

State of Colorado
Oil and Gas Conservation Commission

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Document Number:
403302929

Date Received:
01/26/2023

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: 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: 702800982
Inspection Date: 11/28/2022 FIR Submit Date: 12/01/2022 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: 335544

Location Name: NORCROSS-66S93W Number: 13NESW County: _____
Qtrqr: NESW Sec: 13 Twp: 6S Range: 93W Meridian: 6
Latitude: 39.522941 Longitude: -107.728929

FACILITY - API Number: 05-045-00 Facility ID: 335544

Facility Name: NORCROSS-66S93W Number: 13NESW
Qtrqr: NESW Sec: 13 Twp: 6S Range: 93W Meridian: 6
Latitude: 39.522941 Longitude: -107.728929

CORRECTIVE ACTIONS:

1 CA# 166332

Corrective Action: Comply with 1002.f Date: 03/31/2022

Response: CA COMPLETED Date of Completion: 03/31/2022

Operator Comment: Due to the location and topographic conditions of this pad, the steep /vertical cut slopes and/or long fill slopes were not avoidable. As can be expected, loose sediment, rocks, and debris may occasionally wash onto the pad surface from the exposed face of the cut slope - especially during intense, localized storm events. However, the amount of sediment, rock, or debris is usually negligible and is confined to the base of the cut slope. If excessive amounts of sediment, rock, or debris are deposited on the pad, TEP will remove these materials to ensure safe and efficient access to facilities, and to maintain continued operations. It is unrealistic to expect that steep or vertical cut slopes will not occasionally shed loose material to the pad surface below. Any materials deposited on

the pad surface that interfere with site operations or access will be removed and re-used as needed. Minor rills and erosional features on the cut slope (or fill slope) are inconsequential as long as the materials deposited do not interfere

with or threaten site operations, and the minor amounts of sediment transported by these features remain within the permitted boundary of disturbance (i.e., no off-site discharge). Minor erosional rills are not an indication that the pad is "unstable."

TEP maintains that the minor erosional rills / features observed on almost any cut slope are not an indicator that the slope or pad is in eminent danger of "failure or giving way." Usually, such rills are minor, surficial features produced from the forces of gravity and running water. Nothing more. TEP has a vested interest to ensure that our locations are sufficiently stable and protected to safeguard our operations and investment at that location. TEP is diligent in the inspection and maintenance of our locations, and we are fully prepared to mitigate any natural hazards that may impede or jeopardize our ability to conduct operations at our locations. In compliance with Rule 1002.f.(2), TEP has implemented BMPs at this location "... to control stormwater runoff in a manner that minimizes erosion, the transport of sediment off-site, and site degradation." Rule 1002.f.(2) is very clear in its language that requires the operator to control storm water runoff and to minimize erosion – not eliminate it. TEP has implemented BMPs that are controlling and managing the flow of storm water runoff at this location and erosion is being minimized. TEP believes that the cut-slope at this location is stable, and the BMPs implemented at this location comply with Rule 1002.f.(2) and are designed to minimize (not eliminate) erosion, the transport of sediment offsite, and site degradation.

Sites with steep cut and/or fill slopes are dynamic, changing landscapes and the associated BMPs will constantly need to be maintained. TEP recognizes the importance of maintaining BMPs, and performs this duty by conducting routine storm water inspections which generate work orders for deficient conditions. The required maintenance work as identified by the orders are then performed as needed in an on-going, continuous process of inspection and maintenance. BMPs shall be maintained at this location until site operations are completed, the related equipment and facilities are properly abandoned, and final reclamation of the site is achieved pursuant to Rule 1004.

COGCC Decision: **Not Approved**

COGCC Representative: The FIRR, Corrective action completed section, is not a forum for OPERATOR to disagree/argue with the corrective actions. COGCC is unable to approve this resolution as the corrective actions have not been completed.

During inspections on 3/24/2022 and 11/28/2022 the cut slope in question was observed to be bare and unprotected, with rill formations. Rills are erosional features which indicate eroding soils and degradation to the slope. Eroding soils act as a sediment source and stormwater pollutant. Control measures to minimize erosion degradation to the slope were not observed. Therefore, there is no evidence that "TEP has implemented BMPs at this location ... to control stormwater runoff in a manner that minimizes erosion, the transport of sediment off-site, and site degradation" per Operator comment.

OPERATOR COMMENT AND SUBMITTAL

Comment: TEP is minimizing and controlling sediment at this location. Any sediment movement / migration from the cut slopes is being caught, managed, and controlled on location by various layers of on-site storm water BMPs. These BMPs are maintained and cleaned on an as-needed basis and according to the recommendations from TEP's dedicated contract storm water inspection personnel. TEP is complying with COGCC Rule 1002.f.

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: 1/26/2023 10:52:52 AM

ATTACHMENT LIST

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

Document Number	Description
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403302929	FIR RESOLUTION SUBMITTED
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Total Attach: 1 Files