

From: [Mike Gardner](#)
To: anna.omalley@state.co.us
Cc: [Eric DeKam](#); [Heather Foor](#); [Adam Tankersley](#)
Subject: RE: Construction Inspection at South Leverich 13-09 Pad
Date: Tuesday, April 25, 2023 8:30:00 PM
Attachments: [South Leverich 13-09_042523a.jpeg](#)
[South Leverich 13-09_042523b.jpeg](#)

Hi Anna,

I just wanted to provide you with an update of the items you identified as needing immediate attention in your email from 4/24/23 and in FIR doc #702801487. TEP staff and contractors met this morning to discuss each item individually and to figure out a path forward. We have our construction contractor and storm water inspectors on location this afternoon to assess equipment / resources needed to address the following issues:

- Installing a second row of wattles around the perimeter / base of the snow pile below the fill slope on northern edge of location (reference photos #6 and #7);
- Installing erosion control fabric and / or rocks on outlets of any unprotected sediment traps (reference photo #15);
- Collecting water from the poly pipe and routing to a new constructed sediment trap (reference photos #18 - #20);
- Anchoring / securing the porta-potty (reference photo #22);

Pertaining to your request for submitting survey data for the amount of topsoil salvaged from the location by 4/25/23, to fully assess the topsoil volume discrepancies described in the inspection, TEP will need additional time to gather information and evaluate the required topsoil salvage volume versus the actual volume of the stockpile. We expect this to take approximately two weeks to complete, at which time we will submit a Form 4 sundry with the results of our assessment on or before 5/09/23.

TEP is also requesting an extension of all other Corrective Actions dates identified in Inspection Report #702801487 until 5/26/23. This extension is being requested because this is still an active construction site and the installation of various site BMPs are still in progress. Also, due to the unprecedented levels of snow / moisture received this past winter, on-going snowy and wet conditions persist at the location. The site received another 4-5 inches of snow last night which only adds to the amount of snow already on location and in the surrounding area (see attached site photos taken this afternoon). Site / soil conditions will need to dry out significantly before TEP can attempt to access some of the outlying areas with the heavy equipment needed to conduct some of the repairs described in the inspection report. Doing so prematurely will only cause more harm than good.

Beginning tomorrow (4/26/23), TEP will commence work on the corrective actions described above. TEP will endeavor to complete all CAs as soon as possible, and as site conditions allow. Additional details and information will be provided in a FIRR that will be prepared and submitted by 4/28/23.

Please give me a call if you'd like to discuss or need additional information. Thank you.

Mike Gardner
Cell: (970) 623-4875
Office: (970) 263-2760
mgardner@terraep.com

From: Mike Gardner
Sent: Monday, April 24, 2023 11:14 PM
To: O'Malley - DNR, Anna <anna.omalley@state.co.us>
Subject: RE: Construction Inspection at South Leverich 13-09 Pad

Anna,

Thank you for the heads-up. I will review in more detail in the morning, and TEP will have a team meeting with the appropriate folks to figure what can be addressed within the time frames you have indicated. With current weather conditions and upcoming snow melt, I'm not sure if all of these deadlines are practical / achievable. Let us see what we can reasonably do, but we may have to seek and extension on some of these dates if they are not attainable.

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From: O'Malley - DNR, Anna <anna.omalley@state.co.us>
Sent: Monday, April 24, 2023 7:22 PM
To: Mike Gardner <MGardner@terraep.com>
Subject: Construction Inspection at South Leverich 13-09 Pad

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Good Evening Mike,

I just submitted inspection #702801487 for the South Leverich 13-09 Pad. Some items in the inspection require immediate action so I wanted to bring your attention to the FIR via email.

Thanks and have a good night.

-Anna

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Anna O'Malley
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(she/her)

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