

State of Colorado
Oil and Gas Conservation Commission

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Document Number:
402674795

Date Received:
04/29/2021

FIR RESOLUTION FORM

Overall Status: CAC

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: PO BOX 370
City: PARACHUTE State: CO Zip: 81635

Contact Name and Telephone:
Name: _____
Phone: () _____ Fax: () _____
Email: _____

Additional Operator Contact:

Contact Name	Phone	Email
<u>Arthur, Denise</u>		<u>denise.arthur@state.co.us</u>
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COGCC INSPECTION SUMMARY:

FIR Document Number: 696202576
Inspection Date: 04/16/2021 FIR Submit Date: 04/26/2021 FIR Status: _____

Inspected Operator Information:

Company Name: TEP ROCKY MOUNTAIN LLC Company Number: 96850
Address: PO BOX 370
City: PARACHUTE State: CO Zip: 81635

LOCATION - Location ID: 475753

Location Name: FEDERAL Number: PA 31-26 County: _____
Qtrqr: LOT 2 Sec: 26 Twp: 6S Range: 95W Meridian: 6
Latitude: 39.499942 Longitude: -107.964151

FACILITY - API Number: 05-045-00 Facility ID: 475753

Facility Name: FEDERAL Number: PA 31-26
Qtrqr: LOT 2 Sec: 26 Twp: 6S Range: 95W Meridian: 6
Latitude: 39.499942 Longitude: -107.964151

CORRECTIVE ACTIONS:

1 CA# 150113

Corrective Action: Install or repair required BMPs per Rule 1002.f.(2)C Date: 06/25/2020
Response: CA COMPLETED Date of Completion: 04/29/2021

Please note that interim reclamation activities are scheduled to begin at this location on Monday, May 3, 2021. As such, the entire pad and the BMPs that have been implemented to date will change significantly beginning on this

Operator
Comment:

date. In general, the sequence for conducting interim reclamation work at this location will consist of the following steps and in this approximate order: 1) Drill cuttings will be mixed and sampled until they comply with COGCC 915-1 requirements. Once analytical lab data confirm that the drill cuttings meet the 915-1 cleanup standards, they will be placed against, compacted, and contoured into the base of the cut slope and then covered with clean, native fill materials. 2) The clean, native materials that are temporarily stored in the fill slope will be pushed upward towards the cut slope to re-establish the pre-existing grades and contours of the area prior to disturbance. 3) After the slope and contour have been established, the top-soil materials that were removed and stockpiled below the pad will be distributed in a uniform layer over the fill material. Once the soils have been placed on the contoured surface, the slopes will be cross-ripped. 4) After the top-soil has been distributed, the reclaimed areas will be seeded with a seed mix that has been approved by the surface owner (U.S. BLM). 5) Long-term storm water BMPs will be installed per the site-specific Storm Water Management Plan that has been prepared for this location. After interim reclamation activities have been completed, the working pad surface will be reduced to approximately 30% of the total disturbed surface area. Storm water BMPs will remain in place around the entire perimeter of the project area at all times during reclamation of the pad. The access road and the low water crossing will continue to be inspected and the associated BMPs will be maintained as needed to minimize and control sediment within the boundaries of disturbance.

TEP offers the following updates in response to this Corrective Action and the deficiencies noted in the most recent inspection of the PA 31-26 locations (doc #696202576 dated 04/16/21): 1) Cut slope rills not sufficiently stabilized: TEP has sprayed additional hydro-mulch on the entire cut slope, fill slope, top-soil stockpile, and portions of the access road. Hydro-mulch is intended to be a temporary stabilization measure, but will mitigate the concern identified in the inspection report. See attached photo. 2) Erosion logs not appropriately backfilled to prevent water movement underneath the erosion log: TEP has re-set the erosion logs where needed, and has backfilled areas where water could potentially flow beneath the erosion log. See attached photo. 3) Storm water ditch and berm (on-pad). Because there is a sufficient storm water ditch along the base of the cut slope, the berm adjacent to the ditch is not needed. The berm has since been removed, and the storm water ditch has been cleaned out and is functioning as designed. See attached photo. 4) Stabilizing unpaved areas of the pad surface. The ruts noted on the pad surface during the inspection on 4/16/21 have been filled with additional road base materials and has been bladed smooth again.

As demonstrated above, TEP is making every effort to address the concerns of COGCC in a prompt and timely manner. TEP has completed the above actions on 04/09/2021 even though many of these areas will be covered up and/or re-disturbed as a result of the interim reclamation activities that will begin on May 3, 2021. TEP requests clarification and assistance from COGCC to address the following items that will remain after the interim reclamation activities have been completed: 1) Establishing run-on controls above the cut-slope area. TEP installed run-on controls during construction in agreement with specific guidance from BLM. The terrain is too steep to safely operate machinery needed to dig a ditch / trench above the cut-slope area, and attempting to do so would result in the destruction and disturbance of a mature and well established stand of pinion-juniper trees. During construction, the best management strategy for controlling "run-on" storm water, was to manage any run-on water on the pad. This was by far the safest and most environmentally responsible option that was available to us. TEP acknowledges that there has been some water that has entered the pad from above the cut-slope, but we have successfully captured and managed that storm water and any related sediment within the confines of the pad itself. 2) Use of geotextile fabric/liner in association with rock armoring, sediment traps, etc.. When functioning properly, these types of BMPs will capture sediment which must be periodically removed and cleaned out. Further, TEP is unaware of any sediment traps or rock armoring currently in use that also include stand-alone geotextile stabilization, TEP believes that use of the geotextile fabric would likely prevent vegetation growth contravening the most effect stormwater BMP (natural vegetation), and TEP's design engineer did not suggest the use of a geotextile product to stabilize the sediment traps and rock armoring features. 3) The Low Water Crossing along the access road to the pad. In response to COGCC comments during previous inspections, this low water crossing has been repaired and re-worked on several occasions. TEP has enlisted the services of an independent Professional Engineer who has inspected the design and construction of the crossing and has found that it is functioning as designed and has been constructed in accordance with good engineering practices. This low water crossing will remain in place and will be inspected frequently and maintained as needed. The Issue Report states that "it is unclear if work conducted will provide long term stabilization to the channel, however, control measures to prevent sediment/pollutant discharge from vehicles and equipment traveling through the intermittent stream and drainage remain missing or insufficient." It is unclear from this statement what BMP changes or new BMPs are sought by the COGCC, and TEP would like to meet on site with the COGCC, BLM and Professional Engineer to discuss this subject.

TEP again requests an on-site meeting with COGCC and BLM staff so that we can better understand any on-going concerns that persist for either agency. TEP strongly feels that it is a far better and more productive use of everyone's time to meet on-site and openly discuss any remaining issues, concerns, and potential solutions.

COGCC Decision: _____

COGCC
Representative:

OPERATOR COMMENT AND SUBMITTAL

Comment:

The corrective action and responses to the related issues have been addressed.

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: 4/29/2021 6:52:11 PM

ATTACHMENT LIST

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

Document Number	Description
402676087	Maintaining SW ditch at base of cut slope.
402676088	Fresh hydro mulch on cut slope rills
402676089	Ruts filled on pad surface
402676090	New hydro mulch on top soil stockpile
402676093	Erosion logs backfilled
402676094	New hydro mulch on fill slope
402676095	Fresh rock in low water crossing
402676096	BMPs at low water crossing

Total Attach: 8 Files