

**FORM
INSP**

Rev
X/20

**State of Colorado
Oil and Gas Conservation Commission**

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



Inspection Date:

08/07/2023

Submitted Date:

08/11/2023

Document Number:

697504785

FIELD INSPECTION FORM

Loc ID 456651 Inspector Name: Binschus, Chris On-Site Inspection 2A Doc Num: _____

Status Summary:

- THIS IS A FOLLOW UP INSPECTION
- FOLLOW UP INSPECTION REQUIRED
- NO FOLLOW UP INSPECTION REQUIRED

Operator Information:

OGCC Operator Number: 10701
Name of Operator: UPLAND EXPLORATION LLC
Address: 424 S MAIN ST
City: BOERNE State: TX Zip: 78006

Findings:

- 12 Number of Comments
- 7 Number of Corrective Actions
- Corrective Action Response Requested

ANY CORRECTIVE ACTION(S) FROM PREVIOUS INSPECTIONS THAT HAVE NOT BEEN ADDRESSED ARE STILL APPLICABLE

Contact Information:

Contact Name	Phone	Email	Comment
		dnr_cogccenforcement@state.co.us	COGCC Enforcement
		dustin@uplandexploration.com	

Inspected Facilities:

Facility ID	Type	Status	Status Date	Well Class	API Num	Facility Name	Insp Status
456651	LOCATION	AC			-	Salt Ranch Fee 18 East	RI

General Comment:

On 8/3/2023 and 8/7/2023, Reclamation Specialist Chris Binschus performed a follow up inspection and in response to a complaint. ECMC issued a NOAV on 3/16/2023 (Doc.# 403347572). Note- this inspection does not address all of the violations issued in the NOAV, which still remain out of compliance. Refer to the Lease Road, Good Housekeeping, Location Construction/Stormwater, Complaint, Reclamation, Stormwater and COGCC Comments sections of this inspection report for additional details.

Location			
Lease Road:			
Type	Main		
comment:	<p>Operator has made some improvements to the access road since the previous inspection in regards to dust mitigation. Operator imported new road base along sections but has not completed the import. When ECMC traveled on this road back on July 14th, dust was minimized along the new import areas but dust increased in the other areas where there is no new import. Refer to the attached inspection photos.</p> <p>In addition, ECMC received laboratory analytical reports indicating that water trucks contained contaminated water with hydrocarbons exceeding ECMC Table 915-1 Cleanup Concentrations and WQCC Regulation 41 Basic Standards for Groundwater.</p> <p>Operator has failed to complete mitigation to minimize fugitive dust and remains out of compliance.</p>		
Corrective Action:	<p>Comply with Rule 427.b.</p> <p>Note- Operator failed to consult with the Surface Owner before conducting import of new material.</p>	Date:	02/28/2023

Overall Good:

Emergency Contact Number:			
Comment:	<input type="text"/>		
Corrective Action:	<input type="text"/>		Date: _____

Good Housekeeping:			
Type	WEEDS		
Comment:	<p>Note for Enforcement purposes, Rule 606.c still remains out of compliance since 2/10/2023 and has not been resolved. The Weed Management Plan corrective action date of 8/25/2023 has not cleared out the original rule violation from 2/10/2023.</p>		
Corrective Action:			Date:
Type	WEEDS		
Comment:	<p>Operator has failed to prevent the continued growth of Russian thistle along the access road, inconsistent herbicide applications, and failed to reseed. Reseeding perennial vegetation would compete with weedy vegetation and generally work to decrease weed growth.</p> <p>Weed management is failing along portions of the 5.5 mile access road and spreading onto adjacent lands.</p> <p>In response to the NOAV issued on March 16, 2023, Operator submitted an insufficient weed management plan.</p> <p>Weed management remains out of compliance.</p>		
Corrective Action:	<p>Operator shall resubmit a weed management plan to include the following: submit a schedule of "Weed Management Activities" for the management of all undesirable plant species on the Location and access road. The schedule shall include monitoring and integrated weed management, with a minimum monitoring and control efforts of three (3) times a year until the Location receives a passing final reclamation inspection. Operator shall provide all weed management activities to date, which include herbicide application method, herbicides applied and application rates.</p> <p>All the required information shall be submitted via Form 4 Sundry Notice to the attention of Chris Binschus.</p>		Date: 08/25/2023

Overall Good:

Spills:			
Type	Area	Volume	

In Containment: No

Comment:

Multiple Spills and Releases?

