

State of Colorado
Oil and Gas Conservation Commission

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



Document Number:

403423541

Date Received:

06/05/2023

FIR RESOLUTION FORM

Overall Status: FRQ

CA Summary:

10 of 11 CAs from the FIR responded to on this Form

0 CA Completed
10 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
<u>Arthur, Denise</u>		<u>denise.arthur@state.co.us</u>
<u>Dekam, Eric</u>		<u>edekam@terraep.com</u>
<u>Trujillo, Aaron</u>		<u>aaron.trujillo@state.co.us</u>
<u>Gardner, Mike</u>	<u>9706234875</u>	<u>mgardner@terraep.com</u>
<u>.TEP</u>		<u>COGCCInspectionReports@terraep.com</u>

COGCC INSPECTION SUMMARY:

FIR Document Number: 702801561
Inspection Date: 05/30/2023 FIR Submit Date: 06/01/2023 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: 335045

Location Name: South Leverich Number: 13-09 Pad County: _____
Qtrqtr: LOT 3 Sec: 13 Twp: 7S Range: 94W Meridian: 6
Latitude: 39.435590 Longitude: -107.829100

FACILITY - API Number: 05-045-00 Facility ID: 335045

Facility Name: South Leverich Number: 13-09 Pad
Qtrqtr: LOT 3 Sec: 13 Twp: 7S Range: 94W Meridian: 6
Latitude: 39.435590 Longitude: -107.829100

CORRECTIVE ACTIONS:

2 CA# 171757

Corrective Action: Install or repair BMPs per Rule 1002.f and 1002.c.

Date: 05/30/2023

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator Comment: This inspection report (doc #702801561) was received by TEP on June 2, 2023. This corrective action date was issued before TEP received the Field Inspection Report, therefore this CA date is not attainable. TEP has repaired many of the CAs identified in the Field Inspection Report dated 04/21/23 (doc #702801487), and we continue to address BMPs as site conditions allow. TEP met again with our BMP contractor on 06/05/23 to review CAs identified within this most current inspection report. Work to address these BMPs will begin on 6/06/23 and will proceed as site conditions allow. Many of the outlying areas and edges of the pad remain saturated and too wet to safely operate heavy equipment. Progress on completing CAs identified within this report will be submitted on subsequent FIRRs.

COGCC Decision: Approved pending re-inspection

COGCC Representative: TEP was made aware of multiple stormwater corrective actions in the previous inspection (#702801487, submitted 4/24/23). The "new" stormwater corrective actions for the location should have been addressed previously, when TEP inspected the location in response to the previous corrective actions in FIR #702801487. Additionally, TEP was specifically made aware of deficiencies with the Hydromulch on the topsoil stockpile in the previous inspection.

It is COGCC's expectation that Operators are in compliance with COGCC 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.

COGCC Supervisor: TEP was made aware of multiple stormwater corrective actions in the previous inspection (#702801487, submitted 4/24/23). The "new" stormwater corrective actions for the location should have been addressed previously, when TEP inspected the location in response to the previous corrective actions in FIR #702801487. Additionally, TEP was specifically made aware of deficiencies with the Hydromulch on the topsoil stockpile in the previous inspection.

It is COGCC's expectation that Operators are in compliance with COGCC 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.

3  CA# 171758

Corrective Action: Install or repair BMPs per Rule 1002.f.

Date: 05/30/2023

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator Comment: This inspection report (doc #702801561) was received by TEP on June 2, 2023. This corrective action date was issued before TEP received the Field Inspection Report, therefore this CA date is not attainable. TEP has repaired many of the CAs identified in the Field Inspection Report dated 04/21/23 (doc #702801487), and we continue to address BMPs as site conditions allow. TEP met again with our BMP contractor on 06/05/23 to review CAs identified within this most current inspection report. Work to address these BMPs will begin on 6/06/23 and will proceed as site conditions allow. Many of the outlying areas and edges of the pad remain saturated and too wet to safely operate heavy equipment. Progress on completing CAs identified within this report will be submitted on subsequent FIRRs.

