

State of Colorado  
Oil and Gas Conservation Commission

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Document Number:  
402654156

Date Received:  
04/09/2021

FIR RESOLUTION FORM

Overall Status: CAC

CA Summary:

1 of 1 CAs from the FIR responded to on this Form

1 CA Completed  
0 Factual Review Request

OPERATOR INFORMATION

OGCC Operator Number: 96850  
Name of Operator: TEP ROCKY MOUNTAIN LLC  
Address: PO BOX 370  
City: PARACHUTE State: CO Zip: 81635

Contact Name and Telephone:  
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COGCC INSPECTION SUMMARY:

FIR Document Number: 696202522  
Inspection Date: 03/25/2021 FIR Submit Date: 03/29/2021 FIR Status:

Inspected Operator Information:

Company Name: TEP ROCKY MOUNTAIN LLC Company Number: 96850  
Address: PO BOX 370  
City: PARACHUTE State: CO Zip: 81635

LOCATION - Location ID: 475753

Location Name: FEDERAL Number: PA 31-26 County:  
Qtrqr: LOT 2 Sec: 26 Twp: 6S Range: 95W Meridian: 6  
Latitude: 39.499942 Longitude: -107.964151

FACILITY - API Number: 05-045-00 Facility ID: 475753

Facility Name: FEDERAL Number: PA 31-26  
Qtrqr: LOT 2 Sec: 26 Twp: 6S Range: 95W Meridian: 6  
Latitude: 39.499942 Longitude: -107.964151

CORRECTIVE ACTIONS:

1 CA# 147793

Corrective Action: Install or repair required BMPs per Rule 1002.f.(2)C

Date: 06/25/2020

Operator Comment: TEP provides the following responses to the 5 storm water comments summarized in the FIR: 1) Storm water ditch on western end of pad has filled with sediment and is not functioning properly. TEP Response: The storm water ditch has been cleaned out and is functioning properly. Heavy snow and rain events in February and March 2021 caused a small volume of sediment to be washed down the cut slope and into the ditch. The ditch did function as designed by capturing and trapping the sediment in place. Removing sediment from sediment ditches is typical maintenance that is routinely identified and performed during TEP's internal inspection process. 2) Erosion degradation continues along cut slope. TEP Response: Based upon a June 23, 2020 meeting with TEP, BLM, and COGCC, TEP agreed to spray hydro-mulch on the cut slope even though it was not required. It was specifically noted that the steep slopes would likely shed loose sediment until they reached some degree of equilibrium. Other potential solutions would cause significant additional disturbance that would contravene the objectives of keeping the pad footprint as small as possible and minimizing the disturbance associated with construction. Until the steep slopes eventually harden and stabilize over time, TEP will continue to monitor the ditch and will routinely clean out sediment that collects from the cut slopes in the storm water trenches as part of our BMP maintenance program. The storm water trench and associated sediment catch basins are functioning as designed in that they are trapping sediment transported by stormwater runoff on the pad and preventing that sediment from leaving the location. 3) Control measures to stabilize/protect unpaved areas of the current production area is missing or insufficient. TEP Response: TEP disagrees with this comment. These remote well pads were never intended to be paved. Instead, the pad surface and access roads are hardened with various rock products such as pit run, washed cobble, road base, and crushed aggregate. This rock hardening may be diminished when heavy equipment and truck traffic push the rock into the underlying soils that have been softened after rain and snow events. When this happens, additional rock is added to the pad surface or access roads to help maintain a suitable hardened surface that allows for continued access. Ruts occasionally develop especially in areas that are particularly soft, but TEP monitors these conditions and blades or drags the rutted surface back to a smooth, usable working surface as needed. 4) Hydro-mulch observed to be degraded along cut slopes of the access road. TEP Response: TEP installed adequate and sufficient BMPs before applying the hydro-mulch in June 2020. TEP applied the hydro-mulch as an added BMP to demonstrate to the COGCC that TEP is committed to going above and beyond what is required to stabilize the location as much as possible. Hydro-mulch is not intended to be a permanent remedy, but rather to temporarily stabilize loose soils on steep slopes. Most of the hydro-mulch remains intact except for where animals have traversed and disturbed it. 5) Proper BMPs per good engineering practices remain missing to protect the waterway, and to stabilize access road at stream crossing; head-cutting and degradation observed, as well as sediment discharge within the stream/waters of the state. TEP Response: TEP disagrees with this assessment of the low water crossing and the allegation that traffic through the crossing is causing the sedimentation observed. The low water crossing was built in accordance with an engineered design as confirmed by Fox Engineering Solutions (see attachment). The low water crossing has functioned as designed as evidenced by the photographs submitted with the FIR. The rock within the low water crossing is protecting the underlying stream bed and preventing traffic from disturbing sediments within the original stream channel. The sediment observed in the photographs has been transported by the stream itself from upgradient topography and deposited within the low water crossing where the gradient is flatter. TEP agrees that the barrow ditches along both sides of the access road both above and below the crossing have degraded over the winter and need maintenance. TEP has since cleaned out the side ditches, refreshed them with new washed rock, and installed two additional sediment traps on the down-gradient side of the road that will capture sediment from the ditches prior to entering the low water crossing.

