

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:
403433890

Date Received:
06/22/2023

FIR RESOLUTION FORM

Overall Status:

CA Summary:

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

11 CA Completed
0 Factual Review Request

OPERATOR INFORMATION

OGCC Operator Number: <u>96850</u>	Contact Name and Telephone:
Name of Operator: <u>TEP ROCKY MOUNTAIN LLC</u>	Name: _____
Address: <u>1058 COUNTY ROAD 215</u>	Phone: () _____ Fax: () _____
City: <u>PARACHUTE</u> State: <u>CO</u> Zip: <u>81635</u>	Email: _____

Additional Operator Contact:

Contact Name	Phone	Email
<u>Arthur, Denise</u>		<u>denise.arthur@state.co.us</u>
<u>TEP</u>		<u>COGCCInspectionReports@terraep.com</u>
<u>Gardner, Mike</u>	<u>9706234875</u>	<u>mgardner@terraep.com</u>
<u>Trujillo, Aaron</u>		<u>aaron.trujillo@state.co.us</u>
<u>Dekam, Eric</u>		<u>edekam@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: _____
Qtrqr: 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
Qtrqr: LOT 3 Sec: 13 Twp: 7S Range: 94W Meridian: 6
Latitude: 39.435590 Longitude: -107.829100

CORRECTIVE ACTIONS:

1 CA# 171756

Corrective Action: Conduct weed management to prevent further establishment and spread of undesirable plant species and noxious weeds; ongoing weed management required until location passes final reclamation.

Date: 05/30/2023

Response: CA COMPLETED

Date of Completion: 06/14/2023

Operator Comment: List B Noxious Weeds (Canada Thistle, scentless chamomile) observed in the northwest portion of pad have been treated with appropriate herbicide. TEP will continue to monitor this location and conduct targeted treatment for noxious weeds as needed.

COGCC Decision: _____

COGCC Representative: _____

2 CA# 171757

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

Date: 05/30/2023

Response: CA COMPLETED

Date of Completion: 06/12/2023

Operator Comment: Reference COGCC Photo #21. Hydromulch has been re-applied to multiple areas around the location to ensure an even application and full coverage. See attached photos SL 13-09_061223_pica, SL 13-09_061223_picg, SL 13-09_061223_picj.

COGCC Decision: _____

COGCC Representative: _____

3 CA# 171758

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

Date: 05/30/2023

Response: CA COMPLETED

Date of Completion: 06/12/2023

Operator Comment: Reference COGCC Photos 10 and 11: Check dams in toe ditch have been re-set. Additional check dams have been added as needed. Fill slope has been stabilized with applying additional hydro-mulch. Repaired any gaps observed in line of erosion control bags below the toe ditch to ensure perimeter control is established along edge of disturbance. See SL 13-09_061223_picf and SL 13-09_061223_pici.

COGCC Decision: _____

COGCC Representative: _____

4 CA# 171759

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

Date: 05/30/2023

Response: CA COMPLETED

Date of Completion: 06/12/2023

Operator Comment: Reference COGCC Photo #12: Slope drains have been extended further down the slope and the terminus of the pipe has been anchored with t-posts to prevent lateral movement. Rock armoring has been added below outfall / terminus of slope drain to dissipate velocity of any water being discharged and to control / minimize erosion. See SL 13-09_061223_picm. Integrity of hydro-mulch was still good at the slope drain locations.

COGCC Decision: _____

COGCC Representative: _____

5 CA# 171760

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

Date: 05/30/2023

Response: CA COMPLETED

Date of Completion: 06/12/2023

Operator Comment: Reference COGCC Photo #24: The sediment trap is not designed to contain and hold water. The purpose of the sediment trap is to temporarily retain sediment laden water for the purposes minimizing / controlling sediment. The sediment trap in Photo #24 is designed to overflow (i.e., discharge) through an armored outlet that further reduces the velocity of any water being released. This BMP has been designed in accordance with good engineering practices (COGCC Rule 1002.f.(2).C) and has been installed in accordance with good faith efforts

(COGCC Rule 1002.f.(3).A) to minimize and control erosion from unpaved areas. TEP has re-staked the erosion control bags and re-applied hydro-mulch in areas where the previous application of mulch has degraded. See SL 13-09_061223_picj.

