

State of Colorado
Energy & Carbon Management Commission



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Document Number:
402714419

Date Received:
06/10/2021

FIR RESOLUTION FORM

Overall Status: CAC

CA Summary:

6 of 6 CAs from the FIR responded to on this Form

6 CA Completed
0 Factual Review Request

OPERATOR INFORMATION

ECMC 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>Gardner, Mike</u>		<u>mgardner@terraep.com</u>
<u>Fischer, Alex</u>		<u>alex.fischer@state.co.us</u>
<u>"</u>		<u>COGCCInspectionReports@terraep.com</u>

ECMC INSPECTION SUMMARY:

FIR Document Number: 699700256
Inspection Date: 05/26/2021 FIR Submit Date: 06/08/2021 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: 335087

Location Name: PUCKETT-66S96W Number: 32NESW County: _____
Qtrqtr: NESW Sec: 32 Twp: 6S Range: 96W Meridian: 6
Latitude: 39.480346 Longitude: -108.133560

FACILITY - API Number: 05-045-00 Facility ID: 335087

Facility Name: PUCKETT-66S96W Number: 32NESW
Qtrqtr: NESW Sec: 32 Twp: 6S Range: 96W Meridian: 6
Latitude: 39.480346 Longitude: -108.133560

CORRECTIVE ACTIONS:

1 CA# 151790

Corrective Action: Repair or install berms or other secondary containment devices per Rule 603.o. Install liner material to ensure spill or released materials will be maintained within the containment structure. The CA date was determined from 30-days after the discovery of the Spill/Release.

Date: 06/11/2021

Response: CA COMPLETED Date of Completion: 05/28/2021

Operator Comment: The northwest corner of the metal berm was disassembled on 5/25/21 in order to allow for the excavation of contaminated soils to proceed along the south wall of the excavation. The metal walls were temporarily removed, the liner was pulled back. Large liquid control logs were installed as a temporary dam along the area where the liner had been temporarily removed from the containment wall in the northwest corner. As soon as the containment walls and liner were fully removed, the temporary berming (fluid control logs) were placed in such a way as to prevent any liquid from escaping the containment structure. This effectively provided temporary containment for that corner of the containment structure until the walls could be re-erected on 5/28/21. Now that excavation activities are complete and the excavation has been backfilled, the containment structure has been fully and permanently reconstructed. See attached photos.

ECMC Decision: _____

ECMC Representative: _____

2 CA# 151791

Corrective Action: Comply with Rule 304.a.(2). CA date is based on 5/26/2021 Inspection (Doc #699700256) when the Land Treatment area was observed on location.

Date: 06/26/2021

Response: CA COMPLETED

Date of Completion: 05/25/2021

Operator Comment: Rule 304.a.(2) requires approval of a Form 2A for "... surface disturbance (activities) for purposes of expanding an existing Working Pad Surface or Oil and Gas Location." The temporary or inadvertent placement of clean soil materials (i.e., below standards) immediately adjacent to the working pad surface was not an "expansion to the working pad surface or oil and gas location" which would otherwise have required Form 2A approval prior to remediation efforts. These types of remediation activities have never necessitated Form 2A approval or compliance with Rule 304.A.(2) as these activities are considered part of required maintenance and operation. Additionally, the working pad surface and/or location were not permanently altered or changed. The spill and the impacted soils were remediated, the excavation has been backfilled, the containment system has been upgraded, and the working surface of this location has not changed from what it was prior to the spill.

In addition to performing cleanup activities at this location, TEP was also in the process of removing / abandoning an un-used off-location flowline. Because the flowline is located on the west side of the containment structure, the occurrence of the spill (and subsequent cleanup) accelerated the need to remove the unused flowline. In consultation with a COGCC Integrity Inspector, TEP proceeded with the removal and abandonment of the flowline. The flowline abandonment activities also resulted in surface disturbance immediately adjacent to (west and north) of the proposed Land Treatment Area (all on TEP surface). All disturbed areas have been restored to their original contour and will be reseeded with a seed mix that is appropriate for this location.

ECMC Decision: _____

ECMC Representative: _____

3 CA# 151792

Corrective Action: Operator shall comply with Rule 913.b.(5).B.

Date: 06/15/2021

Response: CA COMPLETED

Date of Completion: 05/19/2021

Operator Comment: TEP has fully complied with Rule 913.b.(5).B throughout the during of this remediation project: Specifically:
913.b.(5).B.i: The open excavation was fenced at all times when left un-attended.
913.b.(5).B.ii: TEP segregated and re-used the minimal amount of topsoil that was removed from the proposed Land Treatment Area.
913.b.(5).B.iii: TEP minimized the amount of surface disturbance required to safely perform this remediation project. Additionally, all surface disturbance from this project occurred on TEP-owned surface.
913.b.(5).iv: TEP maintained continuous custody and control over all materials being excavated, stored, and being used for backfill. A 3-ft tall earthen berm was constructed around the entire perimeter of the proposed Land Treatment / Soil Storage area where materials were being temporarily segregated and stored. The purpose of the earthen berm was to prevent contact of any stockpiled materials from coming into contact with storm water runoff, and to contain any storm water falling directly on the stockpiled materials from leaving the construction area.
913.b.(5).v: TEP maintained fencing around the open excavation whenever it was left unattended. Escape ramps from the excavation were also maintained in the event wildlife were to enter the excavation. The open excavation was inspected daily for any evidence of wildlife entering the work area. No incidents were ever noted / observed.