COGCC Decision: **Not Approved**

COGCC Representative: This corrective action was noted as a comment in the previous FIR (#702801487). Therefore, TEP was made aware of this issue 4/24/23. Therefore this CA was attainable.

The original/previous construction FIR submitted 4/24/23 contained detailed notes and annotated photographs to indicate exact areas where action was required. Despite this detail, five out of eleven issues were not addressed, as observed in this inspection.

It is COGCC's expectation that Operators are in compliance with COGCC 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.

COGCC Supervisor: This corrective action was noted as a comment in the previous FIR (#702801487). Therefore, TEP was made aware of this issue 4/24/23. Therefore this CA was attainable.

The original/previous construction FIR submitted 4/24/23 contained detailed notes and annotated photographs to indicate exact areas where action was required. Despite this detail, five out of eleven issues were not addressed, as observed in this inspection.

It is COGCC's expectation that Operators are in compliance with COGCC 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.

4  CA# 171759

Corrective Action: Install or repair BMPs per Rule 1002.f.

Date: 05/30/2023

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator Comment: This inspection report (doc #702801561) was received by TEP on June 2, 2023. This corrective action date was issued before TEP received the Field Inspection Report, therefore this CA date is not attainable. TEP has repaired many of the CAs identified in the Field Inspection Report dated 04/21/23 (doc #702801487), and we continue to address BMPs as site conditions allow. TEP met again with our BMP contractor on 06/05/23 to review CAs identified within this most current inspection report. Work to address these BMPs will begin on 6/06/23 and will proceed as site conditions allow. Many of the outlying areas and edges of the pad remain saturated and too wet to safely operate heavy equipment. Progress on completing CAs identified within this report will be submitted on subsequent FIRRs.

COGCC Decision: Approved pending re-inspection

COGCC Representative: TEP was made aware of multiple stormwater corrective actions in the previous inspection (#702801487, submitted 4/24/23). The "new" stormwater corrective actions for the location should have been addressed previously, when TEP inspected the location in response to the previous corrective actions in FIR #702801487. Additionally, TEP was specifically made aware of deficiencies with stormwater outlets being unstabilized and discharging into inappropriate and/or unstabilized areas in the previous inspection.

It is COGCC's expectation that Operators are in compliance with COGCC 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.

COGCC Supervisor: TEP was made aware of multiple stormwater corrective actions in the previous inspection (#702801487, submitted 4/24/23). The "new" stormwater corrective actions for the location should have been addressed previously, when TEP inspected the location in response to the previous corrective actions in FIR #702801487. Additionally, TEP was specifically made aware of deficiencies with stormwater outlets being unstabilized and discharging into inappropriate and/or unstabilized areas in the previous inspection.

It is COGCC's expectation that Operators are in compliance with COGCC 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.

5 CA# 171760

Corrective Action: Install or repair BMPs per Rule 1002.f.

Date: 05/30/2023

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator Comment: This inspection report (doc #702801561) was received by TEP on June 2, 2023. This corrective action date was issued before TEP received the Field Inspection Report, therefore this CA date is not attainable. TEP has repaired many of the CAs identified in the Field Inspection Report dated 04/21/23 (doc #702801487), and we continue to address BMPs as site conditions allow. TEP met again with our BMP contractor on 06/05/23 to review CAs identified within this most current inspection report. Work to address these BMPs will begin on 6/06/23 and will proceed as site conditions allow. Many of the outlying areas and edges of the pad remain saturated and too wet to safely operate heavy equipment. Progress on completing CAs identified within this report will be submitted on subsequent FIRRs.

COGCC Decision: Approved pending re-inspection

COGCC Representative: TEP was made aware of multiple stormwater corrective actions in the previous inspection (#702801487, submitted 4/24/23). The "new" stormwater corrective actions for the location should have been addressed previously, when TEP inspected the location in response to the previous corrective actions in FIR #702801487. Additionally, TEP was specifically made aware of deficiencies with unstabilized cut and fill slopes in the previous inspection.

It is COGCC's expectation that Operators are in compliance with COGCC 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.

