

State of Colorado
Oil and Gas Conservation Commission

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Document Number:

403411071

Date Received:

05/24/2023

FIR RESOLUTION FORM

Overall Status: CAC

CA Summary:

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

6 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

TEP

COGCCInspectionReports@terraep.com

Mike Gardner

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Trujillo, Aaron

aaron.trujillo@state.co.us

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: _____

Qtrqr: 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

Qtrqr: 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: CA COMPLETED

Date of Completion: 05/02/2023

Wattles observed during initial inspection had been installed during freezing and snowing conditions. Once snow / ice thawed, the wattles needed to be re-staked. Wattles around the perimeter of the disturbed areas have been

Operator Comment: re-staked / installed. Hydromulch has been re-applied to stock piles and slopes to protect soils from degradation. See attached pics.

COGCC Decision: **Not Approved**

COGCC Representative: Refer to Inspection #702801561 dated 5/30/2023. Corrective action has not been addressed.

2 ☒ CA# 170022

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

Date: 04/27/2023

Response: CA COMPLETED

Date of Completion: 05/02/2023

Operator Comment: Erosion control bags observed during initial inspection had been installed during freezing and snowing conditions. Once snow / ice thawed, many of the erosion control bags needed to be re-set. Erosion control bags have been re-set around the perimeter of the disturbed areas, and additional erosion control bags were added to areas where snow from the pad surface had been plowed / stockpiled. This snow stockpile / storage area also contained soils scraped from the pad surface. The additional erosion control BMPs (erosion bags) were placed around the entire perimeter of this snow pile in an effort to contain and control any sediment movement from this snow stockpile area as the snow melts. Hydromulch has been re-applied to stock piles and slopes to protect soils from degradation. See attached pics.

COGCC Decision: Approved

COGCC Representative: Inspector observed erosion control bags properly installed. Refer to Inspection #702801561 dated 5/30/2023.

3 ☒ CA# 170023

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

Date: 04/29/2023

Response: CA COMPLETED

Date of Completion: 04/25/2023

Operator Comment: The portable toilet observed on location was actually already bolted down and secured to a metal trailer, frame, and wheels. The toilet was not at risk of blowing over or being spilled. Nonetheless, the trailer frame and attached toilette was secured with metal posts to demonstrate compliance with this corrective action request.

COGCC Decision: **Not Approved**

COGCC Representative: Refer to Inspection #702801561 dated 5/30/2023. Corrective action has not been addressed.

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: CA COMPLETED

Date of Completion: 05/04/2023

Operator Comment: Upon further review of the Construction Layout, the Topsoil Protection Plan, and the as-built topsoil data received from TEP's contract surveyor, it appears that the actual volume of topsoil removed and stockpiled for later use was short of the actual volume that should have been removed. Please see the detailed explanation included as an attachment to this FIRR. This discrepancy was not an intentional mistake, and TEP is addressing this issue with our surveyors. However, the location has been constructed and there is no opportunity to salvage additional topsoil at this point. TEP's calculations suggest that there will be a sufficient volume of topsoil available in the current stockpile to successfully reclaim the location. If there is not an adequate volume of top-soil material, available for reclamation, TEP will either amend existing available materials, or import additional top soil as may needed.

COGCC Decision: **Not Approved**

COGCC Representative: Corrective Action 1: Refer to Inspection #702801561 dated 5/30/2023. Corrective action has not been addressed. Topsoil salvage is required.

Corrective Action 2: TEP has submitted Form 4 #403411906 which included the requested topsoil calculations.

Corrective action to submit Form 4 has been addressed. However, TEP indicates in the F4 that all the available topsoil was not salvaged and proposes to "address any long-term issues associated with site reclamation as they come." COGCC does not accept the plan for TEP to address issues with insufficient topsoil salvage in the future "as they come." TEP is being directed to propose meaningful, acceptable solutions to the COGCC to resolve the soil salvage compliance issues - not plans to address it if/when it arises during final reclamation.

