

State of Colorado
Oil and Gas Conservation Commission

1120 Lincoln Street, Suite 801, Denver, Colorado 80203
Phone: (303) 894-2100 Fax: (303) 894-2109



Document Number:
403072946

Date Received:
06/15/2022

FIR RESOLUTION FORM

Overall Status:

CA Summary:

8 of 8 CAs from the FIR responded to on this Form

8 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
.Inspections		COGCCInspectionReports@terraep.com
		alex.fischer@state.co.us
		john.heil@state.co.us

COGCC INSPECTION SUMMARY:

FIR Document Number: 696203718
Inspection Date: 05/05/2022 FIR Submit Date: 05/25/2022 FIR Status:

Inspected Operator Information:

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

LOCATION - Location ID: 480732

Location Name: FEDERAL Number: WMC 24-17 County:
Qtrqr: SESW Sec: 17 Twp: 7S Range: 93W Meridian: 6
Latitude: 39.439076 Longitude: -107.799611

FACILITY - API Number: 05-045-00 Facility ID: 480732

Facility Name: FEDERAL Number: WMC 24-17
Qtrqr: SESW Sec: 17 Twp: 7S Range: 93W Meridian: 6
Latitude: 39.439076 Longitude: -107.799611

CORRECTIVE ACTIONS:

1 CA# 162270

Corrective Action: Install sign to comply with 605.a Date: 06/25/2022

Response: CA COMPLETED Date of Completion: 05/31/2022

Operator Comment: Sign has been replaced. See attached pic.

COGCC Decision: _____

COGCC
Representative:

2 CA# 162271

Corrective Action: Comply with 1002.f and install or maintain stormwater and erosion control BMPs in accordance with good engineering practices.

Date: 06/01/2022

Response: CA COMPLETED

Date of Completion: 06/08/2022

Operator Comment: All corrective actions related to storm water and erosion control issues stemming from this inspection have been completed. See attached pics.

COGCC Decision: _____

COGCC
Representative:

3 CA# 162272

Corrective Action: Comply with 1002.f and install or maintain stormwater and erosion control BMPs in accordance with good engineering practices.

Date: 06/01/2022

Response: CA COMPLETED

Date of Completion: 06/08/2022

Operator Comment: All corrective actions related to storm water and erosion control issues stemming from this inspection have been completed. See attached pics.

COGCC Decision: _____

COGCC
Representative:

4 CA# 162273

Corrective Action: Comply with 1002.f and install or maintain stormwater and erosion control BMPs in accordance with good engineering practices.

Date: 06/01/2022

Response: CA COMPLETED

Date of Completion: 06/08/2022

Operator Comment: All corrective actions related to storm water and erosion control issues stemming from this inspection have been completed. See attached pics.

COGCC Decision: _____

COGCC
Representative:

5 CA# 162274

Corrective Action: Comply with 1002.f and install or maintain stormwater and erosion control BMPs in accordance with good engineering practices.

Date: 06/01/2022

Response: CA COMPLETED

Date of Completion: 06/08/2022

Operator Comment: All corrective actions related to storm water and erosion control issues stemming from this inspection have been completed. See attached pics.

COGCC Decision: _____

COGCC
Representative:

Corrective Action: Comply with 1002.f and install or maintain stormwater and erosion control BMPs in accordance with good engineering practices.

Date: 06/01/2022

Response: CA COMPLETED

Date of Completion: 06/08/2022

Operator Comment: All corrective actions related to storm water and erosion control issues stemming from this inspection have been completed. See attached pics.

COGCC Decision:

COGCC Representative:

Corrective Action: Comply with 1002.f and install or maintain stormwater and erosion control BMPs in accordance with good engineering practices.

Date: 10/19/2021

Response: CA COMPLETED

Date of Completion: 06/08/2022

Operator Comment: Rock check dams have been redesigned and a Big Red wattle has been staked in front of rock checks to mitigate water flow / velocity. All corrective actions related to storm water and erosion control issues stemming from this inspection have been completed. See attached pics.

COGCC Decision:

COGCC Representative:

Corrective Action: Improper soil salvage has resulted in the loss or degradation of the topsoil resource, therefore Operator is being directed to propose an acceptable solution to the COGCC, in order to resolve the soil salvage compliance issues. Operator shall provide solution and justifications attached to a Form 4, and submit with a request that document is routed to NW Reclamation Specialist Trujillo. This corrective action will stand until issue has been resolved.

