

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:
403665659

Date Received:
01/25/2024

FIR RESOLUTION FORM

Overall Status:

CA Summary:

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

1 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
Smelser, Wayne		wayne.smelser@state.co.us
.		COGCCInspectionReports@terraep.com

COGCC INSPECTION SUMMARY:

FIR Document Number: 696205541
Inspection Date: 01/16/2024 FIR Submit Date: 01/18/2024 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: 335571

Location Name: CLOUGH Number: RWF 311-15 County:
Qtrqtr: SWN Sec: 15 Twp: 6S Range: 94W Meridian: 6
W
Latitude: 39.528354 Longitude: -107.879401

FACILITY - API Number: 05-045-00 Facility ID: 335571

Facility Name: CLOUGH Number: RWF 311-15
Qtrqtr: SWN Sec: 15 Twp: 6S Range: 94W Meridian: 6
W
Latitude: 39.528354 Longitude: -107.879401

CORRECTIVE ACTIONS:

1 CA# 191164

Corrective Action: Remove and properly dispose of all stained soils and gravel. Date: 12/17/2023
Provide documentation of cleanup pursuant to Rule 912.a.(5) within a Field Inspection Report Resolution Form.

Response: CA COMPLETED Date of Completion: 01/23/2024

This corrective action has been completed; however, TEP wishes to note in the public record that the corrective

Operator
Comment:

action due date assigned by this inspector in not attainable.

Inspection #696205541 was conducted on 1/16/24 and the FIR was submitted on 1/18/24. The Inspector assigned 01/16/24 as the due date for the corrective action. It is not possible to comply with a date that has already passed. Certain Inspection staff consistently assign corrective action dates on FIR reports that are not attainable. TEP will make every effort to perform legitimate corrective actions within reasonable and attainable time frames, but we cannot comply with dates that are expired before they have even been sent to us.

ECMC's statement that the "Corrective Action dates provided will either be back-dated to when Operator should have been in compliance(?), or when Operator was initially observed to be out of compliance; the 'Date of Discovery' is being provided as the corrective action date for all new observed compliance issues" is inconsistent with the concept behind the Corrective Action Matrix that ECMC has implemented for years. The purpose of the Corrective Action matrix is to set reasonable time frames that would allow operators to accomplish various types of corrective actions based upon the level of urgency and potential risk associated with the CA. ECMC staff has also claimed that "... the Factual Review Requests are not a forum for the Operator to dispute the corrective actions." Again, this contradicts the purpose of the "Factual Review Request" option. The FIRR is the ONLY "forum" for an Operator to dispute a Corrective Action. TEP is simply requesting a fair and reasonable amount of time to complete the task.

For documentation purposes, TEP will continue to dispute any Corrective Action date that is assigned by ECMC staff that is impossible / unattainable to meet.

COGCC Decision: _____

COGCC
Representative:

OPERATOR COMMENT AND SUBMITTAL

Comment:

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For documentation purposes, TEP will continue to dispute any Corrective Action date that is assigned by ECMC staff that is impossible / unattainable to meet.

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

Date: 1/25/2024 4:13:21 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>
403666972	Stained soils cleaned up
403666978	Stained soils cleaned up

Total Attach: 2 Files