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: CA COMPLETED

Date of Completion: 05/15/2023

Operator Comment: BMPs have been re-installed to protect topsoil from erosion. BMPs include installation of erosion control bags, applying hydro-mulch to freshly disturbed surfaces on multiple occasions, adding rock and gravel to stabilize soft areas and prevent rutting, continually grading pad / access road surface as conditions allowed, installing sediment control basins with armored inlets and outlets, intercepting and piping run-on water around steep / sensitive areas and high traffic areas, etc.. See attached pics.

COGCC Decision: **Not Approved**

COGCC Representative: Refer to Inspection #702801561 dated 5/30/2023. Corrective action has not been addressed. Inspector observed that topsoil applied to fill slopes was Hydromulched (CA partially addressed) but grub piles containing topsoil at the location perimeter continue to lack erosion protections. Also, BMPs to protect topsoil from contamination with subsoil not observed.

6  CA# 170026

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

Date: 04/27/2023

Response: CA COMPLETED

Date of Completion: 05/15/2023

Operator Comment: The storm water drain pipe at the south and east side of the pad was extended and buried beneath the main access road to prevent discharge of snow melt onto the access road. Additional rock was brought in to build up the access road and to provide sufficient cover and protection for the underlying drain pipe. The drain pipe was extended a distance of approximately 300 feet. Several rock-lined sediment basins were constructed below the discharge point of the drain pipe to control and minimize both snow melt water and the associated sediment. See attached pics.

COGCC Decision: Approved

COGCC Representative: Refer to Inspection #702801561 dated 5/30/2023. Original corrective action has been addressed. However, BMPs installed at the stormwater drain are not constructed per good engineering practices. Refer to Inspection #702801561 for corrective action.

OPERATOR COMMENT AND SUBMITTAL

Comment: Corrective action due dates set forth in Inspection Report (doc #702801487) were not attainable due to soft, muddy, site conditions that existed at the location during late April 2023. See email and site photos (doc #403388700) sent to Anna O'Malley dated 04/25/23 requesting extension of all CAs until 05/26/23. A FIRR (doc #403388699) was also submitted with a Factual Review Request for all CA dates.

Since that time, TEP has been actively conducting repairs at the location as site conditions allow. As described in the original FIRR doc # 403388700, TEP will submit FIRR as actions are completed. The purpose of this FIRR is to provide an update on all of the CAs identified in the original Field Inspection Report. As requested in the original Field Inspection Report, top soil salvage information and calculations have also been submitted in a Form 4 (doc # 403411906) to Reclamation Specialist O'Malley.

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: 5/24/2023 11:44:02 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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403411071	FIR RESOLUTION SUBMITTED
403411102	Correspondence: Top Soil Salvage Calcs

403411779	BMPs (wattles, run-on ditch, check dam, armored sed trap, hydromulch) around top soil pile
403411785	BMPs: Erosion control bags lining base of fill slope
403411787	BMPs: Erosion control bags outside snow / debris pile
403411789	BMPs: Extending run-on water across access road
403411792	BMPs: Extending run-on water across access road
403411794	BMPs: Hydromulch and erosion logs along base of fill slope
403411795	BMPs: Hydromulch and erosion logs along base of fill slope
403411796	BMPs: Hydro mulch -Topsoil protection
403411797	BMPs: Hydromulch on fill slope. Armored sediment basins in back ground.
403411798	BMPs: Rock plated and lined inlet / outlet on typical sediment trap
403411799	BMPs: Rock plated and lined outlet on typical sediment trap
403411800	BMPs: Run-on pipe and discharge into plated / lined sediment basin
403411859	FIRR doc 403388699 submit with Factual Review Request due to Unattainable CA dates
403411876	Correspondence: Email to Anna O'Malley dated 04-25-23

Total Attach: 16 Files