

State of Colorado
Energy & Carbon Management Commission

1120 Lincoln Street, Suite 801, Denver, Colorado 80203
Phone: (303) 894-2100 Fax: (303) 894-2109



Document Number:

403657980

Date Received:

01/17/2024

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

TEP

COGCCInspectionReports@terraep.com

COGCC INSPECTION SUMMARY:

FIR Document Number: 696205531

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: 311663

Location Name: FEDERAL-66S94W Number: 9SWSW County: _____

Qtrqr: SWS Sec: 9 Twp: 6S Range: 94W Meridian: 6
W

Latitude: 39.534158 Longitude: -107.898646

FACILITY - API Number: 05-045- -00 Facility ID: 311663

Facility Name: FEDERAL-66S94W Number: 9SWSW

Qtrqr: SWS Sec: 9 Twp: 6S Range: 94W Meridian: 6
W

Latitude: 39.534158 Longitude: -107.898646

CORRECTIVE ACTIONS:

1  CA# 190088

Corrective Action: Maintain fence

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; date is not when ECMC expects the location to have met the CA.


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 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; date is not when ECMC expects the location to have met the CA.

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 corrective actions are addressed.

TEP's Factual Review request is denied.

2  CA# 190089

Corrective Action: Comply with 605 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; date is not when ECMC expects the location to have met the CA.

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 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; date is not when ECMC expects the location to have met the CA.

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 corrective actions are addressed.

TEP's Factual Review request is denied.

3  CA# 190090

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; date is not when ECMC expects the location to have met the CA.

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 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; date is not when ECMC expects the location to have met the CA.

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 corrective actions are addressed.

TEP's Factual Review request is denied.

4  CA# 190091

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; date is not when ECMC expects the location to have met the CA.

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 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; date is not when ECMC expects the location to have met the CA.

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TEP's Factual Review request is denied.

5  CA# 190092

Corrective Action: Comply with Rules 1003.a and 603.j

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; date is not when ECMC expects the location to have met the CA.

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compliance until 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; date is not when ECMC expects the location to have met the CA.

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TEP's Factual Review request is denied.

6  CA# 190093

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**

COGCC
Representative:

As stated within the Field Inspection Report, the "date of discovery" is given for all new corrective action dates; date is not when ECMC expects the location to have met the CA.

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COGCC
Supervisor:

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TEP's Factual Review request is denied.

OPERATOR COMMENT AND SUBMITTAL

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.

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: 1/17/2024 4:26:15 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>
403657980	FIR RESOLUTION SUBMITTED

Total Attach: 1 Files