

State of Colorado  
Oil and Gas Conservation Commission

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Document Number:  
402939406

Date Received:  
01/27/2022

**FIR RESOLUTION FORM**

Overall Status: CAC

CA Summary:

2 of 2 CAs from the FIR responded to on this Form

2 CA Completed  
0 Factual Review Request

**OPERATOR INFORMATION**

OGCC Operator Number: 96850  
Name of Operator: TEP ROCKY MOUNTAIN LLC  
Address: 1058 COUNTY ROAD 215  
City: PARACHUTE State: CO Zip: 81635

Contact Name and Telephone:  
Name: \_\_\_\_\_  
Phone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_  
Email: \_\_\_\_\_

Additional Operator Contact:

Contact Name	Phone	Email
<u>TEP</u>		<u>COGCCInspectionReports@terraep.com</u>

**COGCC INSPECTION SUMMARY:**

FIR Document Number: 696203424  
Inspection Date: 12/07/2021 FIR Submit Date: 12/10/2021 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: 439173

Location Name: Youberg RU Number: 44-7 County: \_\_\_\_\_  
Qtrqr: SESE Sec: 7 Twp: 7S Range: 93W Meridian: 6  
Latitude: 39.454841 Longitude: -107.810805

**FACILITY** - API Number: 05-045-00 Facility ID: 439173

Facility Name: Youberg RU Number: 44-7  
Qtrqr: SESE Sec: 7 Twp: 7S Range: 93W Meridian: 6  
Latitude: 39.454841 Longitude: -107.810805

**CORRECTIVE ACTIONS:**

1  CA# 158580

Corrective Action: Comply with Rule 606 Date: 12/14/2021

Response: CA COMPLETED Date of Completion: 12/14/2021

Operator Comment: Trash receptacle and remaining trash have been removed from location.

COGCC Decision: Approved pending re-inspection

Approved pending re-inspection of this FIR resolution acknowledges the document was received. It is not an

COGCC Representative: acknowledgement that the corrective action has been passed. Operator has provided no documentation attached to this resolution to show work has been conducted per corrective action(s). A field inspection will be conducted at a future date to evaluate compliance with COGCC rules.

2 CA# 158581

Corrective Action: Comply with Rule 1002.f

Date: 10/19/2021

Response: CA COMPLETED

Date of Completion: 10/19/2021

Operator Comment: 1) "Sediment traps on location not constructed or maintained in proper functioning condition." TEP response: The slope drains in sediment traps have been purposefully blocked / closed while frac operations are being conducted from this location. This action is a deliberate Spill Prevention BMP that is needed during fracing operations. Otherwise an open slope drain would become an open conduit that could potentially result in an uncontrolled, release of fluids off the location in the event that a major spill or release were to occur during fracing operations. This BMP complies with COGCC Rule 1002.f.(3).(A) which states that post-construction BMPs shall be selected to address potential sources of pollution which may reasonably be expected to affect the quality of discharges associated with ongoing operations. Once frac operations have been completed at this location, the slope drains will be opened and the sediment traps will again be returned to functioning as a sediment control BMP. Additionally, COAs for the Drilling / Completions Operations (Form 2A document number 401058467) requires that TEP implement best management practices to contain any unintentional release of fluids. Temporarily blocking slope drains during completions operations is a long-standing BMP that has been used to minimize the potential for off-site impacts in the event of an accidental release. 2) "Control measures to stabilize / protect cut slopes of the location missing or insufficient." TEP Response: The exposed cut slope at the RU 44-7 is composed mostly of large basaltic rock and boulders (up to 80% rock). Therefore, the cut-slope is naturally stabilized and is "rip-rapped" / hardened against erosion. See attached photos. This location has been stabilized for several years and has not experienced any issues with instability of the cut slope. Attempting to hydro-mulch / seed this slope would be futile, due to the high content of rock in the slope. Further, erosion control blankets would likewise have little affect or add negligible benefit to stabilizing the slope. The cut slope and any stability issues will be addressed during the final reclaim of the location when the site will be reclaimed back to pre-existing conditions and contours. In summary, this Drill Pad Location was permitted and approved for construction at this location by COGCC. In compliance with Rule 1002.d, the steep cut slope associated with this Drill Pad Location was constructed to the least percent slope practical, and the steep cut slope at this permitted location was not avoidable. Due to the high content of naturally-occurring rock within the cut slope, TEP believes that the cut-slope at this location is stable. Further, the BMPs implemented at this location comply with Rule 1002.f.(2) and are designed to minimize (not eliminate) erosion, transport of sediment offsite, and site degradation. BMPs shall be maintained until the facility is abandoned and final reclamation is achieved pursuant to Rule 1004.

COGCC Decision: Not Approved

COGCC Representative: After conversations with Field Staff and Operator, approving portion of CA regarding the sediment traps; once frac Operations have been completed, trap and slope drain control measures requires maintenance to ensure BMPs are installed in accordance with good engineering practices, and maintained in proper functioning condition. Operator CA date of completion 10/19/2021, FIR #696203424 dated 12/7/2021 observed that control measures to minimize erosion, stabilize/protect cut slopes of the Location are missing or insufficient. COGCC Decision "Not Approved", CA remains applicable.

OPERATOR COMMENT AND SUBMITTAL

Comment: Corrective actions have been addressed. TEP received a FIRR response (Doc #402858657) from COGCC on 1/27/22, with the comment: "COGCC Decision 'Not Approved'. FIRR CA "Date of Completion" 10/19/21. Inspection #696293424 dated 12/7/21 observed that location remains out of compliance with Rule 1002.f." TEP has attempted (in good faith) to explain why this location does comply with Rule 1002.f, but the COGCC representative continues to disagree, and does not provide any further direction or clarification. Therefore, TEP requests a site visit and factual review of site conditions and applicable rules with the appropriate COGCC staff to resolve this issue.

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 ENV

Date: 1/27/2022 4:08:12 PM

ATTACHMENT LIST

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

<b>Document Number</b>	<b>Description</b>
402939406	FIR RESOLUTION SUBMITTED

Total Attach: 1 Files