COGCC Supervisor: TEP was made aware of multiple stormwater corrective actions in the previous inspection (#702801487, submitted 4/24/23). The "new" stormwater corrective actions for the location should have been addressed previously, when TEP inspected the location in response to the previous corrective actions in FIR #702801487. Additionally, TEP was specifically made aware of deficiencies with unstabilized cut and fill slopes in the previous inspection.

It is COGCC's expectation that Operators are in compliance with COGCC 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.

6  CA# 171761

Corrective Action: Install or repair BMPs per Rule 1002.f and 1002.c.

Date: 04/26/2023

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator Comment: This inspection report (doc #702801561) was received by TEP on June 2, 2023. This corrective action date was issued before TEP received the Field Inspection Report, therefore this CA date is not attainable. TEP has repaired many of the CAs identified in the Field Inspection Report dated 04/21/23 (doc #702801487), and we continue to address BMPs as site conditions allow. TEP met again with our BMP contractor on 06/05/23 to review CAs identified within this most current inspection report. Work to address these BMPs will begin on 6/06/23 and will proceed as site conditions allow. Many of the outlying areas and edges of the pad remain saturated and too wet to safely operate heavy equipment. Progress on completing CAs identified within this report will be submitted on subsequent FIRRs.

COGCC Decision: **Not Approved**

COGCC Representative: This corrective action was a back-dated corrective action from the previous FIR (#702801487). Therefore, TEP was made aware of this issue 4/24/23. Therefore this CA was attainable.

The original/previous construction FIR submitted 4/24/23 contained detailed notes and annotated photographs to indicate exact areas where action was required. Despite this detail, five out of eleven issues were not addressed, as observed in this inspection.

It is COGCC's expectation that Operators are in compliance with COGCC 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.

COGCC Supervisor: This corrective action was a back-dated corrective action from the previous FIR (#702801487). Therefore, TEP was made aware of this issue 4/24/23. Therefore this CA was attainable.

The original/previous construction FIR submitted 4/24/23 contained detailed notes and annotated photographs to indicate exact areas where action was required. Despite this detail, five out of eleven issues were not addressed, as observed in this inspection.

It is COGCC's expectation that Operators are in compliance with COGCC 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.

7  CA# 171762

Corrective Action: Implement or modify BMPs for improved material handling and spill prevention.

Date: 04/29/2023

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator Comment: This inspection report (doc #702801561) was received by TEP on June 2, 2023. This corrective action date was issued before TEP received the Field Inspection Report, therefore this CA date is not attainable. TEP has repaired many of the CAs identified in the Field Inspection Report dated 04/21/23 (doc #702801487), and we continue to address BMPs as site conditions allow. TEP met again with our BMP contractor on 06/05/23 to review CAs identified within this most current inspection report. Work to address these BMPs will begin on 6/06/23 and will proceed as site conditions allow. Many of the outlying areas and edges of the pad remain saturated and too wet to safely operate heavy equipment. Progress on completing CAs identified within this report will be submitted on subsequent FIRRs.

COGCC Decision: **Not Approved**

COGCC Representative: This corrective action was a back-dated corrective action from the previous FIR (#702801487). Therefore, TEP was made aware of this issue 4/24/23. Therefore this CA was attainable.

The original/previous construction FIR submitted 4/24/23 contained detailed notes and annotated photographs to indicate exact areas where action was required. Despite this detail, five out of eleven issues were not addressed, as observed in this inspection.

It is COGCC's expectation that Operators are in compliance with COGCC 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.

This corrective action was a back-dated corrective action from the previous FIR (#702801487). Therefore, TEP

COGCC
Supervisor:

was made aware of this issue 4/24/23. Therefore this CA was attainable.

The original/previous construction FIR submitted 4/24/23 contained detailed notes and annotated photographs to indicate exact areas where action was required. Despite this detail, five out of eleven issues were not addressed, as observed in this inspection.

It is COGCC's expectation that Operators are in compliance with COGCC 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.

