or construction equipment are not able to be moved out of the way of traffic, channelizing devices are required for day use only. No night time obstructions are allowed.

From the proposed access road location looking north down County Road 95.



From the proposed access road looking south down County Road 95.



From proposed access point looking west down County Road 118.



From proposed access point looking east where access drive will be constructed.



Pawnee Waste Facility Waste Handling Plan

1. All waste that is generated on-site by office and equipment maintenance activities will be taken to an approved and licensed waste management facility. A nearby facility that is permitted to accept these types of wastes is Waste Management. A licensed recycler may be used to remove and recycle fluids from equipment maintenance. Waste Management will take care of typical office waste generated on-site. It is anticipated that the site will generate no more than one trash dumpster of trash within a week. The address and phone number for Waste Management is provided below.

Waste Management
North Weld Landfill
4000 WCR 25
Ault Co, 80610
866-482-6319

2. Non-hazardous E&P wastes accepted at this site for disposal will be handled in accordance with the Design and Operations Plan (DOP) submitted to the Colorado Department of Public Health and Environment and approved by Weld County.
3. Fugitive dust, blowing debris, and other nuisance conditions will be minimized during construction and operation in accordance with applicable regulations and the DOP.
4. The applicant's operations will be in accordance with the approved Waste Handling Plan. The operator of the facility will notify Weld County Department of Public Health and Environment in writing, in the event the plan is amended. The amended plan will be reviewed and approved by the Weld County Department of Public Health and Environment.
5. No chemicals are planned to be stored on-site. Should this change, this Waste Management Plan will be updated to outline the type and amount of chemical being stored. Should any chemicals need to be stored on site, they will be properly stored in labeled containers and MSDS sheets will be available on-site for each chemical stored.
6. All development standards will be adhered to.

Pawnee Waste Facility Dust Abatement Plan

1. A water truck will be utilized, as necessary, to control dust on the site.
2. The access road will consist of gravel road base. Speeds will be restricted to reduce the amount of dust generated.
3. Waste materials will be handled, stored, and disposed of in a manner that controls fugitive dust, fugitive particulate emissions, blowing debris, and other nuisance conditions.
4. Fugitive dust and particulate emissions will be controlled on the site as addressed in the Design and Operations Plan.
5. All development and operating standards will be adhered to.

Pawnee Waste Facility Emergency Action Plan

Pawnee Waste LLC is in the process of preparing an Emergency Action Plan for the facility. The plan will be prepared in coordination with the Pawnee Fire Protection District. Once completed, the plan will be provided to Weld County's Office of Emergency Management.