

State of Colorado  
Energy & Carbon Management Commission



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Document Number:  
403628540

Date Received:  
12/18/2023

FIR RESOLUTION FORM

Overall Status: FRQ

CA Summary:

3 of 3 CAs from the FIR responded to on this Form

0 CA Completed  
3 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>Baker, Brandon</u> |       | <u>bbaker@terraep.com</u>                 |
| <u>.TEP</u>           |       | <u>COGCCInspectionReports@terraep.com</u> |
| <u>Dekam, Eric</u>    |       | <u>edekam@terraep.com</u>                 |
| <u>Heil, John</u>     |       | <u>john.heil@state.co.us</u>              |

COGCC INSPECTION SUMMARY:

FIR Document Number: 696205469  
Inspection Date: 12/11/2023 FIR Submit Date: 12/14/2023 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: 420224

Location Name: T & T Assoc. LTD Number: PA 21-7 County: \_\_\_\_\_  
Qtrqr: Lot 2 Sec: 7 Twp: 7S Range: 95W Meridian: 6  
Latitude: 39.456476 Longitude: -108.043846

FACILITY - API Number: 05-045-00 Facility ID: 420224

Facility Name: T & T Assoc. LTD Number: PA 21-7  
Qtrqr: Lot 2 Sec: 7 Twp: 7S Range: 95W Meridian: 6  
Latitude: 39.456476 Longitude: -108.043846

CORRECTIVE ACTIONS:

1  CA# 189205

Corrective Action: Install proper signage Date: 09/15/2023

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

The PA 21-7 location has been in operation since 2011. The PA 21-7 location predates the current ECMC Rule

Operator Comment: 605, "Signage Requirements for Oil and Gas Locations" (dated January 15, 2021) which requires an entrance sign be posted at all NEW oil and gas locations. TEP maintains that the current regulation does not apply to this location since the PA 21-7 is not a NEW location (i.e., constructed after enactment of the January 15, 2021 rules).

Inspector Trujillo states: "Inspection #707800523 observed that signage at the Location entrance had not been posted. Inspection required Operator to install proper signage. It was observed in this inspection that signage at the location entrance remains missing. This CA remains applicable." TEP believes that this CA was not a valid CA at the time of the inspection conducted on 09/15/23, and remains an invalid CA today.

Please provide a valid citation that would require posting additional signage at the entrance to the location.

COGCC Decision: **Not Approved**

COGCC Representative: TEP's basis for the Factual Review is that the "Corrective action dates are not attainable". The Factual Review Requests are not a forum for the Operator to dispute the corrective actions. This corrective action was copied from a previous inspection submitted by the Compliance Unit- Factual Review request is not permitted.

COGCC Supervisor: TEP's basis for the Factual Review is that the "Corrective action dates are not attainable". The Factual Review Requests are not a forum for the Operator to dispute the corrective actions. This corrective action was copied from a previous inspection submitted by the Compliance Unit- Factual Review request is not permitted.

2  CA# 189206

Corrective Action: Comply with Rule 911.a

Date: 12/11/2023

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator Comment: Inspector Trujillo conducted the inspection on 12/11/23. The FIR and corrective action were sent to TEP on 12/13/23 with the corrective action due date of 12/11/23. The inspection report was not submitted or received by TEP until two days AFTER the corrective action due date had already expired. Therefore, the corrective action date for this CA was not attainable. An attainable / reasonable CA due date is requested.

COGCC Decision: **Not Approved**

COGCC Representative: TEP's basis for the Factual Review is that the "Corrective action dates are not attainable". The Factual Review Requests are not a forum for the Operator to dispute the corrective actions.

As stated within the Field Inspection Report, the "date of discovery" is given for all new corrective action dates.

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 the corrective actions are addressed.

COGCC Supervisor: TEP's basis for the Factual Review is that the "Corrective action dates are not attainable". The Factual Review Requests are not a forum for the Operator to dispute the corrective actions.

As stated within the Field Inspection Report, the "date of discovery" is given for all new corrective action dates.

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 the corrective actions are addressed.

3  CA# 189207

Corrective Action: Comply with Rule 606.

Date: 12/11/2023

Response: FACTUAL REVIEW REQUEST

Basis for Review: Corrective action dates are not attainable

Operator Comment: Inspector Trujillo conducted the inspection on 12/11/23. The FIR and corrective action were sent to TEP on 12/13/23 with the corrective action due date of 12/11/23. The inspection report was not submitted or received by TEP until two days AFTER the corrective due date had already expired. Therefore, the corrective action date for this CA was not attainable. An attainable / reasonable CA due date is requested.

It should be noted that the PA 21-7 location is located immediately adjacent to (and downwind from) a newly constructed McDonalds Restaurant and 24-hour truck-stop. The single Egg McMuffin wrapper caught on the fence around the wells as noted in Inspector Trujillo's inspection report, most likely blew in from the adjoining commercial property. The Egg McMuffin wrapper has been picked up and properly disposed of by TEP personnel. It should be noted that TEP personnel routinely pick up wind-blown trash that is irresponsibly discarded by patrons of the adjoining property and which blows over onto our oil and gas location.

COGCC Decision: **Not Approved**

COGCC Representative: TEP's basis for the Factual Review is that the "Corrective action dates are not attainable". The Factual Review Requests are not a forum for the Operator to dispute the corrective actions.

As stated within the Field Inspection Report, the "date of discovery" is given for all new corrective action dates.

The trash identified within the Inspection Report was provided as an example of the trash issues observed on the Location.

If certain activities from the adjacent properties are resulting in compliance issues on the Operator's Location (such as trash blowing onto the Location), it is the Operator responsibility to implement mitigating measures to ensure Location remains in compliance. Otherwise 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, and the Location will remain out of compliance until the corrective action is addressed.

COGCC Supervisor: TEP's basis for the Factual Review is that the "Corrective action dates are not attainable". The Factual Review Requests are not a forum for the Operator to dispute the corrective actions.

As stated within the Field Inspection Report, the "date of discovery" is given for all new corrective action dates.

The trash identified within the Inspection Report was provided as an example of the trash issues observed on the Location.

If certain activities from the adjacent properties are resulting in compliance issues on the Operator's Location (such as trash blowing onto the Location), it is the Operator responsibility to implement mitigating measures to ensure Location remains in compliance. Otherwise 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, and the Location will remain out of compliance until the corrective action is addressed.

**OPERATOR COMMENT AND SUBMITTAL**

Comment: Factual Review Requested for the following reasons:

- 1) Corrective Action due dates are not attainable for all three of the Corrective Actions noted on this inspection report. All CA due dates were expired before the FIR was event sent to TEP.
- 2) There is no regulatory basis for CA #189205.

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: 12/18/2023 4:32:47 PM

**ATTACHMENT LIST**

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

| <b><u>Document Number</u></b> | <b><u>Description</u></b> |
|-------------------------------|---------------------------|
| 403628540                     | FIR RESOLUTION SUBMITTED  |

Total Attach: 1 Files