8 CA# 171763

Corrective Action:

Date: 05/30/2023

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator
Comment:

This inspection report (doc #702801561) was received by TEP on June 2, 2023. This corrective action date was issued before TEP received the Field Inspection Report, therefore this CA date is not attainable. TEP has repaired many of the CAs identified in the Field Inspection Report dated 04/21/23 (doc #702801487), and we continue to address BMPs as site conditions allow. TEP met again with our BMP contractor on 06/05/23 to review CAs identified within this most current inspection report. Work to address these BMPs will begin on 6/06/23 and will proceed as site conditions allow. Many of the outlying areas and edges of the pad remain saturated and too wet to safely operate heavy equipment. Progress on completing CAs identified within this report will be submitted on subsequent FIRRs.

COGCC Decision: Approved pending re-inspection

COGCC
Representative:

TEP was made aware of multiple stormwater corrective actions in the previous inspection (#702801487, submitted 4/24/23). The "new" stormwater corrective actions for the location should have been addressed previously, when TEP inspected the location in response to the previous corrective actions in FIR #702801487.

It is COGCC's expectation that Operators are in compliance with COGCC 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.

COGCC
Supervisor:

TEP was made aware of multiple stormwater corrective actions in the previous inspection (#702801487, submitted 4/24/23). The "new" stormwater corrective actions for the location should have been addressed previously, when TEP inspected the location in response to the previous corrective actions in FIR #702801487.

It is COGCC's expectation that Operators are in compliance with COGCC 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.

9 CA# 171764

Corrective Action:

Date: 04/25/2023

Corrective Action 2: Operator is being directed to propose an acceptable solution to the COGCC in order to resolve the soil salvage compliance issues. Operator shall provide meaningful solutions to address this issue. Submit in a Form 4 with a request that document is routed to Reclamation Specialist O'Malley. CA Date 6/6/2023.

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator
Comment:

A Form 4 and supporting calculations were provided to COGCC as requested in documents #403411906 and #403411941 on June 24, 2023. TEP will provide further explanation of the top soil volumes salvaged to date, and the actual volumes of top soil needed during reclamation. This information will be submitted to COGCC via Form 4 by June 30, 2023.

This inspection report (doc #702801561) was received by TEP on June 2, 2023. This corrective action date was issued before TEP received the Field Inspection Report, therefore this CA date is not attainable. TEP has repaired many of the CAs identified in the Field Inspection Report dated 04/21/23 (doc #702801487), and we continue to address BMPs as site conditions allow. TEP met again with our BMP contractor on 06/05/23 to review CAs identified within this most current inspection report. Work to address these BMPs will begin on 6/06/23 and will proceed as site conditions allow. Many of the outlying areas and edges of the pad remain saturated and too wet to safely operate heavy equipment. Progress on completing CAs identified within this report will be submitted on subsequent FIRRs.

COGCC Decision: Not Approved

COGCC Representative:

from the previous FIR (#702801487). Therefore, TEP was made aware of this issue 4/24/23. Therefore this CA was attainable.

This factual review request is being denied. It is unacceptable to not comply with COGCC Rules for 15 to 20 years until the time of final reclamation. The Operator has choices for how to come into compliance with the Rules.

1. TEP may bring in topsoil and add it to the topsoil stockpiles on the location. Imported topsoil must be comparable (equal to or better than) to the background topsoil.
2. Voluntarily bond up for the total cost to import topsoil, store, and stabilize it on location (total cost must be assessed and approved by COGCC Reclamation staff).

If compliance is not met and the Operator plans to remain out of compliance then enforcement staff will be notified and an NOAV may be issued. Importing topsoil or providing a bond for the cost to import topsoil are preferable options for COGCC Staff.

