

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:  
403388699

Date Received:  
04/29/2023

FIR RESOLUTION FORM

Overall Status: FRQ

CA Summary:

6 of 6 CAs from the FIR responded to on this Form

0 CA Completed  
6 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>Mike Gardner</u>    |       | <u>mgardner@terraep.com</u>               |
| <u>Trujillo, Aaron</u> |       | <u>aaron.trujillo@state.co.us</u>         |
| <u>.TEP</u>            |       | <u>COGCCInspectionReports@terraep.com</u> |

COGCC INSPECTION SUMMARY:

FIR Document Number: 702801487  
Inspection Date: 04/21/2023 FIR Submit Date: 04/24/2023 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: 335045

Location Name: South Leverich Number: 13-09 Pad County: \_\_\_\_\_  
Qtrqtr: LOT 3 Sec: 13 Twp: 7S Range: 94W Meridian: 6  
Latitude: 39.435590 Longitude: -107.829100

FACILITY - API Number: 05-045- -00 Facility ID: 335045

Facility Name: South Leverich Number: 13-09 Pad  
Qtrqtr: LOT 3 Sec: 13 Twp: 7S Range: 94W Meridian: 6  
Latitude: 39.435590 Longitude: -107.829100

CORRECTIVE ACTIONS:

1  CA# 170021

Corrective Action: Install or repair BMPs per Rule 1002.f and 1002.c. Date: 04/26/2023

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Corrective action due dates set forth in Inspection Report are not attainable due to soft, muddy, site conditions. See email and site photos sent to Anna O'Malley dated 04/25/23. TEP is actively conducting repairs as site

Operator Comment: conditions allow, but much of the site remains too soft and muddy to access and use heavy equipment needed to conduct repairs. TEP continues to monitor the site closely and will continue to work on CAs. TEP will submit FIRR as actions are completed.

COGCC Decision: **Not Approved**

COGCC Representative: Location will remain out of compliance until corrective actions are addressed. TEP built this Location in February during winter conditions, stormwater and topsoil protection controls should have been implemented and installed at the time of construction. A field inspection will be conducted at a future date to evaluate compliance with COGCC rules.

COGCC Supervisor: Location will remain out of compliance until corrective actions are addressed. TEP built this Location in February during winter conditions, stormwater and topsoil protection controls should have been implemented and installed at the time of construction. A field inspection will be conducted at a future date to evaluate compliance with COGCC rules.

2  CA# 170022

Corrective Action: Install or repair BMPs per Rule 1002.f.

Date: 04/27/2023

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator Comment: Corrective action due dates set forth in Inspection Report are not attainable due to soft, muddy, site conditions. See email and site photos sent to Anna O'Malley dated 04/25/23. TEP is actively conducting repairs as site conditions allow, but much of the site remains too soft and muddy to access and use heavy equipment needed to conduct repairs. TEP continues to monitor the site closely and will continue to work on CAs. TEP will submit FIRR as actions are completed.

COGCC Decision: **Not Approved**

COGCC Representative: Location will remain out of compliance until corrective actions are addressed. TEP built this Location in February during winter conditions, stormwater and topsoil protection controls should have been implemented and installed at the time of construction. Topsoil salvage should have been performed in it's entirety. A field inspection will be conducted at a future date to evaluate compliance with COGCC rules.

COGCC Supervisor: Location will remain out of compliance until corrective actions are addressed. TEP built this Location in February during winter conditions, stormwater and topsoil protection controls should have been implemented and installed at the time of construction. Topsoil salvage should have been performed in it's entirety. A field inspection will be conducted at a future date to evaluate compliance with COGCC rules.

3  CA# 170023

Corrective Action: Implement or modify BMPs for improved material handling and spill prevention.

Date: 04/29/2023

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator Comment: Corrective action due dates set forth in Inspection Report are not attainable due to soft, muddy, site conditions. See email and site photos sent to Anna O'Malley dated 04/25/23. TEP is actively conducting repairs as site conditions allow, but much of the site remains too soft and muddy to access and use heavy equipment needed to conduct repairs. TEP continues to monitor the site closely and will continue to work on CAs. TEP will submit FIRR as actions are completed.

COGCC Decision: **Not Approved**

COGCC Representative: Location will remain out of compliance until corrective actions are addressed. TEP built this Location in February during winter conditions, stormwater and topsoil protection controls should have been implemented and installed at the time of construction. Topsoil salvage should have been performed in it's entirety. A field inspection will be conducted at a future date to evaluate compliance with COGCC rules.