Date: 06/03/2022

Response: CA COMPLETED

Date of Completion: 06/03/2022

Operator Comment: TEP maintains that top soil was properly salvaged and stockpiled at the WMC 24-17 location. As evidenced in the Topsoil Protection Plan prepared for this location, the depth of topsoil varies widely across the surface area of the pad. Results of soil samples collected by a 3rd party geologist indicate that " ... from the sample locations, no topsoil horizons extended more than six (6) inches below the surface elevation and measured topsoil depths." COGCC Rule 1002.b.(3) applies to soil horizons that are "too rocky or too thin" when removing and segregating soils during construction. This rule states that "... when the soil horizons are too rocky or too thin for the operator to practicably segregate, then the topsoil shall be segregated to the extent possible and stored. Too rocky shall mean that the soil horizon consists of greater than 35% by volume rock fragments larger than 10 inches in diameter. Too thin shall mean soil horizons that are less than six inches in thickness." These conditions both apply to the field conditions observed during construction of the WMC 24-17 location. Per the Topsoil Protection Plan, the two sample locations from the pad itself show that Pit #5 contained 2 inches of topsoil and rock fragments, and Pit #6 contained 6 inches of topsoil and rock fragments. The "average" thickness of topsoil was estimated to be six-inches or less on the pad. COGCC comment #4 on Field Inspection Report (doc #696203718 submitted 5/25/22) states that "... multiple test pits conducted in the adjacent references show top soil could have exceeded 22 inches in depth on the location." However, the Federal WMC 24-17 #4807512 Issue Report (doc #696203719) only references a single pit that is within the adjacent reference area ... not multiple locations. Based upon the GPS coordinates of the photograph collected by COGCC staff, the single reference sample point where top soil was reported to exceed 22 inches is located approximately 650 feet west of the center of the WMC 24-27 pad (see attached photo). Over this distance, soil conditions can differ significantly from one location to the next. Further, the statement that "... top soil could have exceeded 22 inches ..." is not conclusive about site conditions on the pad itself, and is a statement of conjecture and speculation. In summary, the COGCC sample location was not collected from the pad itself where the actual top soil thicknesses were actually measured to average 6 inches or less. Also as shown on the attached photograph, areas with exposed basaltic rock boulders are evident at the surface over a significant portion of the pad location.

The topsoil stockpile was sized at 4,700 cy; however, this does not represent the volume of topsoil to be stripped. This number is strictly a stockpile capacity calculation that represents the maximum volume available for storage for that stockpile. This "extra capacity" is used to ensure that the construction contractor appropriately sizes the stockpile such that it will adequately contain not only the actual volume of soil removed, but so that it will also accommodate an expansion (fluff) factor. The 4,700 cy value is strictly for dimensional and pad layout purposes. Based upon the observed topsoil thicknesses documented in the Topsoil Protection Plan prepared for this location, TEP used a thickness of 6-inches to estimate the volume of topsoil that could potentially be salvaged. The estimated topsoil quantity was estimated to be 3,890 cy based on the disturbed area; however, with the high content of rock encountered on this location, the actual volume is likely will below the estimated volume.

Because the topsoil horizon was so thin at this location, TEP took extra precautions to protect and preserve the greatest amount of topsoil possible that was removed from the pad, since it would be crucial to successfully establishing vegetation during later reclamation activities. For these reasons, TEP is confident that all possible topsoil was salvaged, and that the WMC 24-27 meets the criteria of locations where soil horizons are too rocky or too thin, as outlined in COGCC Rule 1002.b.(3). Therefore, TEP did not engage in practices that resulted in "...the improper soil salvage (which) resulted in the loss or degradation of the topsoil resource" at this location.

COGCC Decision: _____

COGCC Representative:

OPERATOR COMMENT AND SUBMITTAL

Comment: All corrective actions have been completed / addressed. See details within the Corrective Actions & Responses tab and attached documentation.

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 Lead

Date: 6/15/2022 3:18:10 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>
403072963	WMC 24-17 Erosion Control Plan
403077592	Photo - Work Completed
403077593	Photo - Work Completed
403077594	Photo - Work Completed
403077595	Photo - Work Completed
403077596	Photo - Work Completed
403077597	Photo - Work Completed
403077598	Photo - Work Completed
403077599	Photo - Work Completed
403077600	Photo - Work Completed
403077601	Photo - Work Completed
403077602	Photo - Work Completed
403077603	Photo - Work Completed
403077604	Photo - Work Completed
403077605	Photo - Work Completed
403077606	Photo - Work Completed
403078574	COGCC Top Soil Reference Point
403080828	Photo - High rock content at WMC 24-17
403080829	Photo - High rock content at WMC 24-17