COGCC Decision: _____

COGCC
Representative: _____

6 CA# 171761

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

Date: 04/26/2023

Response: CA COMPLETED

Date of Completion: 06/12/2023

Operator Comment: Reference COGCC Photos 17, 18, 20. Slumping on the fill slope is indicative of the excessive amount of natural precipitation that the site has been exposed to over the winter and Spring. TEP has repaired the slumps using a track hoe to pull back and recompact areas that are slumping. Additionally, TEP is controlling drainage from the pad surface and slopes by gathering and channeling runoff water to perimeter BMPs. Controlling drainage and concentrating that flow away from steep areas will help to reduce erosion, channeling, and slumping on steep surfaces. The slope drains have been stabilized and extended to the toe ditch at the base of the fill slope which will help keep the base of the fill slope dry thereby helping to mitigate / prevent slumping on the side slopes. Additional hydro-mulch was added to the slump areas after they were repaired. TEP will continue to monitor these areas and conduct additional repairs as needed. See SL 13-09_061223_picl, SL 13-09_061223_picb, and SL 13-09_061223_picg.

COGCC Decision: _____

COGCC
Representative: _____

7 CA# 171762

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

Date: 04/29/2023

Response: CA COMPLETED

Date of Completion: 06/15/2023

Operator Comment: Porta-potties have been staked down. See SL 13-09 porta-potty pica, SL 13-09 porta-potty picb, and SL 13-09 porta-potty picc.

COGCC Decision: _____

COGCC
Representative: _____

8 CA# 171763

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

Date: 05/30/2023

Response: CA COMPLETED

Date of Completion: 06/12/2023

Operator Comment: Reference COGCC Photo #22. The wattle noted in this photo was likely dragged into the brush and shredded by a bear. The wattle has been replaced, staked, and backfilled. See SL 13-09_061223_picp.

COGCC Decision: _____

COGCC
Representative: _____

9 CA# 171764

Corrective Action: Corrective Action 1: Conduct additional topsoil salvage per Rule 1002.b: CA Date 4/25/2023.

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: CA COMPLETED

Date of Completion: 05/24/2023

Operator Comment: As requested, the Form 4 and supporting calculations were provided to COGCC as requested in documents #403411906 and #403411941 on May 24, 2023. TEP provided an explanation of the top soil volumes salvaged to date, and the expected volumes of top soil potentially needed during reclamation. COGCC staff disagreed with the solution offered in the Form 4, and per documents #702801561 and #403423541 COGCC staff is directing the operator to submit another Form 4 and has offered multiple options for resolution: 1) Import additional topsoil to make up for the potential deficit, 2) Post an additional bond for the total cost to import topsoil, or 3) Face potential enforcement action. TEP is agreement with COGCC staff that option 1 or 2 are the preferable paths forward. TEP is evaluating the feasibility of options 1 and 2 and will provide this information in an additional Form 4 as soon as available.

COGCC Decision: _____

COGCC Representative:

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: CA COMPLETED

Date of Completion: 06/12/2023

Operator Comment: Reference COGCC Photos 4, 5, 6, 9: Topsoil applied to the fill slopes has been hydro-mulched on multiple occasions. All areas showing degradation were re-hydro-mulched during the week of June 12, 2023. The grub pile at the bottom of the fill slope contained a high content of snow which is currently melting. The grub piles (which contain a minimal amounts of topsoil) were hydromulched during the week of June 12, 2023. Additional erosion control bags have been added around the perimeter of the grub piles to minimize and control the amount of topsoil (i.e., sediment) from leaving these areas. See SL 13-09_061223_picj, SL 13-09_061223_pico, and SL 13-09_061223_picp.