If topsoil is imported, the Operator is required to submit a comparative soil analysis of the imported topsoil and an appropriate reference. Sampling of background topsoil and imported topsoil is required to demonstrate that imported topsoil is equal to or better quality than reference topsoil and is appropriate for the site, as approved by COGCC Reclamation Staff. Operator will be required to collect and test a minimum of three (3) discrete samples (without compositing) from both an appropriate adjacent reference area, and from the replacement topsoil, for a comparison of quality, composition and agronomic properties. Soil samples will need to be submitted to a laboratory specializing in agronomic soil testing. The soil analysis shall include, at a minimum, the following: SAR- from saturated paste extract, pH- saturated paste, Electrical Conductivity (EC)- saturated paste, % Organic Matter- Walkely-Black method, Nitrate- nitrogen AB-DTPA, Ammonium- nitrogen AB-DTPA, Phosphorus AB-DTPA, Potassium AB-DTPA, Zinc AB-DTPA, Iron AB-DTPA, Manganese AB-DTPA, Copper AB-DTPA, Chloride AB-DTPA, % Calcium Carbonate equivalent- gravimetric, Texture- by hydrometer with textures reported as USDA. Operator will be required to submit map/figures of soil sample locations for the reference topsoil, and the replacement topsoil.

COGCC Supervisor:

The corrective action to conduct additional topsoil salvage per Rule 1002.b was a back-dated corrective action from the previous FIR (#702801487). Therefore, TEP was made aware of this issue 4/24/23. Therefore this CA was attainable.

This factual review request is being denied. It is unacceptable to not comply with COGCC Rules for 15 to 20 years until the time of final reclamation. The Operator has choices for how to come into compliance with the Rules.

1. TEP may bring in topsoil and add it to the topsoil stockpiles on the location. Imported topsoil must be comparable (equal to or better than) to the background topsoil.
2. Voluntarily bond up for the total cost to import topsoil, store, and stabilize it on location (total cost must be assessed and approved by COGCC Reclamation staff).

If compliance is not met and the Operator plans to remain out of compliance then enforcement staff will be notified and an NOAV may be issued. Importing topsoil or providing a bond for the cost to import topsoil are preferable options for COGCC Staff.

If topsoil is imported, the Operator is required to submit a comparative soil analysis of the imported topsoil and an appropriate reference. Sampling of background topsoil and imported topsoil is required to demonstrate that imported topsoil is equal to or better quality than reference topsoil and is appropriate for the site, as approved by COGCC Reclamation Staff. Operator will be required to collect and test a minimum of three (3) discrete samples (without compositing) from both an appropriate adjacent reference area, and from the replacement topsoil, for a comparison of quality, composition and agronomic properties. Soil samples will need to be submitted to a laboratory specializing in agronomic soil testing. The soil analysis shall include, at a minimum, the following: SAR- from saturated paste extract, pH- saturated paste, Electrical Conductivity (EC)- saturated paste, % Organic Matter- Walkely-Black method, Nitrate- nitrogen AB-DTPA, Ammonium- nitrogen AB-DTPA, Phosphorus AB-DTPA, Potassium AB-DTPA, Zinc AB-DTPA, Iron AB-DTPA, Manganese AB-DTPA, Copper AB-DTPA, Chloride AB-DTPA, % Calcium Carbonate equivalent- gravimetric, Texture- by hydrometer with textures reported as USDA. Operator will be required to submit map/figures of soil sample locations for the reference topsoil, and the replacement topsoil.

10  CA# 171765

Corrective Action: Implement BMPs to protect topsoil applied throughout the location from erosion degradation and from contamination with subsoil.

Date: 04/27/2023

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator Comment:

This inspection report (doc #702801561) was received by TEP on June 2, 2023. This corrective action date was issued before TEP received the Field Inspection Report, therefore this CA date is not attainable. TEP has repaired many of the CAs identified in the Field Inspection Report dated 04/21/23 (doc #702801487), and we continue to address BMPs as site conditions allow. TEP met again with our BMP contractor on 06/05/23 to review CAs identified within this most current inspection report. Work to address these BMPs will begin on 6/06/23 and will proceed as site conditions allow. Many of the outlying areas and edges of the pad remain saturated and too wet to safely operate heavy equipment. Progress on completing CAs identified within this report will be submitted on subsequent FIRRs.

COGCC Decision: **Not Approved**

COGCC Representative: This corrective action was a back-dated corrective action from the previous FIR (#702801487). Therefore, TEP was made aware of this issue 4/24/23. Therefore this CA was attainable.

The original/previous construction FIR submitted 4/24/23 contained detailed notes and annotated photographs to indicate exact areas where action was required. Despite this detail, five out of eleven issues were not addressed, as observed in this inspection.