ECMC Decision: _____

ECMC
Representative:

4 CA# 151794

Corrective Action: Rule 905.e.(2) states: "Prior to commencing any Land Treatment, Operators will submit and obtain approval of a Form 27." Operator did not submit and obtain approval of a Form 27 prior to commencing any Land Treatment.

Date: 05/25/2021

Operator shall submit an Form 27 per Rule 905.e.(2). CA date is based on 5/25/2021 Inspection (Doc #699700255) before the Land Treatment area was present on location.

Response: CA COMPLETED

Date of Completion: 06/01/2021

Operator
Comment:

An initial Form 27 (doc 402703249) was submitted for this project on 06/01/21, and approved by COGCC on 06/09/21. The Form 27 was submitted in anticipation of encountering and treating a large volume of contaminated soils in a landfarm on TEP surface. The initial volume of soils were heavily contaminated with condensate and it was determined that these were not suitable materials to be successfully landfarmed due to their high TPH content. Therefore, the majority of the contaminated soils removed from the excavation were transported off-site and disposed of at an approved commercial disposal facility. TEP made the determination that direct removal and disposal of the materials exceeding 915-1 cleanup standards was a preferable and more responsible plan than attempting to landfarm the materials on-site over the course of several months. Direct removal and disposal of the heavily contaminated materials prevents / eliminates prolonged exposure of the contaminated materials to the environment, wildlife, and the elements. The materials that were temporarily stockpiled on location within the proposed "land treatment area" consisted of soils that tested below 915-1 clean up standards, and clean fill soils that were brought in from TEP property. Although "clean soils" were being temporarily stored and segregated within the "land treatment area," TEP maintains that no active treatment of contaminated materials exceeding 915-1 cleanup standards ever occurred. Therefore, the need for a Form 27 never materialized and was effectively negated due to the decision to haul the most contaminated soils to an off-site, commercial disposal facility.

ECMC Decision:

ECMC
Representative:

5 CA# 151795

Corrective Action: Operator shall comply with Rule 913.b.(5).

Date: _____

Response: CA COMPLETED

Date of Completion: 05/19/2021

Operator
Comment:

TEP maintains that Rule 913.b.(5) - Remediation has been complied with. Remediation was performed in a manner that has reduced or removed contamination that exceeds the cleanup concentrations in Table 915-1. There were no impacts to surface or ground water from this incident. The remedial actions performed have served to protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources. Further, TEP has acted in a prompt and proactive manner and has been in full communication with COGCC staff regarding the details of the incident, the plan for cleanup, and executing the work in a timely and professional manner. Also, please see response to CA #3 (151792) above.

This corrective action also references that the proposed Land Treatment Area "appears" to be in the flow path of an un-named dry arroyo that runs adjacent (west) of the MV 9-32 pad. TEP is confident that the proposed Land Treatment Area does not infringe upon any dry arroyo. The inspector is most likely observing the remnants of an over-grown storm water diversion ditch that was installed around the perimeter edges of the MV 9-32 pad. TEP has verified on the ground that there is no naturally occurring arroyo, and this is also verified by aerial imagery and topographic maps.

ECMC Decision:

ECMC
Representative:

6 CA# 151832

Corrective Action: Operator shall submit a Form 19 Supplemental with ALL information required per Rule 912.b.(4).

Date: 05/21/2021

Response: CA COMPLETED

Date of Completion: 06/10/2021

Operator Comment: Excavation of the contaminated materials did not conclude until 5/25/21 (after the 5/21/21 CA date). Confirmation samples to document that 915-1 cleanup standards were met were collected on 5/25/21 and sent off the same day for rush analyses. Analysis of the samples and receipt of the data were delayed due to the Memorial Day Holiday, and lab results were not received until 6/4/21. After being notified by the lab that data were delayed, TEP submitted both a Supplemental Form 19 (doc# 402703455) and an Initial Form 27 (doc #402703249) to provide COGCC on 6/01/21 with an update as to the progress of the remediation. Final lab data were received from the lab on 6/4/21. The Supplemental Form 19 with a request for closure is being submitted on 6/10/21.

ECMC Decision: _____

ECMC Representative:

OPERATOR COMMENT AND SUBMITTAL

Comment: All Corrective Actions have been addressed. TEP will gladly meet COGCC staff on-site to review any issues, questions, or concerns related to this project and how it was performed.

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: 6/10/2021 3:31:58 PM

ATTACHMENT LIST

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

<u>Document Number</u>	<u>Description</u>
402714419	FIR RESOLUTION SUBMITTED
402714883	Fully reconstructed metal containment structure
402714885	New liner and internally coated 200 bbl tank
402714913	Open excavation fully fenced

Total Attach: 4 Files