

State of Colorado  
Energy & Carbon Management Commission

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Document Number:

403657981

Date Received:

01/17/2024

## FIR RESOLUTION FORM

Overall Status: FRQ

CA Summary:

3 of 3 CAs from the FIR responded to on this Form

0 CA Completed  
3 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

Toews, Wesley

wtoews@blm.gov

### COGCC INSPECTION SUMMARY:

FIR Document Number: 696205527

Inspection Date: 01/16/2024

FIR Submit Date: 01/17/2024

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: 335743

Location Name: DOE Number: RM 2-8 County: \_\_\_\_\_

Qtrqtr: NESE Sec: 8 Twp: 6S Range: 94W Meridian: 6

Latitude: 39.537454 Longitude: -107.904487

### FACILITY - API Number: 05-045- -00 Facility ID: 335743

Facility Name: DOE Number: RM 2-8

Qtrqtr: NESE Sec: 8 Twp: 6S Range: 94W Meridian: 6

Latitude: 39.537454 Longitude: -107.904487

### CORRECTIVE ACTIONS:

1 CA# 190084

Corrective Action: Comply with Rule 605.e

Date: 01/16/2024

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator Comment: The inspection for this location was conducted on 01/16/24 and the Field Inspection report was received today (01/17/24). The Inspector assigned 01/16/24 as the due date for all corrective actions. Compliance with this date is not possible since the compliance date had already passed before the Field Inspection Report was even sent to TEP. Please resubmit the FIR with attainable corrective due dates that comply with the ECMC corrective

action matrix.

COGCC Decision: **Not Approved**

COGCC  
Representative:

As stated within the Field Inspection Report, the "date of discovery" is given for all new corrective action dates.

It is ECMC's expectation that Operators are in compliance with ECMC rules at all times, therefore, the date the location was observed out of compliance is given as the corrective action date. Location will remain out of compliance until the corrective actions are addressed.

TEP's Factual Review request is denied.

COGCC  
Supervisor:

As stated within the Field Inspection Report, the "date of discovery" is given for all new corrective action dates.

It is ECMC's expectation that Operators are in compliance with ECMC rules at all times, therefore, the date the location was observed out of compliance is given as the corrective action date. Location will remain out of compliance until the corrective actions are addressed.

TEP's Factual Review request is denied.

2  CA# 190085

Corrective Action: Comply with 606 Rules.

Date: 01/16/2024

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator  
Comment:

The inspection for this location was conducted on 01/16/24 and the Field Inspection report was received today (01/17/24). The Inspector assigned 01/16/24 as the due date for all corrective actions. Compliance with this date is not possible since the compliance date had already passed before the Field Inspection Report was even sent to TEP. Please resubmit the FIR with attainable corrective due dates that comply with the ECMC corrective action matrix.

COGCC Decision: **Not Approved**

COGCC  
Representative:

As stated within the Field Inspection Report, the "date of discovery" is given for all new corrective action dates.

It is ECMC's expectation that Operators are in compliance with ECMC rules at all times, therefore, the date the location was observed out of compliance is given as the corrective action date. Location will remain out of compliance until the corrective actions are addressed.

TEP's Factual Review request is denied.

COGCC  
Supervisor:

As stated within the Field Inspection Report, the "date of discovery" is given for all new corrective action dates.

It is ECMC's expectation that Operators are in compliance with ECMC rules at all times, therefore, the date the location was observed out of compliance is given as the corrective action date. Location will remain out of compliance until the corrective actions are addressed.

TEP's Factual Review request is denied.

3  CA# 190086

Corrective Action: Comply with Rule 1002.f- install or repair required stormwater and erosion control measures in accordance with good engineering practices to minimize erosion, degradation and off-site sediment transport; maintain BMPs in proper functioning condition. Regrading alone is inadequate.

Date: 01/16/2024

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator  
Comment:

The inspection for this location was conducted on 01/16/24 and the Field Inspection report was received today (01/17/24). The Inspector assigned 01/16/24 as the due date for all corrective actions. Compliance with this date is not possible since the compliance date had already passed before the Field Inspection Report was even sent to TEP. Please resubmit the FIR with attainable corrective due dates that comply with the ECMC corrective action matrix.

COGCC Decision: **Not Approved**

As stated within the Field Inspection Report, the "date of discovery" is given for all new corrective action dates.

It is ECMC's expectation that Operators are in compliance with ECMC rules at all times, therefore, the date the location was observed out of compliance is given as the corrective action date. Location will remain out of compliance until the corrective actions are addressed.

TEP's Factual Review request is denied.

As stated within the Field Inspection Report, the “date of discovery” is given for all new corrective action dates.

It is ECMC’s expectation that Operators are in compliance with ECMC rules at all times, therefore, the date the location was observed out of compliance is given as the corrective action date. Location will remain out of compliance until the corrective actions are addressed.

TEP’s Factual Review request is denied.

Comment:	The inspection for this location was conducted on 01/16/24 and the Field Inspection report was received today (01/17/24). The Inspector assigned 01/16/24 as the due date for all corrective actions. Compliance with this date is not possible since the compliance date had already passed before the Field Inspection Report was even sent to TEP. Please resubmit the FIR with attainable corrective due dates that comply with the ECMC corrective action matrix.
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Print Name: Michael Gardner Signed: \_\_\_\_\_  
Title: TEP Environmental Lead Date: 1/17/2024 4:29:53 PM

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

<u>Document Number</u>	<u>Description</u>
403657981	FIR RESOLUTION SUBMITTED

Page 3 of 3