Reference COGCC Photos 14, 15, 16: Sluffing along the berm on northwest corner of pad is indicative of the excessive moisture and run-off that the pad and associated BMPs have experienced during the past winter and Spring. TEP has re-worked, repaired, and compacted the sluffed portions of the berm during the week of June 12, 2023. The amount of topsoil coming into contact with soil used to construct the berm was minimal, and cannot be completely avoided. The entire area has been hydro-mulched to further stabilize this corner of the pad. The toe ditch along the base of the fill slope, check dams, and sediment pond with armored inlet and outlet are all in good working condition. See SL 13-09_061223_pics, SL 13-09_061223_pict, SL 13-09_061223_pice, SL 13-09_061223_pich.

COGCC Decision: _____

COGCC Representative:

11 CA# 171766

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

Date: 05/30/2023

Response: CA COMPLETED

Date of Completion: 06/12/2023

Operator Comment: Reference COGCC Photo 28 and 29: The area where the run-on ditch pipe discharges into the sediment trap on the east side of the access road has been hydro-mulched to stabilize any loose, unconsolidated soils. The barrow ditch along the access road was also cleaned out and mulched for a short distance above the point where the pipe discharges on the east side of the road. See SL 13-09_061223_picd.

COGCC Decision: _____

COGCC Representative:

OPERATOR COMMENT AND SUBMITTAL

Comment:

The entire area around the South Leverich 13-09 pad experienced an abnormally high amount of snowfall this past winter, and the resulting water content of the snowpack was approximately 180% above normal conditions. The snowmelt and spring runoff has resulted in saturated soil conditions and flooding drainages throughout the Piceance Basin this Spring. While construction activities were possible during winter, construction and maintenance activities on some portions of the pad during the spring thaw would have jeopardized the safety of our employees or contractors. Site conditions were too soft and muddy to safely put personnel and heavy equipment on the steep slopes in a time line that would have met the corrective action dates. TEP was in communication immediately with Inspector O'Malley and further explained that TEP would complete the CAs as soon as site conditions would safely allow. Also, attempting to access certain portions of the pad and the outlying areas of disturbance during extremely wet, saturated, and unstable conditions would have resulted in unnecessary environmental damage and disturbance. TEP will continue to minimize and control erosion with good faith efforts as required by COGCC rule, and will continue to monitor, inspect, and repair BMPs at this location.

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: 6/22/2023 2:55:10 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>
403434016	Topsoil stockpile area w/fresh hydromulch
403434031	Grub piles stabilized on north side w/fresh hydromulch. Note repairs along north fill slope.
403434032	Repaired berm along west edge of pad. Note fresh hydromulch, toe trench, and check dams.
403434033	Northwest corner of fill slope showing BMPs, slope repair, and fresh hydromulch
403434068	Grub piles on north side w/fresh hydromulch and repairs along fill slope (north side)
403434075	Slope drain extended to toe ditch. Terminus stabilized. Rock armored outlet.
403434753	Repairs on fill slope (north side) w/fresh hydromulch
403434783	Repair and compaction of sluffed area on north side of fill slope
403435029	Addition of erosion control bags around grub piles and toe trench area (north west)
403435031	Wattle replaced along southern edge of topsoil stockpile.
403435032	Repairing berm along western edge of pad.
403435036	Repairing berm along western edge of pad.
403435037	Base of fill slope / toe ditch on west side w/fresh hydromulch
403435039	Fresh hydromulch and BMPs along NW corner.
403435068	East side of access road and sed pond area w/fresh hydromulch
403435698	Email Correspondence - 04/25/23
403435702	Site Conditions on 04/25/23
403442858	Anchored porta-potty
403442859	Anchored porta-potty
403442860	Anchored porta-potty

Total Attach: 20 Files