

State of Colorado
Energy & Carbon Management Commission

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Document Number:

403624254

Date Received:

12/15/2023

FIR RESOLUTION FORM

Overall Status: FRQ

CA Summary:

1 of 1 CAs from the FIR responded to on this Form

0 CA Completed

1 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

Baker, Brandon

bbaker@terraep.com

Mahaffey, Justin

jmahaffey@terraep.com

TEP

COGCCInspectionReports@terraep.com

COGCC INSPECTION SUMMARY:

FIR Document Number: 696205467

Inspection Date: 12/11/2023

FIR Submit Date: 12/13/2023

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: 335451

Location Name: EPPEPLY-66S92W Number: 23SWSW County: _____

Qtrqr: SWS Sec: 23 Twp: 6S Range: 92W Meridian: 6

Latitude: 39.506541 Longitude: -107.640772

FACILITY - API Number: 05-045- -00 Facility ID: 335451

Facility Name: EPPEPLY-66S92W Number: 23SWSW

Qtrqr: SWS Sec: 23 Twp: 6S Range: 92W Meridian: 6

Latitude: 39.506541 Longitude: -107.640772

CORRECTIVE ACTIONS:

1 CA# 189174

Corrective Action: Provide key, combinations, or alternate method of access to comply with rule 204

Date: 12/11/2023

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

TEP requests further review and discussion of this FIR with Inspector Trujillo and ECMC management. TEP

Operator
Comment:

disputes the finding of this inspection report for the following reasons:

- 1) Inspector Trujillo attempted to conduct the inspection on 12/11/23. The FIR and corrective action were sent to TEP on 12/13/23 with a corrective action due date of 12/11/23. The inspection report was not submitted or received by TEP until two days AFTER the due date had passed. Therefore the corrective action date for this inspection report is not attainable.
- 2) Inspector Trujillo states that he attempted to contact and leave messages for TEP staff at the time of the inspection (12/11/23). This statement is not accurate. The staff mentioned by Inspector Trujillo have verified that they did not receive any phone call, text, email, or other message from inspector Trujillo about this location on the inspection date.
- 3) Inspector Trujillo included a photograph that he took of a locked gate and included the photo in his inspection report. The Epperly well pad is in clear view in the background of the photo (see attached). The distance from the gate to the well pad is approximately 150 feet. Access to the well pad is easily gained from the location of the gate. The locked gate does not close very well and is easily passable on foot.
- 4) If Inspector Trujillo did not want to walk the short distance to the well pad from the gate, he could have easily driven onto the well pad from the east side of the well location. The same road with the locked gate is open without any locked gates if approaching the pad from the other direction.
- 5) If Inspector Trujillo could not contact individual TEP staff, he could have also called TEP's 24-hour phone number (970-285-9377) that is posted at all locations. This number is available 24 hours per day and will put the caller in touch with the appropriate TEP personnel. Inspector Trujillo did not call or leave any message on this 24-hour phone line.
- 6) The GPS coordinates on the photograph submitted by Inspector Trujillo are incorrect and do not correlate to the location of the locked gate. The coordinates on Inspector Trujillo's photograph actually plot to a street located in downtown Silt, CO (see attached).

COGCC Decision: **Not Approved**

COGCC
Representative:

TEP's basis for the Factual Review is that the "Corrective action dates are not attainable". The Factual Review Requests are not a forum for the Operator to dispute the corrective actions.

1) ECMC Staff was unable to access Location(s) due to a Locked gate, 2) ECMC Staff was unable to get in contact with Operator staff contacts, 3) pursuant to Rule 204, the Director has the right at all reasonable times to go upon and inspect any Oil and Gas Location for the purpose of making any investigation or conducting any tests to ascertain compliance with the provisions of the Act or the Commission's Rules or any special Field rules. Therefore a CA to provide a key or combination to the locked gate was submitted in a Field Inspection Report.

The inspector was not inaccurate regarding attempting to contact the Operator. See information attached for phone numbers called and information provided by the Operator to ECMC. For example Mike Gardner was called at 1:18PM on the number provided by TEP. The number in the factual review request added a mobile number not provided on TEP's Company Employee List.

Regarding the Inspector walking to the location he had a plan to conduct multiple inspections that required access along this road and it is inappropriate for the Operator to comment in the fashion that they did. To date, no key or combination to the locked gate has been provided to ECMC staff. It is being noted by ECMC that, In lieu of complying with ECMC Rules and corrective actions, Operator is choosing to argue the corrective actions.

COGCC
Supervisor:

To date, no key or combination to the locked gate has been provided to ECMC staff. It is being noted by ECMC that, In lieu of complying with ECMC Rules and corrective actions, Operator is choosing to argue the corrective actions. TEP's basis for the Factual Review is that the "Corrective action dates are not attainable". The Factual Review Requests are not a forum for the Operator to dispute the corrective actions.

1) ECMC Staff was unable to access Location(s) due to a Locked gate, 2) ECMC Staff was unable to get in contact with Operator staff contacts, 3) pursuant to Rule 204, the Director has the right at all reasonable times to go upon and inspect any Oil and Gas Location for the purpose of making any investigation or conducting any tests to ascertain compliance with the provisions of the Act or the Commission's Rules or any special Field rules. Therefore a CA to provide a key or combination to the locked gate was submitted in a Field Inspection Report.

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OPERATOR COMMENT AND SUBMITTAL

Comment:

TEP requests further review and discussion of this FIR with Inspector Trujillo and ECMC management. TEP disputes the finding of this inspection report for the following reasons:

1) Inspector Trujillo attempted to conduct the inspection on 12/11/23. The FIR and corrective action were sent to TEP on 12/13/23 with a corrective action due date of 12/11/23. The inspection report was not submitted or received by TEP until two days AFTER the due date had passed. Therefore the corrective action date for this inspection report is not attainable.

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3) Inspector Trujillo included a photograph that he took of a locked gate and included the photo in his inspection report. The Epperly well pad is in clear view in the background of the photo (see attached). The distance from the gate to the well pad is approximately 150 feet. Access to the well pad is easily gained from the location of the gate. The locked gate does not close very well and is easily passable on foot.

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6) The GPS coordinates on the photograph submitted by Inspector Trujillo are incorrect and do not correlate to the location of the locked gate. The coordinates on Inspector Trujillo's photograph actually plot to a street located in downtown Silt, CO (see attached).

In addition to TEP's 24-hour contact number (970-285-9377), the direct cell phone number for TEP's Environmental Lead (Mike Gardner) is 970-623-4875, and the direct cell phone number for the Silt Field Operations Supervisor (Justin Mahaffey) is 970-930-5867. Voice mail messages may be left at any of the above numbers, and text messages may be left at either of the cell phone numbers above.

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: 12/15/2023 5:06:28 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>
403624254	FIR RESOLUTION SUBMITTED
403626791	Inspection Photo with Epperly Pad in background and incorrect location coordinates
403626792	Actual location of inspection photo coordinates
403634303	TEP's Staff Contacts, as provided by TEP

Total Attach: 4 Files