COGCC Supervisor: Location will remain out of compliance until corrective actions are addressed. TEP built this Location in February during winter conditions, stormwater and topsoil protection controls should have been implemented and installed at the time of construction. Topsoil salvage should have been performed in it's entirety. A field inspection will be conducted at a future date to evaluate compliance with COGCC rules.

4  CA# 170024

Corrective Action: Corrective Action 1: Conduct additional topsoil salvage per Rule 1002.b: CA Date 4/25/2023.

Date: 04/25/2023

Corrective Action 2: Submit, attached to a Form 4 documentation of the actual amount of topsoil salvaged from the location. Include the actual depth salvaged and the total amount salvaged. Request that document is routed to Reclamation Specialist O'Malley.

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator Comment: Corrective action due dates set forth in Inspection Report are not attainable due to soft, muddy, site conditions. See email and site photos sent to Anna O'Malley dated 04/25/23. TEP is actively conducting repairs as site conditions allow, but much of the site remains too soft and muddy to access and use heavy equipment needed to conduct repairs. TEP continues to monitor the site closely and will continue to work on CAs. TEP will submit FIRR as actions are completed.

COGCC Decision: **Not Approved**

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5  CA# 170025

Corrective Action: Implement BMPs to protect topsoil applied throughout the location from erosion degradation and from contamination with subsoil.

Date: 04/27/2023

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator Comment: Corrective action due dates set forth in Inspection Report are not attainable due to soft, muddy, site conditions. See email and site photos sent to Anna O'Malley dated 04/25/23. TEP is actively conducting repairs as site conditions allow, but much of the site remains too soft and muddy to access and use heavy equipment needed to conduct repairs. TEP continues to monitor the site closely and will continue to work on CAs. TEP will submit FIRR as actions are completed.

COGCC Decision: **Not Approved**

COGCC Representative: Location will remain out of compliance until corrective actions are addressed. TEP built this Location in February during winter conditions, stormwater and topsoil protection controls should have been implemented and installed at the time of construction. Topsoil salvage should have been performed in it's entirety. A field inspection will be conducted at a future date to evaluate compliance with COGCC rules.

COGCC Supervisor: Location will remain out of compliance until corrective actions are addressed. TEP built this Location in February during winter conditions, stormwater and topsoil protection controls should have been implemented and installed at the time of construction. Topsoil salvage should have been performed in it's entirety. A field inspection will be conducted at a future date to evaluate compliance with COGCC rules.

6  CA# 170026

Corrective Action: Install or repair required BMPs per Rule 1002.f.

Date: 04/27/2023

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator Comment: Corrective action due dates set forth in Inspection Report are not attainable due to soft, muddy, site conditions. See email and site photos sent to Anna O'Malley dated 04/25/23. TEP is actively conducting repairs as site conditions allow, but much of the site remains too soft and muddy to access and use heavy equipment needed to conduct repairs. TEP continues to monitor the site closely and will continue to work on CAs. TEP will submit FIRR as actions are completed.

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COGCC Supervisor: Location will remain out of compliance until corrective actions are addressed. TEP built this Location in February during winter conditions, stormwater and topsoil protection controls should have been implemented and installed at the time of construction. Topsoil salvage should have been performed in it's entirety. A field inspection will be conducted at a future date to evaluate compliance with COGCC rules.

OPERATOR COMMENT AND SUBMITTAL

Date Run: 5/3/2023 Doc [#403388699]

Page 3 of 4

Comment: Corrective action due dates set forth in Inspection Report are not attainable due to soft, muddy, site conditions. See email and site photos sent to Anna O'Malley dated 04/25/23. TEP is actively conducting repairs as site conditions allow, but much of the site remains too soft and muddy to access and use heavy equipment needed to conduct repairs. TEP continues to monitor the site closely and will continue to work on CAs. TEP will submit FIRR as actions are completed.

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: 4/29/2023 7:28:42 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>               |
|------------------------|----------------------------------|
| 403388699              | FIR RESOLUTION SUBMITTED         |
| 403388700              | Email correspondence 04/25/23    |
| 403388701              | Photo - site conditions 04/25/23 |
| 403388702              | Photo - site conditions 04/25/23 |

Total Attach: 4 Files