Venting:

Yes/No			
Comment:			
Corrective Action:		Date:	

Flaring:

Type		
Comment:		
Corrective Action:		Date:

Location Construction

Location ID: 456651 CDP: _____

Comment:

Corrective Action:

Date: _____

Form 2A COAs:

Comment:

Corrective Action:

Date: _____

Wildlife BMPs:

Comment:

Corrective Action:

Date: _____

Stormwater:

Erosion BMPs	Present	Other BMPs	Present
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Comments: Erosion BMPs: Operator has failed to submit the required plan. Deficiencies with stormwater BMPs, lack of BMPs, and sediment discharge into a High Priority Habitat (Aquatic Native Species Conservation Waters) have exacerbated since the previous inspection.

Other BMPs:

Corrective Action: Operator shall submit an engineered stamped Permanent Stormwater Management Plan. The Plan shall address the access road and location. Date: 07/05/2023

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Comment:

Corrective Action:

Date: _____

On Site Inspection (305):

Surface Owner Contact Information:

Name: _____ Address: _____

Phone Number: _____ Cell Phone: _____

Operator Rep. Contact Information:

Landman Name: _____ Phone Number: _____

Date Onsite Request Received: _____ Date of Rule 306 Consultation: _____

Request LGD Attendance: _____

LGD Contact Information:

Name: _____ Phone Number: _____ Agreed to Attend: _____

Summary of Landowner Issues:

Summary of Operator Response to Landowner Issues:

Onsite Inspection Memorandum Summarizing Discussions at Inspection as Attachment:

Inspected Facilities

Facility ID: 456651 Type: LOCATION API Number: - Status: AC Insp. Status: RI

Complaint

Comment: ECMC Reclamation Specialist received a formal complaint about the Operator attempting to reseed areas along the access road that appear to be related to access road expansion and other adjacent areas disturbed due to improper road maintenance and vehicle traffic off the original access road boundary. Also, Operator failed to consult with the Surface Owner regarding an approved seed mix.

Operator has attempted to reseed areas along the access road that appear to be related to access road expansion and other adjacent areas disturbed due to improper road maintenance and vehicle traffic off the original access road boundary. Operator attempted to reseed into disturbances where the Operator has scrapped off much of the topsoil and seed into subsoil, no seedbed preparation and failed to stabilize the seeded soil. The attempt is not sufficient to reclaim these disturbances. The disturbance areas along the access road that have not been reclaimed, and are now eroding and weed establishment is occurring along these disturbance areas.

Corrective Action: Operator shall submit a Topsoil Importation Plan and Topsoil Protection Plan. Operator can reference the Rule 304.C.(14) guidance created on March 25, 2022 for assistance.

The Topsoil Importation Plan shall characterize the topsoil from a reference area along the access road. Soil samples shall be overlaid on an aerial map depicting where reference samples were taken. Based on the reference soil samples, Operator shall import topsoil with similar agronomic properties and analytes. Operator shall provide the agronomic properties and analytes of the reference soil samples and the planned topsoil to be imported. Operator shall provide an estimate of how much total topsoil will be imported (in cubic yards) to address surface disturbance minimization due to improper road maintenance/vehicle traffic off the original access road boundary, and how deep (in inches) topsoil will be applied along the areas needing repair. Operator shall provide a map depicting where topsoil will be applied along the access road needing repair. Operator shall include a schedule of planned activities to import topsoil. Operator shall provide information on the topsoil source.

The Topsoil Protection Plan shall address how to protect the 1.5 mile section of windrowed topsoil and the topsoil stockpile at Location from wind and water erosion and how to prevent weed establishment on topsoil. The Plan shall also address areas where the Operator had vehicle traffic off the original access road boundary.

Operator shall consult with the Surface Owner regarding an approved seed mix.

All the required information shall be submitted via Form 4 Sundry Notice to the attention of Chris Binschus.

Date: 08/25/2023

Reclamation - Storm Water - Pit

Interim Reclamation:

Date Interim Reclamation Started: _____ Date Interim Reclamation Completed: _____

Land Use: RANGELAND

Comment: _____

1002 SITE PREPARATION AND STABILIZATION

1002a. FENCING _____

Comment _____

Corrective Action _____

Date _____

1002b. SOIL REMOVAL AND SEGREGATION _____

Comment _____

Corrective Action _____

Date _____

1002c. PROTECTION OF SOILS _____ Fail

Comment **Operator has reseeded the topsoil stockpile since the previous inspection. There appeared to be some desirable germination but not comparable to the South Little Lady stockpile. Therefore, Staff is not comfortable putting this corrective action In-Process for the stockpile until further germination of desirable species is established.**

ECMC does not believe the Operator has attempted to reseed the windrowed topsoil along an approximate 1.5 mile section of the access road. This 1.5 mile section predominately remains established with Russian thistle. Operator has failed to prevent the continued growth of Russian thistle along these areas, inconsistent herbicide applications, and has missed out on reseeding activities.

