

State of Colorado
Energy & Carbon Management Commission



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Document Number:
403572538

Date Received:
11/07/2023

FIR RESOLUTION FORM

Overall Status: CAC

CA Summary:

8 of 8 CAs from the FIR responded to on this Form

8 CA Completed
0 Factual Review Request

OPERATOR INFORMATION

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

Contact Name and Telephone:
Name: _____
Phone: () _____ Fax: () _____
Email: _____

Additional Operator Contact:

Contact Name	Phone	Email
<u>Dustn Rollins</u>	<u>405-361-9224</u>	<u>dustin@uplandexploration.com</u>

COGCC INSPECTION SUMMARY:

FIR Document Number: 697504884
Inspection Date: 10/04/2023 FIR Submit Date: 10/13/2023 FIR Status: _____

Inspected Operator Information:

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

LOCATION - Location ID: 456651

Location Name: Salt Ranch Fee Number: 18 East County: _____
Qtrqtr: SESE Sec: 18 Twp: 11N Range: 64W Meridian: 6
Latitude: 40.914603 Longitude: -104.584484

FACILITY - API Number: 05-123-00 Facility ID: 456651

Facility Name: Salt Ranch Fee Number: 18 East
Qtrqtr: SESE Sec: 18 Twp: 11N Range: 64W Meridian: 6
Latitude: 40.914603 Longitude: -104.584484

CORRECTIVE ACTIONS:

1 CA# 185040

Corrective Action: Operator shall resubmit the Weed management plan and address the following COAs:
1) For any day "Weed Spraying" was conducted as documented in Exhibit 1, Operator shall include what herbicide was applied, application rates, and application method(s). Note application method(s) and rates were previously requested.
2) Provide the mixing order conducted for each herbicide.
3) Provide the surfactant type used with fluroxypyr and the surfactant rate.
4) Provide justification for using fluroxypyr to control Russian thistle.

Date: 08/25/2023

Response: CA COMPLETED Date of Completion: 11/07/2023

Additional information is being requested - the weed plan has been resubmitted Form 4 Document # 403572563 with all details requested from Uplands weed contractors.

Operator Comment: The application methods and rates are included; the mixing order is not applicable as these are premixed herbicides; Fluroxypyr (Surfactant - Dicamba) is what is being applied to treat broad leaf grasses such as Russian Thistle as it does not harm other pasture grasses.

COGCC Decision: Approved

COGCC Representative: Operator submitted the required information per the previous corrective action.

2  CA# 185041

Corrective Action: Comply with Rule 427.b. Date: 02/28/2023
It is the responsibility of the Operator to manage all contractors.
Operator shall implement more robust BMPs to ensure speed restrictions are being followed.

Response: CA COMPLETED Date of Completion: 10/19/2023

Operator Comment: The contractor represented in the complaint filed October 11, 2023 document # 403557225 works for CCRP & Upland. Upland contacted CCRP and Standard Resources regarding the complaint filed against Upland and had then spoke to their contractors that utilize the shared lease road to access their location and remind them to comply with all posted and communicated rules of the road re. speed, trash and traveling on accurate access points.

COGCC Decision: **Not Approved**

COGCC Representative: This is an on-going issue, complaints continue to submitted, so the current Operator management of contractors is not sufficient.

3  CA# 185042

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

Response: CA COMPLETED Date of Completion: 10/11/2023

Operator Comment: Updated plan is attached address all areas of the road as identified in an onsite meeting with Denise Arthur and Chris Binschs on October 11th. Improvements to the Stormwater controls are identified in attached photos. This work has been on-going and Stormwater has been being managed and corrective action will continue to be manage as needed throughout the life of the well pad and access road use.

COGCC Decision: **Not Approved**

COGCC Representative: Operator continues to submit a general Stormwater Management Plan. Operator is required to submit an engineered, stamped Permanent Stormwater Management Plan.
Note- Operator met with ECMC staff on October 4, 2023, not October 11th.

4  CA# 185043

Corrective Action: Operator shall submit the original Plan via Form 4 Sundry Notice and resubmit the required Plan to address the entire disturbance area along the access road, which goes beyond the first 1.9 miles. Date: 08/25/2023

Response: CA COMPLETED Date of Completion: 11/04/2023

Operator Comment: Updated Topsoil Importation plan has been submitted via Form 4 Document # 403572539 addressing the location and access road gong beyond the initial 1.9 miles - based on field meeting with Chris Binschus and Denise Arthur on October 11th identifying the "all other areas" they wanted addressed along the access road.