It is COGCC's expectation that Operators are in compliance with COGCC 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.

COGCC Supervisor: This corrective action was a back-dated corrective action from the previous FIR (#702801487). Therefore, TEP was made aware of this issue 4/24/23. Therefore this CA was attainable.

The original/previous construction FIR submitted 4/24/23 contained detailed notes and annotated photographs to indicate exact areas where action was required. Despite this detail, five out of eleven issues were not addressed, as observed in this inspection.

It is COGCC's expectation that Operators are in compliance with COGCC 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.

11  CA# 171766

Corrective Action:

Date: 05/30/2023

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator Comment: This inspection report (doc #702801561) was received by TEP on June 2, 2023. This corrective action date was issued before TEP received the Field Inspection Report, therefore this CA date is not attainable. TEP has repaired many of the CAs identified in the Field Inspection Report dated 04/21/23 (doc #702801487), and we continue to address BMPs as site conditions allow. TEP met again with our BMP contractor on 06/05/23 to review CAs identified within this most current inspection report. Work to address these BMPs will begin on 6/06/23 and will proceed as site conditions allow. Many of the outlying areas and edges of the pad remain saturated and too wet to safely operate heavy equipment. Progress on completing CAs identified within this report will be submitted on subsequent FIRRs.

COGCC Decision: Approved pending re-inspection

COGCC Representative: TEP was made aware of multiple stormwater corrective actions in the previous inspection (#702801487, submitted 4/24/23). The "new" stormwater corrective actions for the location should have been addressed previously, when TEP inspected the location in response to the previous corrective actions in FIR #702801487. Additionally, TEP was specifically made aware of deficiencies with stormwater outlets being unstabilized and discharging into inappropriate and/or unstabilized areas in the previous inspection.

It is COGCC's expectation that Operators are in compliance with COGCC 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.

COGCC Supervisor: TEP was made aware of multiple stormwater corrective actions in the previous inspection (#702801487, submitted 4/24/23). The "new" stormwater corrective actions for the location should have been addressed previously, when TEP inspected the location in response to the previous corrective actions in FIR #702801487. Additionally, TEP was specifically made aware of deficiencies with stormwater outlets being unstabilized and discharging into inappropriate and/or unstabilized areas in the previous inspection.

It is COGCC's expectation that Operators are in compliance with COGCC 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.

OPERATOR COMMENT AND SUBMITTAL

Comment:

This inspection report (doc #702801561) was received by TEP on June 2, 2023. This corrective action date was issued before TEP received the Field Inspection Report, therefore this CA date is not attainable. TEP has repaired many of the CAs identified in the Field Inspection Report dated 04/21/23 (doc #702801487), and we continue to address BMPs as site conditions allow. TEP met again with our BMP contractor on 06/05/23 to review CAs identified within this most current inspection report. Work to address these BMPs will begin on 6/06/23 and will proceed as site conditions allow. Many of the outlying areas and edges of the pad remain saturated and too wet to safely operate heavy equipment. Progress on completing CAs identified within this report will be submitted on subsequent FIRRs.

A Form 4 and supporting calculations were provided to COGCC as requested in documents #403411906 and #403411941 on June 24, 2023. TEP will provide further explanation of the top soil volumes salvaged to date, and the actual volumes of top soil needed during reclamation. This information will be submitted to COGCC via Form 4 by June 30, 2023.

See attached photos showing saturated soil conditions on south and western edges of location as of June 5, 2023. TEP is working towards completing these corrective actions but can only do so when conditions are safe and can be access by heavy equipment needed to complete the tasks.

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: 6/5/2023 4:34:56 PM

ATTACHMENT LIST

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

Document Number	Description
403423541	FIR RESOLUTION SUBMITTED
403423665	Saturated Soil Conditions Near BMPs on South Side of Pad - June 5, 2023
403423666	Saturated Soil Conditions Near BMPs on South Side of Pad - June 5, 2023
403423677	Saturated Soil Conditions Near BMPs on West Side of Pad - June 5, 2023

Total Attach: 4 Files