

State of Colorado
Energy & Carbon Management Commission



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Phone: (303) 894-2100 Fax: (303) 894-2109

Document Number:
403761768

Date Received:
04/19/2024

FIR RESOLUTION FORM

Overall Status: CAC

CA Summary:

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

6 CA Completed
0 Factual Review Request

OPERATOR INFORMATION

ECMC 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>Rollins, Dustin</u>		<u>dustin@uplandexploration.com</u>

ECMC 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:

2 CA# 185041

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

Date: 02/28/2023

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. Upland has contacted all of its subcontractors to work with them to make sure their employees comply with the speed restrictions. If one of their employees are caught speeding, the subcontractor will ensure that the employee will not longer be on location. Attached is a letter sent to all Subcontractors.

ECMC Decision: **Not Approved**

ECMC Representative: Based on conversations with Mr. Salo, the attached photo for the complaint filed on October 11, 2023 of the CCRP contractor was merely to demonstrate that a truck that trespassed had similar tire tread as the CCRP contractor but the photo was not of the trespassing truck. Based on conversations with CCRP, the attached photo submitted by Mr. Salo was a CCRP contractor and that contractor only went to the CCRP Salt Ranch Fee #10 East location.

Upland continues to provide false statements, specifically that if any Upland subcontractor caught speeding they will no longer be on location. There is continued evidence that the same vehicles from Fuzion and LS Pumping that violate speed restrictions continue to operate on location.

Rule 427.b remains out of compliance due to ongoing issues with Upland subcontractors.

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: 07/01/2021

Operator Comment: Attached is Upland's Master Stormwater Management Plan. Included in the SMWP is the requested engineered stamped plans. This plan has been updated per CDPHE guidelines and SWMP permit was renewed on 11/20/2023.

ECMC Decision: Approved via an AMI

ECMC Representative: The approval and implementation of the Stormwater Management Plan does not alleviate compliance with ECMC rules and will not mitigate failures of stormwater BMPs. Transport of sediment offsite, erosion or site degradation will be subject to enforcement under ECMC rules.

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: 11/01/2023

Operator Comment: ECMC has acknowledged that Operator has consulted with Surface Owner for preferred seed mixture in previously denied FIRR Document #403572538. Operator is working with contractor to conduct Top Soil sampling per ECMC request. Reseeding along the approximate 1.5 mile access road and any other identified locations is planned to commence in mid May. A Form 4 will be submitted once reseeding has been done.

ECMC Decision: **Not Approved**

ECMC Representative: Operator has only responded to the approved seed mix; ECMC confirms the Operator consulted with the Surface Owner on an approved seed mix.

Operator has not fully complied with the Rule 1002.c. ECMC has left the topsoil stockpile on location in-process, but the Operator has not attempted to address the approximate 1.5 mile access road were topsoil was windrowed.

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 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. Upland has contacted all of its subcontractors to work with them to make sure their employees comply with the speed restrictions. If one of their employees are caught speeding or not using the correct lease road, the subcontractor will ensure that the employee will not longer be on location. Attached is a letter sent to all

Subcontractors.

ECMC Decision: **Not Approved**

ECMC Representative: Based on conversations with Mr. Salo, the attached photo for the complaint filed on October 11, 2023 of the CCRP contractor was merely to demonstrate that a truck that trespassed had similar tire tread as the CCRP contractor but the photo was not of the trespassing truck. Based on conversations with CCRP, the attached photo submitted by Mr. Salo was a CCRP contractor and that contractor only went to the CCRP Salt Ranch Fee #10 East location.

Upland continues to provide false statements, specifically that if any Upland subcontractor is caught speeding they will no longer be on location. There is continued evidence that the same vehicles from Fuzion and LS Pumping that violate speed restrictions continue to operate on location.

Rule 1002.e. surface disturbance minimization remains out of compliance.

7  CA# 185046

Corrective Action: Perform reclamation in accordance to Rule 1003. Establish vegetation with total 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.

Date: 10/11/2023

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

Response: CA COMPLETED

Date of Completion: 11/01/2023

Operator Comment: Stormwater controls are addressed as corrective actions are needed and weed management has been on-going with the use of two contractors. Operator is working with Topsoil contractor being for access road reclamation with plans to commence mid-may.

ECMC Decision: **Not Approved**

ECMC Representative: Operator Comment does not address the corrective action, which is in regards to the MLVT area.

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. FIRR Document #403572538 stated that this CA was approved pending re-inspection.

ECMC Decision: Approved pending re-inspection

ECMC Representative: Implementation of the Plan does not alleviate compliance with ECMC rules and will not mitigate failures of stormwater BMPs. Sedimentation, erosion or site degradation will be subject to enforcement under ECMC rules.

OPERATOR COMMENT AND SUBMITTAL

Comment:

[Empty text box for operator comment]

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: Field Supervisor

Date: 4/19/2024 1:19:47 PM

ATTACHMENT LIST

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

Document Number	Description
403761768	FIR RESOLUTION SUBMITTED
403761798	Stormwater Management Plan
403761799	Stormwater BMPs Photos
403761837	Letter to Subcontractors_Lease Road BMPs

Total Attach: 4 Files