COGCC Decision: Approved

COGCC Representative: Operator submitted the required information per the previous corrective action.
Note- Operator met with ECMC staff on October 4, 2023, not October 11th.

5  CA# 185044

Corrective Action: Comply with Rule 1002.c. Date: 02/10/2023

Note- Operator did get an approved seed mix from the Surface Owner.

Response: CA COMPLETED Date of Completion: 03/24/2023

Operator Comment: This information was previously submitted and consultation with the landowner prior to seeding SRF or along access road has occurred prior to all seeding occurring.

COGCC Decision: **Not Approved**

COGCC Representative: ECMC does agree that the Operator did get an approved seed mix from the surface owner. However, Operator has not provided information regarding the corrective action to reseed the windrowed topsoil along the approximate 1.5 mile section of the access road.

6  CA# 185045

Corrective Action: Comply with Rule 1002.e. Date: 02/10/2023

It is the responsibility of the Operator to manage all contractors.

Operator shall implement more robust BMPs to ensure contractors stay on the lease roads.

Response: CA COMPLETED Date of Completion: 10/19/2023

Operator Comment: The complaint document #403473588 is unrelated to an Upland - the contractor represented in the photos attached to the complaint works for CCRP and does not conduct work for Upland. Upland contacted CCRP and let them know of the complaint filed by the landowner against Upland and to make sure their contractors follow all required rules. Upland has a gate guard, reduced speed limits and has communicated with all contractors regarding requirements to control speed, dust and management of waste at all times upon entry by gate guard to all contractors.

COGCC Decision: **Not Approved**

COGCC Representative: Operator has not provided sufficient information to validate the statement. This is an on-going issue and complaints continue to submitted, which are Upland contractors.

7  CA# 185046

Corrective Action: Perform reclamation in accordance to Rule 1003. Establish vegetation with total Date: 10/11/2023

perennial, non-invasive uniform plant cover of at least eighty (80) percent of reference area levels. Use a seed mixture requested by the surface owner. Continue to monitor and manage this site until the location meets Rule 1003 standards, including stormwater and weed management.

The corrective action date is the date the location was observed out of compliance.

Response: CA COMPLETED Date of Completion: 10/11/2023

Operator Comment: Upland met with ECMC personnel on this day and revegetation is progressing on reclaimed areas. Stormwater controls are addressed as corrective actions are needed and weed management has been on-going with the use of two contractors. Upland will continue to monitor and manage this site until the location meets Rule 1003 standards, including stormwater controls and weed management.

COGCC Decision: **Not Approved**

COGCC Representative: ECMC did not discuss MLVT reclamation or visit the MLVT area with the Operator during the October 4, 2023 field meeting. This corrective action is in regards to the MLVT, which remains out of compliance.

8  CA# 185047

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

Response: CA COMPLETED Date of Completion: 05/11/2023

Operator Comment: Upland is maintaining its SW BMPs at the location to control stormwater runoff in a manner that minimizes erosion, transport of sediment offsite, and site degradation. Ongoing maintenance of SW controls has been being maintained and sediment controls, rock checks and/or waddles have been routinely replaced. Stormwater controls will be managed and maintain until the location is fully reclaimed.

COGCC Decision: Approved pending re-inspection

COGCC Representative: Approved pending re-inspection of this FIR resolution acknowledges the document was received. It is not an acknowledgement that the corrective action has been passed. A field inspection will be conducted at a future date to evaluate compliance with ECMC standards.

OPERATOR COMMENT AND SUBMITTAL

Comment: Upland is working through the issues identified in the NOAV of 3/16/2023 (Doc. # 403347572) through the ECMC's ongoing enforcement process and continues to dispute that any of those issues remain out of compliance. Upland has continued to be cooperative and to respond to each inspection finding both before and after issuance of the NOAV. Upland has attempted to fully and expediently remedy each alleged violation or other finding. Most, if not all, of the allegations related to the NOAV surround the sufficiency of the actions Upland has taken and not the alleged "failure" to take action. Thus, as a general matter, Upland disputes the characterization of "ongoing" violations noted in the NOAV and in this inspection form and intends to raise these and other defenses during the enforcement process.

I hereby certify that the statements made in this form are, to the best of my knowledge, true, correct, and complete.

Print Name: Dustin Rollins Signed: _____

Title: Operations Manager Date: 11/7/2023 5:10:31 PM

ATTACHMENT LIST

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

Document Number	Description
403572538	FIR RESOLUTION SUBMITTED
403588263	SWMP
403588341	SW Control Photos

Total Attach: 3 Files