An on-site meeting was held on March 31, 2021 with BLM and TEP personnel to discuss the COGCC corrective actions identified in on March 25, 2021. COGCC was invited to the on-site meeting but declined to attend. As a result of discussions between TEP and BLM personnel at this meeting, the following additional improvements to the low water crossing have been implemented: 1) The crossing has been fortified by adding a grid of concrete panels set within the channel at a shallow angle (titled to the downgradient side) to promote drainage and continual flow through the crossing. In total, approximately 450 square feet of concrete panels were set within the low water crossing. 2) Approximately 20 cubic yards of riprap have been added to the downgradient edge of the crossing to dissipate water velocity during high-flow events and to prevent head-cutting from occurring along the downgradient edge of the crossing. 3) Approximately 15 cubic yards of 1.5-inch minus washed rock was placed in a layer on top of the concrete panels. 4) Both the uphill and downhill approaches to the low water crossing were also sloped to the downgradient edge to redirect water to side barrow ditches, which then transports runoff water and sediment to two new large, armored sediment traps that intercept storm water runoff and sediment prior to entering the crossing or the stream channel. 5) Erosion control blankets were installed and additional hydro-mulch was sprayed on the earthen banks at the SW and NW corners of the crossing to further stabilize the soils closest to the crossing. 6) The crossing was inspected by Mr. Dave Fox (licensed Professional Engineer in State of Colorado) on April 2 and 6, 2021. It is the opinion of Mr. Fox that " ... the construction BMPs on the PA 31-26 well pad site and the access road were appropriate and implemented in accordance with good engineering practices." Further, an inspection of " ...the entire perimeter of the well pad and access road disturbance areas found no evidence of sediment or other oil and gas related waste escapement from the site." A copy of Mr. Fox's site evaluation is attached.

COGCC Decision: **Not Approved**

COGCC Representative: COGCC Decision "Not Approved".

On 4/16/2021, COGCC Staff conducted a followup inspection (#696202576) on the Location and observed that the Location remains out of compliance with Rule 1002.f and corrective actions

COGCC has also conducted additional meetings to review the current compliance issues on the Location with

CDPHE, and it remains apparent that stormwater violations remain for both COGCC and CDPHE. Corrective actions remain applicable.

Additionally, as indicated by COGCC Comments within resolution #402425497, the FIRR "Corrective action complete" section is not a forum for TEP to disagree/argue with the corrective actions.

**OPERATOR COMMENT AND SUBMITTAL**

Comment: All corrective actions have been completed / addressed. The site is ready for re-inspection.

I hereby certify that the statements made in this form are, to the best of my knowledge, true, correct, and complete.

Print Name: Michael Gardner

Signed: \_\_\_\_\_

Title: TEP Environmental

Date: 4/9/2021 2:53:35 PM

**ATTACHMENT LIST**

View Attachments in Imaged Documents on COGCC website (<http://ogccweblink.state.co.us/>) - Search by Document Number.

<u>Document Number</u>	<u>Description</u>
402654156	FIR RESOLUTION SUBMITTED
402654312	Low water crossing repairs 1
402654313	Low water crossing repairs 2
402654314	Low water crossing repairs 3 w/ new sed basins
402654319	Rock added to fill ruts
402654320	Rock armoring on cut slopes
402654321	Terracing to remediate rills on cut slope
402654339	Sediment removed from SW trench
402654340	Hydro mulch still intact
402654345	Good Engineering Practices Report

Total Attach: 10 Files