Corrective Action **Comply with Rule 1002.c**
Operator failed to consult with the Surface Owner regarding an approved seed mix.

Date **02/10/2023**

1002E. SURFACE DISTURBANCE MINIMIZATION _____ Fail

Comment **Operator has not conducted sufficient reclamation on areas disturbed due to access road expansion, and other adjacent areas disturbed due to improper road maintenance and vehicle traffic off the original access road boundary.**

ECMC is now requiring a Topsoil Importation Plan and Topsoil Protection Plan to help address these outstanding issues.

Surface disturbance minimization remains out of compliance.

Corrective Action **Comply with Rule 1002.e**

Date **02/10/2023**

1003a. Waste and Debris removed? _____

Comment _____

Corrective Action _____

Date _____

Unused or unneeded equipment onsite? _____

Comment _____

Corrective Action _____

Date _____

Pit, cellars, rat holes and other bores closed? _____

Comment _____

Corrective Action _____

Date _____

Guy line anchors marked? _____

Comment

Corrective Action

Date _____

1003b. Area no longer in use? _____ Production areas stabilized ? _____

1003c. Compacted areas have been cross ripped? _____

1003d. Drilling pit closed? _____ Subsidence over on drill pit? _____

Cuttings management: _____

1003e. Areas no longer needed for drilling or subsequent operations for have been re-vegetated to 80% of pre-existing? _____

Production areas have been stabilized? _____ Segregated soils have been replaced? _____

RESTORATION AND REVEGETATION

Cropland

Top soil replaced _____ Recontoured _____ Perennial forage re-established _____

Non-Cropland

Top soil replaced _____ Recontoured _____ 80% Revegetation _____

1003e. INTERIM VEGETATION TRANSECT

TRANSECT RESULTS OF DISTURBED AREA% _____

TRANSECT RESULTS OF REFERENCE AREA% _____

TOTAL % OF DESIRABLE VEGETATION COVER _____

VEGETATIVE COVER _____

1003 f. Weeds Noxious weeds? _____

Comment

Corrective Action

Date _____

Overall Interim Reclamation

Final Reclamation/ Abandoned Location:

Date Final Reclamation Started: _____ Date Final Reclamation Completed: _____

Final Land Use: RANGELAND _____

Reminder: _____

Comment:

Well plugged _____ Pit mouse/rat holes, cellars backfilled _____

Debris removed _____ No disturbance /Location never built _____

Access Roads Regraded _____ Contoured _____ Culverts removed _____

Gravel removed _____

Location and associated production facilities reclaimed _____ Locations, facilities, roads, recontoured _____

Compaction alleviation _____ Dust and erosion control _____

Non cropland: Revegetated 80% _____ Cropland: perennial forage _____

Weeds present _____ Subsidence _____

1004.d. FINAL VEGETATION TRANSECT

TRANSECT RESULTS OF DISTURBED AREA% _____

TRANSECT RESULTS OF REFERENCE AREA% _____

TOTAL % OF DESIRABLE VEGETATION COVER _____

VEGETATIVE COVER _____

Comment:

Corrective Action: Date:

Overall Final Reclamation Well Release on Active Location Multi-Well Location

Storm Water:

Loc Erosion BMPs	BMP Maintenance	Lease Road Erosion BMPs	Lease BMP Maintenance	Chemical BMPs	Chemical BMP Maintenance	Comment

Comment: There have been numerous storms since the previous inspection in June and the Operator has failed to implement and maintain stormwater BMPs after each storm. Stormwater erosion has gotten worse since the previous inspection due to the Operator failing to maintain and implement stormwater BMPs along the access road and location. ECMC has only witnessed one improperly installed straw wattle installed east of Geary Creek, while all the other BMPs have not been maintained and other areas lack BMPs. Rill erosion is turning into gully erosion along the access road, sediment discharging off the lease road, and more sediment continues to erode into Geary Creek.

Corrective Action: Comply with Rule 1002.f. Date: 05/11/2023

Pits: NO SURFACE INDICATION OF PIT

Permit:

Facility ID	Permit Num	Expiration Date
484276	403352150	
484276	403352150	

COGCC Comments

Comment	User	Date
Complaint: # 403473584 Field Inspector Assigned: Chris Binschus Location ID: #456651 Inspection Document: #697504785	binschusc	08/11/2023
ECMC conducted inspections on 8/3 and 8/7 due to weather conditions.	binschusc	08/11/2023

Attached Documents

You can go to COGCC Images (<https://cogcc.state.co.us/weblink/>) and search by document number:

Document Num	Description	URL
697504789	Inspection Photos	http://ogccweblink.state.co.us/DownloadDocumentPDF.aspx?DocumentId=6216369